



AGENDA

Council Meeting

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

Date: Thursday, 25 March 2021

Time: 9.30am

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

**Wayne Maxwell
Chief Executive**

Kapiti Coast District Council

Notice is hereby given that a meeting of the Kapiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 25 March 2021, 9.30am.

Council Members

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

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1 WELCOME**2 COUNCIL BLESSING**

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

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

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

Notification from Elected Members of:

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

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

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

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

7 MAYOR'S REPORT

Nil

8 REPORTS

8.1 ADOPTION OF SUPPORTING INFORMATION FOR THE DRAFT 2021-41 LONG-TERM PLAN

Author: Alison Law, Acting Corporate Planning and Reporting Manager

Authoriser: Mark de Haast, Group Manager Corporate Services

PURPOSE OF REPORT

- 1 This report is intended to ensure legislatively required components of the Draft Long Term Plan (LTP) are adopted by the Council prior to approval of the Long Term Plan Consultation Document (CD).
- 2 This report recommends that the Council adopts:
 - 2.1 Draft significance and engagement policy, draft rates remission policy, draft development contributions policy and draft revenue and financing policy to be consulted on alongside the draft Long Term Plan 2021-41; and
 - 2.2 Supporting documentation for the draft Long Term Plan 2021-41.

DELEGATION

- 3 Only the Council may approve components of a LTP and LTP CD as stated under Section A2(2) Council Mayoral Powers of the Governance Structure and Delegations:

“... only Council may perform the following: To lead the development of the LTP and Annual Plan, together with policies and budgets.”

BACKGROUND

- 4 The Local Government Act 2002 (LGA) as amended in 2014 requires councils to consult with their communities on their proposed LTP through the special consultative procedure (SCP). Requirements for the consultation are laid down in Sections 83 and 93 of the LGA.
- 5 Under section 93A of the LGA, before adopting a Consultation Document, the local authority must prepare and adopt information that;
 - (a) Is relied on by the content of the consultation document adopted under section 93A: and
 - (b) Is necessary to enable the Auditor-General to give the reports required by sections 93C(4) and 93D(4); and
 - (c) Provides the basis for the preparation or amendment of the long-term plan.
- 6 Instead of consulting on a draft LTP, the LGA requires the production of a CD which cannot simply be a summary of the proposed LTP.
- 7 The significance and engagement policy, rates remission policy, development contributions policy and the revenue and financing policy all require a separate consultation and must be adopted prior to the adoption of the LTP (see paragraph 20-39 for details). For simplicity, this report recommends that these policies are adopted in draft and consulted on at the same time as the draft LTP. These policies are attached as appendices D to G.
- 8 Councils are required to decide what issues and initiatives are significant for the community and therefore should be included in the CD. Details of the initiatives and issues will be documented in the draft LTP however these details must be presented in the CD in a concise and simple way so people can inform themselves more fully before providing feedback on the draft LTP as part of the SCP.
- 9 Elected Members and representatives from Te Whakaminenga o Kāpiti (Ngāti Toa and Ngā Hapū o Ōtaki) and Āti Awa ki Whakarongotai, attended a series of briefings in November and December 2020 to discuss the Council's strategic direction for the 2021-41 Long Term Plan.

- 10 A mix of public workshops and public excluded briefings were held in January, February and March 2021 to agree the Council's direction on each of the activities, their related operational and capital budgets, their levels of service and related performance indicators and the timing and nature of major projects. The public workshops also addressed key strategies and policies underpinning the LTP. The workshops were open to the public and members of Grey Power, in particular, attended and provided input at various points.
- 11 It is recommended that Council adopts these components as they must be available to the public as background information during the upcoming consultation process. The draft LTP components are attached as appendices A-S to this report.
- 12 The consultation document itself will be presented to the Council for adoption through a separate report on 25 March 2021.
- 13 Minor editorial changes to the documents contained in appendices A-S to this report may be required following their adoption by the Council. Officers recommend that the Council delegate the Mayor, the Chair of the Strategy and Operations Committee and the Chief Executive authority to approve any such editorial changes.

CONSIDERATIONS

Components of the 2021-41 Long Term Plan for adoption

- 14 Under section 93A of the LGA, there are a number of draft documents which must be adopted by the Council prior to adopting the CD, along with several which provide more background information to the community about the key decisions outlined in the CD. The full list is as follows:

Strategic Direction

- Strategic Direction Plan on a Page (Appendix A)

Strategies, policies and assumptions

- Financial Strategy (Appendix B)
- Infrastructure Strategy (Appendix C)
- Significance and Engagement policy (Appendix D)
- Rates Remission policy (Appendix E)
- Development Contributions policy (Appendix F)
- Revenue and Financing policy (Appendix G)
- Significant Forecasting Assumptions (Appendix H)

Financial Information

- Significant Accounting policies (Appendix I)
- Prospective Financial Statements (Appendix J)
- Statement of Reserve Funds (Appendix K)
- Funding Impact Statements (Appendix L)
- Funding Impact Statements – Rating Policies (Appendix M)
- Disclosure statement against financial prudence regulations (Appendix N)
- Rating base information (Appendix O)
- Statement concerning balancing of budget (Appendix P)
- Detailed schedule of capital expenditure (Appendix Q)
- User fees and charges (Appendix R)
- Council Controlled Organisations Statement (Appendix S)

Strategic Direction

- 15 Through several public excluded briefings at the end of 2020, the Council and iwi representatives developed strategic outcomes that informed the revised plan on a page (Appendix A), along with identifying key challenges and opportunities that combined with what we heard through What Matters Most has led to the updated plan on a page.
- 16 In November and December 2020, the Council undertook a period of pre consultation with the community through the 'What Matters Most' campaign. The key challenges and opportunities identified through 'What Matters Most' are also reflected in the strategic outcomes the elected members developed at the end of 2020.
- 17 The plan on a page provides a concise one-page view of the proposed strategic direction outlining the Districts challenges and opportunities, our core services, our projects and priorities, our financial strategy and our community outcomes how the Council can contribute to these outcomes.
- 18 The vision from 2018's LTP 'thriving environment, vibrant economy, strong communities; Toitū te whenua, toitū te wai, toitū te tāngata' will remain for this Long Term Plan. Elected members agreed that the vision still aligns with the newly developed strategic direction.
- 19 This report recommends that the Strategic Direction Plan on a Page (Appendix A) are adopted by the Council for the purpose of being publicly released as supporting documentation for the upcoming LTP consultation.

Strategies, policies and assumptions

- 20 As part of the 2021-41 LTP, both the Council's financial and infrastructure strategies have been reviewed and updated to reflect the Council's current position.

Financial Strategy

- 21 The financial strategy sets out the Council's financial goals for the next 20 years with a focus on investing to stimulate our local economy due to the gains we have made in recent years. We propose to change the limits that are in our current financial strategy from the 2018-38 LTP. The new limits are:
 - Annual rates increases are to be kept between 3% and 9% per year, with an average of 8.23% (after growth) for the first three years of the plan;
 - Total borrowings are to be no more than 280% of operating income with a preferred limit of less than 250% of total operating income;
 - Capital expenditure is to be no more than \$80m per annum with a preferred limit of between \$40-60m per annum.
- 22 This report recommends that the proposed financial strategy (Appendix B) is adopted by the Council for the purposes of consultation.

Infrastructure Strategy

- 23 The infrastructure strategy identifies the most crucial issues for our infrastructure areas (water, wastewater, stormwater, roading and coastal) in the next 30 years. This strategy is closely linked to the financial strategy to ensure that any planned capital expenditure within the infrastructure strategy can be funded while remaining within the agreed financial limits in the financial strategy.
- 24 This report recommends that the proposed infrastructure strategy (Appendix C) is adopted by the Council for the purposes of consultation.

Significance and Engagement Policy

- 25 As required under section 76AA of the LGA, the Council has a significance and engagement policy in place (Appendix D), which recognises that the participation of the community is inherently invaluable and that community engagement can support robust decision making.
- 26 A review of the significance and engagement policy was undertaken in 2021 with no significant changes to the policy recommended. Minor changes have been made to make the policy more accessible and to better reflect and clarify our engagement framework, which reflects the IAP2 model considered best practise here and overseas.
- 27 There is no requirement under legislation for the Council to consult following minor changes to the significance and engagement policy, however legislation does require the Long Term Plan to contain a summary of the policy and a reference to where the full policy can be found.
- 28 The CD will include a summary of the significance and engagement policy, details of where the full policy can be accessed and will ask for feedback in relation to our criteria for assessing significance.
- 29 This report recommends that the proposed significance and engagement policy is adopted by the Council for the purposes of consultation.

Rates Remission Policy

- 30 The rates remission policy (Appendix E) comprises of a number of individual components which allow for rates relief where it is considered fair and reasonable to do so. This policy was reviewed as part of the rating system review, with proposed changes including increasing the income threshold in the rates remission policy, introducing a new remission policy for excess volumetric water rates charges resulting from a private water leak and proposing an increase in the rates remission fund by \$50,000 per year.
- 31 This report recommends that the proposed rates remission policy is adopted by the Council for the purposes of consultation.

Development Contributions Policy

- 32 The development contributions policy (Appendix F) is a funding policy for planned growth capital expenditure on community facilities within the district. The policy gives the Council a method for assessing and collecting development contributions, which are set through a prescribed LGA process, to fund infrastructure that is required as a result of growth.
- 33 A review of the Council's development contributions policy has resulted in minor changes proposed to the policy, including:
- increasing the 'household unit equivalent' (HUE) calculation to 2.5 people per household (from 2.3) to reflect forecast average household occupancy for the district;
 - increasing the size for non-residential units to 500m² gross floor area (from 450m²);
 - reducing the HUE slightly for retirement, visitor, supported living, and shared and group accommodation, to reflect the increase in household occupancy assumptions; and
 - updating the Council's development contribution charges and catchment maps to reflect capital expenditure forecasts and assumptions in the Council's draft 2021-41 Long-term Plan.
- 34 This report recommends that the proposed development contributions policy is adopted by the Council for the purposes of consultation.

Revenue and Financing Policy

- 35 The revenue and financing policy (Appendix G) sets the principles for funding our operational and capital expenditure. The policy also sets the framework for deciding how the Council's activities should be funded – public (rates) versus private (fees and other income) split.

- 36 A review of the Council's revenue and financing policy has resulted in no fundamental changes in the proportion of revenue recovered from rates vs fees, however several changes to the funding splits in the policy have been proposed to better reflect changes to the Council's activity structure.
- 37 It is proposed to increase the proportion of the Council's economic development costs to be funded from the commercial targeted rate, which reflects the level of benefits received by the commercial sector from the activity. This means an additional \$225,000 (incl. GST) of rates per annum will be funded from commercial ratepayers, rather than being subsidised by residential and rural ratepayers across the district.
- 38 Other minor changes to the policy include:
- The private and public funding targets being expressed in ranges of between 5% or 10% where appropriate, rather than specific percentage targets, in line with local government best practice guidelines; and
 - Minor amendments to Policy wording to improve clarity and better meet legislative requirements.
- 39 This report recommends that the proposed revenue and financing policy is adopted by the Council for the purposes of consultation.

Financial Information

- 40 There are a number of financial components of the LTP 2021-41 included in appendices I to S.
- 41 The prospective financial statements (Appendix J) outline the Council's forecast position for the next 20 years.
- 42 The funding impact statements – rating policies (Appendix M) incorporates the proposed changes to the funding mechanisms proposed as part of the rating system review. The proposed changes are also clearly stated in the CD.
- 43 A full set of capital expenditure schedules are included (Appendix Q). the schedules provide a level of detail about capital expenditure which is not given in the activity statements.
- 44 The proposed user fees and charges schedule is also included (Appendix R), this includes all fees which require setting up by the Council and include:
- User fees and charges that have increased or decreased by more than 2% (Local Government Cost Index (LGCI) for 2021/22); and
 - New user fees and charges
- 45 This report recommends that the financial components, as detailed in appendices I to S to this report are adopted by the Council for the purposes of consultation.

Key Decisions – background information

- 46 In this long term plan we are asking for the community's views on four decisions – two key projects and two significant proposals. The first two decisions involve capital spending and the costs and rates impacts are set out. The second two decisions involve only operational spending from existing budgets as they are decisions to explore activities. This section of the report considers the Key Decisions as they appear in the CD.

46.1 Key Projects

46.1.1 The Council's role in Housing

In the past, the Council has not had a significant role in housing other than our current provision of older persons housing, and our regulatory roles with our district plan and issuing consents for buildings.

We have increased our focus and over the past year developed a housing work programme that includes a range of initiatives such as:

- assessing the residential land that we hold to see if there's potential for redevelopment;
- engaging with our iwi partners and others to explore development on Māori-owned and other land;
- looking into opportunities with the public housing sector to get more social housing built;
- seeing if there's suitable land that could be used for temporary relocatable housing.

While there are multiple factors affecting the supply of housing and it is an issue facing the entire country; if the Council took an even more active role, and increased spending, it could help address the pressures being experienced now in our district.

How could we approach it?

Increasing our role in social housing, we could:

- expand our role in older persons' housing and look at providing wider social housing. We propose reviewing our older persons' units to see if we could expand this for additional older persons' housing or other social housing (\$154,000 budgeted for this review)
- look at providing social housing through a partnership, for example with iwi or community housing providers (we have budgeted \$631,000 to explore and investigate partnerships)

We would consult on any proposals arising from this work.

Increasing our role in influencing the supply of affordable housing, we could:

- do more to expand land supply and incentivise higher density development in suitable areas
- partner on housing developments
- acquire land for housing (we are proposing to increase our budget for strategic land purchases by \$1 million per year for the first ten years of this plan)
- review our district plan to support a wider range of housing, including affordable housing
- review development contributions policy to incentivise more affordable housing

What are the options?

Yes – The Council should take a bigger role in housing

- increase our role in social housing (as described), and
- increase our role in influencing the supply of affordable housing (as described)

No – The Council should not take a bigger role in housing

Cost

We have budgeted \$154,000 to review our older persons' housing for further development opportunities and \$631,000 to identify potential housing partnerships and investigate in detail how they could work. This plan also includes an increase to our budget for strategic land purchases of \$1 million per year for the first ten years of this plan.

Rates impact

\$154,000 and \$631,000 are operating spending. For year 1 (2021-22) the rates impact is 0.51%

- \$1 million land purchase is capital spending. This is funded from borrowings, small interest costs that will result in <0.1% of rates increase for year 1, and year 2 interest

cost will result in 0.06% rates increase. There will be no rates impact on depreciation from year 2 as the \$1 million is land purchase.

We recommend: Yes – Council should take a bigger role in housing

46.1.2 Renewal of Paekākāriki Seawall

Since consultation was undertaken with the community for the 2018-38 Long-term Plan about the Paekākāriki seawall, and a plan developed for replacing the wall, costs and conditions have changed.

There has been extensive community engagement and consultation since 2013 on replacement options. The Council had planned to replace the seawall and had been granted both resource and building consents for the project. However, since then construction costs have escalated.

The cost of the concrete and rock option currently planned has increased substantially and the Council considers it necessary to explore how the seawall can be renewed at a more reasonable cost to the district. Increased costs in other areas across the Council also mean we need to look closely at the relatively high cost of this project and the impact it would have on our debt.

What are the options?

Concrete and rock wall with a 50-year life

This is the existing planned option, which would be a full replacement of the seawall built with concrete and rear raised rock revetment and designed to have a 50-year life. Interlinking concrete and rock is complex construction and costs are now projected to be \$27 million. This has increased from \$17.7 million in 2018 when we first consulted on the seawall.

The increased cost is due to a number of factors. The scale of roading projects in the region has put pressure on supplies – rock is now a scarce resource – and placed significant pressure on market rates.

Finding a contractor available for a project this size may also be a challenge. The scale and complexity of the works make this option a greater construction risk, however, we do already have resource and building consents for this option.

Cost

\$27 million funded from borrowings.

Rates impact

Year 1 - 0.07%

Timing

We would tender physical works and start construction in 2021/22, with work through to 2026/27.

Timber (like-for-like replacement) with a 25-year life

We would rebuild the seawall mainly with timber as it is currently, though with a higher specification, that is, longer, more deeply set posts and palings. The timber option has a shorter life – 25 years – but is more affordable. (It could also last longer than 25 years, as the current wall has.)

The Council is aware of how important it is to maintain and improve access to the beach, so this option could use timber for the bulk of the wall and concrete for steps and ramps. We would also ensure safe access along the Parade for walking and biking.

We would involve the community to ensure we got the best outcome we could for improving access to the beach for all users. We would also continue to work with the design group and look at how we could incorporate the art and cultural elements which are part of the current plan.

The work involved in this option is much simpler and lower risk providing more certainty of delivery. There are many contractors with the right expertise who could carry out the work including local contractors.

Cost

\$17 million funded from borrowings.

Rates impact

Year 1 - 0.04%

Timing

We would propose to deliver this as a 5-year programme starting in 2021/22. To ensure completion a contract would be let for the entire project, to be delivered in stages. The advantages of this approach are that work could be done at the best time of the year and potentially use a local contractor.

We recommend: Like-for-like replacement with a 25 year life

46.2 Significant Proposals**46.2.1 Setting up of a Council Controlled Organisation (CCO)**

We are proposing the establishment of a CCO in the form of a holding company. It would have an independent board of directors reporting to the Council and would be required to operate to the Council requirements and ensure the activity it managed was self-funding.

If, and when, we have specific activities that we consider could be managed by this company, we would undertake a specific consultation with the community on that proposal before any action was taken.

This decision now is about setting up a structure that we could use in the future subject to consultation.

What are the options?

Yes – we should set up a CCO

No – we should not set up a CCO

Cost

The costs involved in setting up the legal structure of a CCO are minor as it is only an administrative process. It would be funded from the Council's existing operational budget.

As noted, if a CCO was set up and an activity was put into it (following consultation) it would only be done so if it could be self-funding.

Timing

If the Council decides to establish a CCO, we would aim to start the process in 2021/22.

We recommend: Yes – We should set up a CCO

46.2.2 Exploration of a role in the Airport

Kapiti Coast Airport is an important asset in our community, and a thriving airport would contribute strongly to the social and economic wellbeing of our district. However, the future of the airport is uncertain.

The airport in Kāpiti is privately owned. Private ownership is unusual in New Zealand, particularly with small, regional airports such as ours. All similar airports have to supplement air traffic services with other income streams, much as Kapiti Coast Airport has done in the past by developing Kapiti Landing as a retail hub to subsidise the airport operations.

Ownership of Kapiti Coast Airport changed in late 2019, and after taking time to assess things, the new owners concluded that the airport operations are not sustainable for them.

The vulnerability of the ongoing provision of air services has also been heightened in the immediate-term by the lower levels of travel due to the COVID-19 pandemic.

There is widespread community support for retaining air services in Kāpiti. Surveys completed in 2018 and 2020, and feedback received through What Matters Most, show strong support for the airport to remain an important asset in our district.

There is significant economic benefit in having the airport in our region. A study undertaken in 2018 conservatively estimated the benefits to the district to be \$4.3 million per year, primarily due to travel time savings compared with flying from Wellington.

Our Council has been active in keeping air services and we remain committed to doing what we can to ensure the airport remains in operation.

If we do explore having a role in the airport, we will investigate various options and how these could work for Kāpiti. We would need to understand the costs, risks and opportunities for various scenarios.

What would exploring a role in the airport entail?

If we do explore having a role in the airport, we will investigate various options and how these could work for Kāpiti. We would need to understand the costs, risks and opportunities for various scenarios.

The sorts of options we could explore are:

- not take a role (status quo)
- operate the airport, for example under a lease
- own the airport (potentially in partnership), and
 - operate it, or
 - outsource the operations.

There may be other options that emerge if we do go ahead and explore options. Exploring how we could have a role would need to include discussions with the owners about the Kapiti Landing retail area.

In exploring options, we would look to set principles that would guide future decisions. These could include:

- operation should be self-funding, requiring little or no ratepayer funding
- operating risks should be clearly identified and of an acceptable type and scale
- iwi aspirations and historical rights are fulfilled to the extent possible
- options should focus on longer-term outcomes, particularly the growth prospects for both Kāpiti Coast and the region, and how the airport contributes
- the desirability of partnering such as with iwi, government, the private sector.

What are the options?

Yes – the Council should explore ways to have a role in the airport

No – the Council should not explore ways to have a role in the airport

Cost

Costs involved in exploring options would come from the Council's existing operational budget.

Future consultation on detailed proposal

If we identified an option that we believed could work, any future steps would be reliant on the agreement of the owners of the airport. We would consult with the community providing full information about any proposal including costs.

Timing

If we were to explore options, we would aim to start this in 2021/22 noting that it could be a lengthy process.

We recommend: Yes – Council should explore ways to have a role in the airport

CONSIDERATIONS**Financial considerations**

- 47 The Council's proposed financial strategy is focused on recovery from the impacts of COVID and investing for growth over the next five years through support and advocacy for increased housing and providing the necessary infrastructure to accommodate expected growth. We will take advantage of the prevailing financial conditions and increase borrowings to fund this activity, mirroring the government's approach of providing a stimulus to the economy, creating jobs and opportunities for businesses.
- 48 From 2026, the Council expects to scale back its capex programme so that by the end of the LTP we expect to have gradually transitioned back to more of a 'Green Line strategy' (with net debt once again below 200% of operating revenues). The rate of transition will be linked to actual population growth and the increase in the ratepayer base. If growth is higher, the transition to the Green Line can be slower; if growth is lower than anticipated, we will need to slow down our programme more quickly.
- 49 The financial implications of the programme proposed in the draft LTP have been previously discussed in open workshops and briefings. The operational and capital budgets along with proposals as to sources of funding are fully documented and are shown alongside the activities they relate to.
- 50 The statement concerning balancing of budget details the Council's decision to operate a funding deficit for the first three years of the 2021-41 Long term plan which equates to the level of unfunded depreciation.
- 51 The proposed average rates increase for 2021/2022 is 7.8% and the three-year average is forecast to be 8.2%.
- 52 At the end of the LTP period in 2041, net borrowings are forecast to be \$430m which equates to 187% of total revenue while the forecast net borrowings at the beginning of the LTP of \$174m equates to 192% of total revenue. Net borrowings at the beginning and at the end of the LTP are both within the "green-line" limit of 200% of revenue.
- 53 Capital expenditure is forecast to be \$222m for the first three years of the plan, which equates to an average of \$74m in each year.
- 54 Also included, are a full set of capex schedules as required by legislation. They give a level of detail about capital expenditure which is not given in the cost of activity statements.
- 55 The funding impact statement – rating policies, incorporates the proposed changes to the funding mechanisms proposed as part of the rating system review. The proposed changes are set out in the CD.

Policy considerations

- 56 The LGA requires councils to include certain policies in their LTPs. The CD may not include these policies but must describe them.
- 57 Implications for key policies have been canvassed in paragraphs 15-33 of this paper.

Legal considerations

- 58 The process for consulting on the CD and underpinning draft LTP meets the requirements of the LGA for a special consultative procedure. In addition, components of the draft LTP are being audited by Ernst and Young.

Tāngata whenua considerations

- 59 Te Whakaminenga o Kāpiti (Ngāti Toa and Ngā Hapū o Ōtaki) and Āti Awa ki Whakarongotai have contributed their vision for the general future of the Kāpiti Coast for the draft LTP 2021-41, and this has been included in the consultation document.
- 60 Te Whakaminenga o Kāpiti (Ngāti Toa and Ngā Hapū o Ōtaki) representatives have been at the Council table throughout the workshops and other discussions relating to the development of the draft LTP. In addition, each iwi submitted proposals/comments for inclusion in the work programme, which has informed the LTP and Consultation Document.
- 61 Te Whakaminenga o Kāpiti, Ngāti Toa, Ngā Hapū o Ōtaki and Āti Awa ki Whakarongotai will be invited collectively and individually to make a submission to Council on the proposed LTP as part of the upcoming formal consultation process.

SIGNIFICANCE AND ENGAGEMENT**Significance policy**

- 62 This matter has a high degree of significance under the Council's Significance and Engagement Policy. Therefore, consultation on the proposed content of the draft LTP will be undertaken through a formal special consultative procedure.

Consultation already undertaken

- 63 The Kapiti community were asked 'What Matters Most' in November and December 2020. This was a pre-engagement campaign to better understand the key issues and themes across our district. This campaign had 229 unique contributors and 486 contributions in total. The themes are consistent with the items being consulted on and the key issues in the CD.
- 64 Community Board submissions on the draft Long Term Plan were submitted in January 2021. These submissions were considered by the Council and some have been included in the draft LTP.

Engagement planning

- 65 The LGA requires the use of a special consultative procedure for councils' long term plans. An extensive consultation programme using a variety of channels is planned for the draft LTP which gives effect to the requirements of the LGA. The Council has been briefed on the proposed consultation and engagement approach to be used during the upcoming consultation period.
- 66 The engagement plan is focused on activities associated with the consultation process.

Publicity

- 67 A communications and engagement plan has been developed and councillors have been briefed on the content, including how the Council intends to provide information across the district to ensure that as many of the community as possible are informed about the proposed content of the draft LTP as set out in the CD and supporting documentation.

RECOMMENDATIONS

68 It is recommended that the Council:

- 68.1 **Notes** that Local Government Act 2002 requires the production of a consultation document as the basis for the Council's consultation on its Long Term Plan;
- 68.2 **Notes** that the Local Government Act 2002 section 93A states that before adopting a Consultation Document, the local authority must prepare and adopt information that;
 - Is relied on by the content of the consultation document adopted under section 93A: and
 - Is necessary to enable the Auditor-General to give the reports required by sections 93C(4) and 93D(4); and
 - Provides the basis for the preparation or amendment of the long-term plan.
- 68.3 **Adopts** the significance and engagement policy, contained in Appendix D, for the purposes of consultation and **notes** that the significance and engagement policy will be consulted on at the same time as the draft LTP.
- 68.4 **Adopts** the rate remission policy, contained in Appendix E, for the purposes of consultation and **notes** that the rates remission policy will be consulted on at the same time as the draft LTP.
- 68.5 **Adopts** the development contributions policy, contained in Appendix F, for the purposes of consultation and **notes** that the development contributions policy will be consulted on at the same time as the draft LTP.
- 68.6 **Adopts** the revenue and financing policy, contained in Appendix G, for the purposes of consultation and **notes** that the revenue and financing policy will be consulted on at the same time as the draft LTP.
- 68.7 **Adopts** the components of the draft Long Term Plan 2021-41, contained in Appendices A-S to this report (with the exception of appendices D, E, F & G as adopted above) to be consulted on at the same time as the draft LTP.
- 68.8 **Delegates** to the Mayor, the Chair of the Strategy and Operations Committee and the Chief Executive the authority to approve minor editorial changes to the material contained in Appendices A-V prior to publication.

APPENDICES

1. Strategic Direction Plan on a Page (Appendix A) (under separate cover) ➡
2. Financial Strategy (Appendix B) (under separate cover) ➡
3. Infrastructure Strategy (Appendix C) (under separate cover) ➡
4. Significance and Engagement policy (Appendix D) (under separate cover) ➡
5. Rates Remission Policy (Appendix E) (under separate cover) ➡
6. Development Contribution policy (Appendix F) (under separate cover) ➡
7. Revenue and Financing policy (Appendix G) (under separate cover) ➡
8. Significant Forecasting Assumptions (Appendix H) (under separate cover) ➡
9. Significant Accounting policies (Appendix I) (under separate cover) ➡
10. Prospective Financial Statements (Appendix J) (under separate cover) ➡
11. Statement of Reserve Funds (Appendix K) (under separate cover) ➡
12. Funding Impact Statements (Appendix L) (under separate cover) ➡
13. Funding Impact Statements - Rating Policies (Appendix M) (under separate cover) ➡
14. Disclosure statement against financial prudence regulations (Appendix N) (under separate cover) ➡
15. Rating base information (Appendix O) (under separate cover) ➡

16. Statement concerning balancing of budget (Appendix P) (under separate cover) ➡
17. Detailed schedule of capital expenditure (Appendix Q) (under separate cover) ➡
18. User fees and charges (Appendix R) (under separate cover) ➡
19. Council Controlled Organisations Statement (Appendix S) (under separate cover) ➡

8.2 ADOPTION OF DRAFT 2021-2041 LONG-TERM PLAN CONSULTATION DOCUMENT

Author: Alison Law, Acting Corporate Planning and Reporting Manager

Authoriser: Mark de Haast, Group Manager Corporate Services

PURPOSE OF REPORT

- 1 This report seeks to have the Council adopt a Consultation Document (CD) for the purposes of consulting on the draft 2021-41 Long Term Plan.

DELEGATION

- 2 Only the Council may approve components of a Long-term Plan and the Long-term Plan consultation document as stated under Section A2(2) Council Mayoral Powers of the Governance Structure and Delegations:

“... only Council may perform the following: To lead the development of the LTP and Annual Plan, together with policies and budgets.”

BACKGROUND

- 3 The Local Government Act 2002 (LGA) as amended in 2014 requires councils to consult with their communities on their proposed Long Term Plan (LTP) through the special consultative procedure (SCP). Requirements for the consultation are laid down in Sections 83 and 93 of the LGA.
- 4 The legislation expressly prohibits councils from consulting on a draft version of the LTP. Instead, councils must decide which issues and projects will be sufficiently significant to their community to warrant their inclusion in the consultation document (CD). For each of the issues included, the council must then describe the proposal, canvass options, indicate the council's preferred option and provide an indication of impacts of the preferred option on rates and borrowings.
- 5 Elected Members and representatives from Te Whakaminenga o Kāpiti (Ngāti Toa and Ngā Hapū o Ōtaki) and Āti Awa ki Whakarongotai, attended a series of briefings in November and December 2020 to discuss the Council's strategic direction for the 2021-41 LTP.
- 6 A series of workshops were held in January and February 2021 to agree the Council's direction on each of the activities, their related operational and capital budgets, their levels of service and related performance indicators and the timing and nature of major projects. The workshops also addressed key strategies and policies underpinning the LTP. The workshops were open to the public and members of Grey Power, in particular, attended and provided input at various points.
- 7 These workshops along with what we heard from the community during the 'What Matters Most' campaign have driven the content of the attached consultation document, which is presented to the Council for adoption.

CONSIDERATIONS

- 8 As required by the Local Government Act 2002, the Council has produced a plain English consultation document setting out the key initiatives and major projects proposed in the draft LTP. The description and analysis of options meets the requirements of the legislation and have been through the Council's auditors Ernst & Young (Audit) and the Officer of the Auditor General (OAG) for review.
- 9 Audit have now completed their audit of the Council's draft LTP 2021-41 and have issued an unqualified or "clean" audit opinion. The CD has been accepted by the Office of the Auditor General.

- 10 Two 'Emphasis of matter' paragraphs will be referenced in Audit's independent report, that is included in the CD. This is not a qualification of the audit opinion and is to point readers to disclosures included in the CD and refer to:
 - Uncertainty over three waters reform. This is common across all councils and all CD opinions will have this.
 - Uncertainty over the delivery of the capital works programme. This is a requirement for all Councils that are forecasting significant uplift in their capital programme.
- 11 Audit will be joining the Council meeting via Zoom to talk to their independent report and letter for the CD, which is attached as Appendix A to this report.
- 12 The draft LTP 2021-41 Consultation Document (attached as Appendix B to this report) has been structured in a way to help the community fully understand the challenges and opportunities Kāpiti is currently facing. The main sections of the CD are outlined in the following paragraphs of this report.

Investing for Resilience and Growth

- 13 This section sets out how we propose to manage the big issues facing our district. It includes an overview of our financial and infrastructure strategies. It explains our financial position, the gains we have made in recent years and the approach we propose to take in this LTP to meet the needs of our district for infrastructure and services in the coming years. It outlines how we intend to build on what we have achieved to date and secure a strong future for our whole community.
- 14 In recent years, our approach to our work programme and the management of our finances has been driven by needing to improve our financial position and prepare for the future. To do this, we managed our finances tightly, limited our capital spending, stabilised our borrowings and worked hard to keep rates increases manageable for our community. Our objective was to ensure that we were in a strong financial position to be able to borrow to invest in infrastructure when it was needed.
- 15 In the last three years we have spent, on average, \$23.2 million per annum on capital works. For the first three years of this plan we propose a capital expenditure programme of \$221.5 million – an average of \$73.8 million in each year. This reflects the Council's intention to make a strong contribution to stimulating the local economy now as it rebuilds from the impacts of the pandemic and to take advantage of the low cost of borrowing.
- 16 This programme will deliver renewals of aging infrastructure, plus preparation for growth and investment in the facilities that contribute to the liveability of our district.

Our Big Issues

- 17 The CD also provides background on the districts 'Big Issues' which outline the complex issues which have a big impact on Kāpiti. As well as being significant in their own right, together they form a key part of the context for our planning.
- 18 These issues are: COVID recovery; access to housing; responding to climate change; managing growth; strengthening our resilience and government changes impacting the Council.
- 19 These issues link strongly to the community outcomes set by Elected Members and are major contributors to wellbeing. They are priorities the Council has identified and which reflect community concerns and ideas raised through earlier consultation and 'What Matters Most'. Key themes raised on these issues are highlighted below.

Major Projects and Initiatives

- 20 The CD includes how we plan to do more on projects we know are high priority for the community – like the Waikanae Library and our Stormwater programme.

- 21 In this section there's an update on: Waikanae Library; Te Newhanga community centre; Town centres; Link road; Drinking water safety and resilience; Stormwater upgrades and renewals; Waste minimisation; Footpaths; Ōtaki community facilities; Indoor sports centre; Ngā Manu Nature Reserve; Playgrounds; Ōtaki Pool upgrade stage 2; Maclean Park; Kāpiti Gateway – Te Uruhi and Community Board proposals.

Key Decisions

- 22 In this CD we are asking the community for their views on four decisions; two key projects and two significant proposals.
- 23 The two key projects involve capital spending and the costs and rates impacts are set out. The two significant proposals involve only operational spending from existing budgets as they are proposals to explore options further.

23.1 Key projects

- Should Council take a bigger role in housing?
- Should we renew the Paekākāriki seawall a different way?

23.2 Significant proposals

- Should we set up a CCO (council-controlled organisation)?
- Should Council explore ways to have a role in the airport?

- 24 The four key decisions included in the CD are considered significant under the Council's significance and engagement policy. The CD invites the community to provide their views.

Other Considerations

- 25 The CD also presents the key points of the financial strategy and the infrastructure strategy and refers readers to the full strategies on the Council's website.
- 26 The Council is also consulting on its significance and engagement policy, rates remission policy, revenue and financing policy and the development contributions policy at the same time as the draft 2021-41 LTP.
- 27 The CD is being produced as a printed publication which will be made widely available within the community, particularly at the events planned to support consultation. The electronic format of the CD provided on the Council's website will be interactive, enabling viewers to easily travel between the CD and detailed underpinning information. It will also be formatted to assist readers who have visual impairments.
- 28 The community will be invited to provide feedback through a range of channels. They can make a submission online, use the form in the back of the CD or use a separate hard copy form that will be available in libraries and service centres. They can also email their feedback and this will be treated as a submission. Members of the community making a submission will be invited to advise if they wish to also speak to their submissions during the hearings process.
- 29 Public Voice have been contracted to provide analysis and reporting of all LTP submission data including closed-ended and open-ended questions.
- 30 The community is also being offered opportunities to provide more informal feedback. Examples of this include the opportunity to speak with elected members at planned engagement dates across the District. Engagement HQ online platform will be used to store all online submissions and also offers elected members the platform to engage with the community.
- 31 The CD is a large document which reflects how much there is to inform our community about and ask for feedback. The document has been designed to make it as easy as possible to navigate to the different sections. A four page 'Quick Guide to the LTP', has also been designed to help the community understand in a snapshot what the LTP is all about and this will be sent out to all ratepayers.

Policy considerations

- 32 The policies specifically consulted on through the CD (alongside the LTP) are the:
- draft significance and engagement policy
 - draft rates remission policy
 - draft development contributions policy
 - draft revenue and financing policy

Legal considerations

- 33 The production of the CD meets the legal requirements relating to LTP consultation in the LGA.
- 34 The Council's auditors Ernst & Young have issued a verbal acceptance of the CD. Their written opinion will be inserted in the document prior to printing.

Financial considerations

- 35 The CD contains significant financial information concerning rates and borrowings movements, the infrastructure strategy, the financial strategy, changes to fees and charges and proposed changes to the rating system.

Tāngata whenua considerations

- 36 Te Whakaminenga o Kāpiti (Ngāti Toa and Ngā Hapū o Ōtaki) and Āti Awa ki Whakarongotai have contributed their vision for the general future of the Kāpiti Coast for the draft LTP 2021-41, and this has been included in the consultation document.
- 37 Te Whakaminenga o Kāpiti (Ngāti Toa and Ngā Hapū o Ōtaki) representatives have been at the Council table throughout the workshops and other discussions relating to the development of the draft LTP. In addition, each Iwi submitted proposals/comments for inclusion in the work programme, which has informed the LTP and Consultation Document.
- 38 Te Whakaminenga o Kāpiti, Ngāti Toa, Ngā Hapū o Ōtaki and Āti Awa ki Whakarongotai will be invited collectively and individually to make a submission to Council on the proposed LTP as part of the upcoming formal consultation process.

Strategic considerations

- 39 Five community outcomes have been drafted by our Councillors for this LTP to guide the Council's response to the district's challenges and opportunities. They are:
- a) Mana Whenua and the Council have a mutually mana-enhancing partnership (this outcome is embedded in all the other outcomes);
 - b) our communities are resilient, safe, healthy and connected. Everyone has a sense of belonging and can access the resources and services they need;
 - c) our people have access to suitable quality housing in Kāpiti;
 - d) our natural environment is restored and enhanced as we transition to a low-carbon future; and
 - e) our local economy is prosperous with ample opportunities for people to work and learn in Kāpiti.
- 40 The Council's focus on wellbeing has been reinforced with the Government's reintroduction of the four wellbeings into the LGA 2002.
- 41 This means that contributing to the social, cultural, environmental and economic wellbeing of our community is highlighted as a core purpose of the Council.

SIGNIFICANCE AND ENGAGEMENT**Significance policy**

- 42 This matter has a high degree of significance under the Council's Significance and Engagement Policy.

Consultation already undertaken

- 43 Community Board submissions on the draft LTP were submitted in January 2021. These submissions were considered by the Council and some have been included in the draft LTP, they are;
- Community board funding – to help with local initiatives and engagement and communication with their communities
 - Paekakariki Surf Club replacement building – seed funding for the Club's project to develop a new clubhouse
 - Waikanae Park – funding to redevelop the park as a destination park
 - Ōtaki Beach pavilion toilets – a full upgrade of these facilities and development of the beach park
 - Haruatai Park – signage to promote all that the park offers
 - Maclean Park – continuing to improve Maclean Park as destination for all, an intergenerational park that is a point of pride for our district.
- 44 The Kāpiti community were asked 'What Matters Most' in November and December 2020. This was a pre-engagement campaign to better understand the key issues and themes across our district.

Engagement planning

- 45 The engagement plan is focused on activities associated with the consultation process. Included within this plan are;
- 4-page quick guide to LTP
 - Letter from the Mayor regarding outcome of the rates review and changes to rates
 - CD available online with all supporting information
 - Targeted emails to Council databases
 - Pop-ups at community locations
 - Community billboards
 - Print, radio and digital advertising
 - Videos
 - Engagement HQ
 - Digital channels / social media
 - Quick pulse surveys to check awareness of the LTP consultation
 - Media releases
- 46 The LGA requires the use of a special consultative procedure for councils' long term plans. An extensive consultation programme using a variety of channels is planned for the draft LTP which gives effect to the requirements of the LGA. Council has been briefed in detail on the proposed consultation and engagement approach to be used during the upcoming consultation period.

Publicity

- 47 A communications and engagement plan has been developed and councillors have been briefed on the content, including how the Council intends to provide information across the district to ensure that as many of the community as possible are informed about the proposed content of the draft LTP as set out in the CD and supporting documentation.

RECOMMENDATIONS

- 48 It is recommended that the Council:
- 49 **Notes** the independent auditors report and opinion letter attached to this report as Appendix A.
- 50 **Adopts** the consultation document (Appendix B) attached to this report as the basis for its consultation with the community on the draft 2021-41 Long Term Plan.
- 51 **Delegates** to the Mayor, Deputy Mayor, the Chair of the Strategy and Operations Committee and the Chief Executive the authority to approve minor editorial changes to the material contained in the CD prior to publication.

APPENDICES

1. Independent Auditors Report and Opinion Letter (Appendix A) [↓](#)
2. Draft LTP Consultation Document (Appendix B) (under separate cover) [⇒](#)

Kapiti Coast District Council

Closing report to Council for the audit of
the 2021-41 Consultation Document



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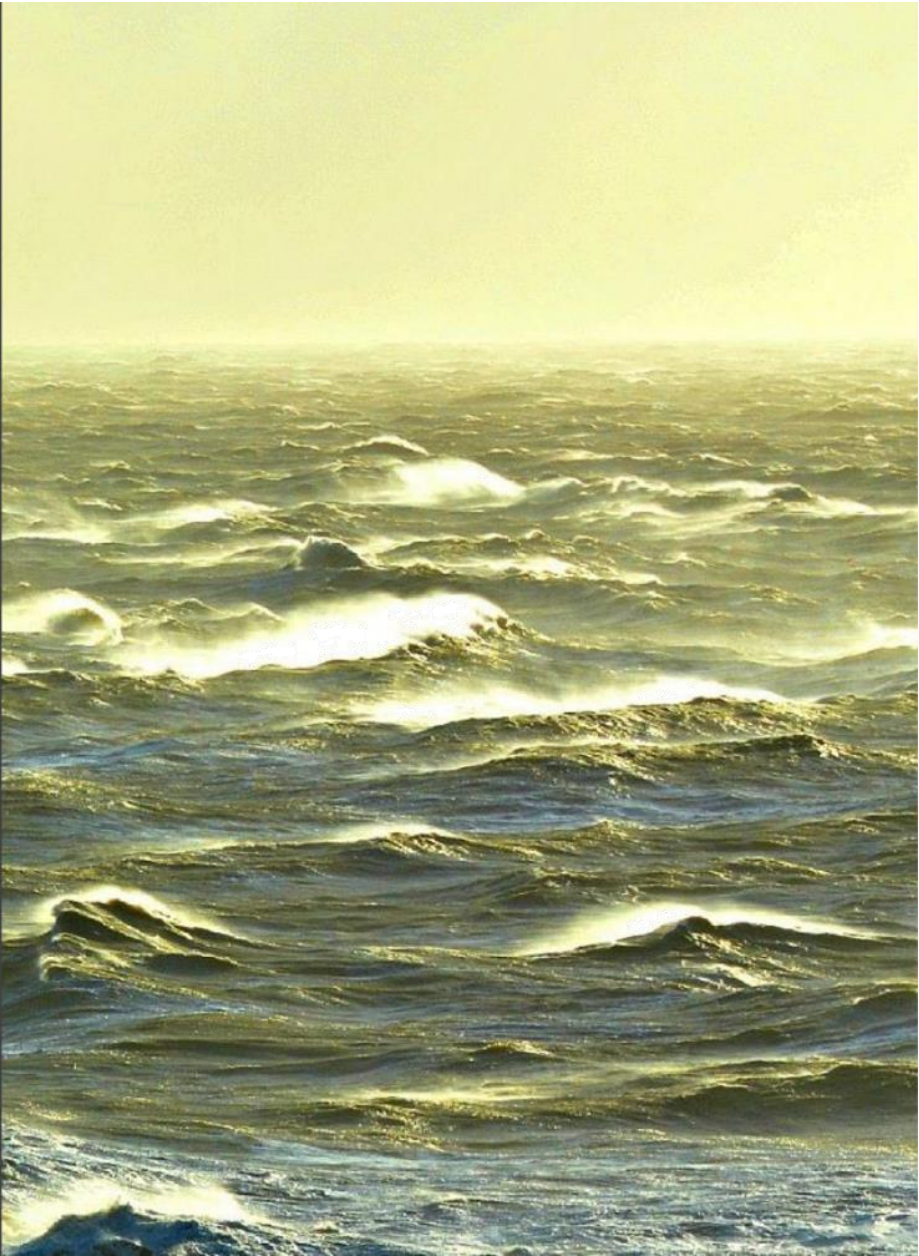
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Welcome

Dear Council Members

We have substantially completed our audit of the 2021-41 consultation document for Kapiti Coast District Council ('Council').

Subject to the adequate resolution of the outstanding matters listed in the appendices, we confirm that we will issue an unmodified audit report with emphasis of matter paragraphs to draw attention to the disclosure in the consultation document relating to the uncertainty over three waters reform and the delivery of the capital works programme.

We have provided this report in our role as the appointed auditor of the Council on behalf of the Auditor-General in accordance with the Public Audit Act 2001. This report is intended solely for the use of Council, committees of Council and senior management, and should not be used for any other purpose nor given to any other party without our prior written consent.

We would like to thank your staff for the assistance provided to us during the audit.

If you have any queries in the meantime, please feel free to contact Dave on 021 923 431 or Ahmed on 021 679 586.

Yours faithfully

David Borrie
Partner

Ahmed Sofe
Senior Manager



Go to Executive
Summary





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Infrastructure assets

Key Judgements: Condition, performance, underlying data quality, ability to deliver

HIGH

Our Understanding

- ▶ Infrastructure assets is the most significant balance on Council's balance sheet with a 30 June 2020 carrying value of approximately \$1.48 billion. This is expected to double by the end of the 20-year long-term plan ("LTP") period.
- ▶ The financial modelling for the 20 year period show Council intend to invest significantly in infrastructure assets with the capital works programme representing a two to three-fold increase in the capital spend previously forecast in the 2018-38 LTP, particularly in the early years of the period.
- ▶ In addition to being a significant financial statement balance, infrastructure assets allow Council to deliver critical services to the community.

Asset condition and performance information

- ▶ The starting point for forward planning relating to infrastructure assets, and the delivery of core transport and water services, is Council's information on asset condition and performance. This information is collated from multiple sources including surveys, investigations, asset renewal activity, asset age, and interaction with third party consultants in their capacity as valuers or subject matter experts.
- ▶ Council's asset information is detailed in the asset management plans and summarised in the infrastructure strategy. For water assets (water supply, wastewater and stormwater) this includes descriptive information such as age, length, diameter, age profiles, condition and performance information, risk profile such as criticality of the assets and likelihood of failure. For transport assets, it includes physical parameters such as the nature of assets, length, width, formation, but also condition, age profile and performance of the network.
- ▶ The asset management plans also detail the confidence Council has over the information underpinning asset decisions such as condition and performance and how these are updated regularly. For roading, a network survey is completed periodically and provides information on condition and performance of assets through measuring and plotting the trend in the extent of shoving, rutting, potholes, cracking, scabbing and flushing. For the waters asset ongoing condition evaluations are undertaken through a systematic process based on

EY Perspective

In completing our assessment of the asset planning process we have completed the following procedures:

Asset condition and performance information

- | | |
|---|---|
| ▶ Reviewed Asset Management Plans and checked consistency between the Asset Management Plans, Infrastructure Strategy and consultation document. | ✓ |
| ▶ For a sample of significant Asset Management Plans, we obtained an understanding of how management assess and monitor the condition and performance of the assets. We checked that adequate performance and conditioning information was available and that those assets that are near the end of their lives or underperforming have been factored into the capital works programme. | ✓ |
| ▶ We checked the alignment of the Infrastructure Strategy and Financial Strategy with a particular focus on whether the planned capital works programme included in the Infrastructure Strategy is appropriately funded through the proposed funding in the Financial Strategy. | ✓ |



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Our Understanding

lifecycle knowledge, results of sampling and risk profiling, specific critical asset evaluations and sighting of assets by service crew when undertaking routine maintenance.

Whilst having measures of asset condition and performance is important it is also key that the quality of the data on which such measures are based is well understood. To evaluate the asset condition and data confidence Council uses a rating scale of 1 -5.

Asset Group	Asset Condition	Data Confidence
Water Supply	2 - Good	B - Reliable
Wastewater	2 - Good	B - Reliable
Stormwater	2 - Good	B - Reliable
Coastal	4 - Poor	B - Reliable
Access & Transport	3 - Satisfactory	A - Highly to B - Reliable

Key capital works activity for the next 20 years

▶ As part of the planning process, that included reviewing the asset condition and performance information included in the Infrastructure Strategy and Asset Management Plans we also considered the key planned projects for the LTP period including:

▶ Kapiti Link road with a total planned spend of circa \$25m over the first three years;

▶ Construction of the Waikanae Library for \$13.8m over the first three years;

▶ Replacement of the Paekakariki seawall for approximately \$17m over the first 5 years;

▶ The continuation of Town Centre projects consulted in 2015/35 LTP with costs estimated at \$41m;

▶ Completion of the Waikanae Water Treatment Plant in 2022 at approximately \$12m;

▶ Increasing yearly investment in stormwater upgrades and renewals from \$3.6m to \$6.4m, with total budget of \$178m over 20 years;

These and other projects will combine to result in over \$200m of capital spend for the first three years of the LTP period.

Achievability of capital works program

EY Perspective

Key capital works activity for the next 20 years

▶ Selected a sample of capital projects based on size, complexity and some from areas where Council has previously not delivered against budget and checked that the capital spend is supported by third party inputs or robust estimates.

▶ Through our detailed review of a sample of projects we noted several needed adjustments whereby the capital expenditure for certain projects did not factor in inflation adjustments to determine the correct future cost. We have included these in our adjustment section below.

Achievability of capital works program

▶ The following analysis shows Council's historical performance in delivering against capital budgets on a category by category basis.

Activity	Average delivery against budget
Water supply	96%
Stormwater	112%
Wastewater	100%
Access & Transport	88%
Coastal	85%
Parks and Open Spaces	93%

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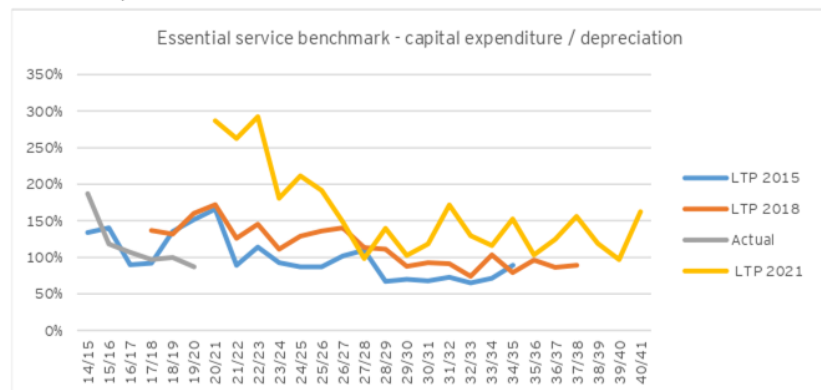
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Our Understanding

- ▶ The financial modelling assumes that the capital works program will be completed without projects being delayed or deferred. This assumption has been critically assessed by both the management team and ourselves as auditors.
- ▶ A key consideration in determining Council's ability to deliver a program of capital work is historical performance in delivering capital projects. In addition, there needs to be consideration of any step changes in the scale of the capital works program.

Sustainable investment in infrastructure assets

- ▶ Capital expenditure, as a percentage of depreciation, is planned to be significant over the early years of the LTP period, before gradually reducing ahead of the next expected increase in capital spending to address a notable amount of renewals work for underground water assets. A high-level benchmark that can be used to determine if capital renewals work is progressing at a reasonable pace is the extent to which capital renewals are equal, or greater than depreciation.



EY Perspective

- ▶ The forecast capital works program, particularly over the first three years of the LTP period, is a step change from what has been delivered historically. KCDC's approach to mitigating the risks associated with delivering a larger capital works programme has focused on:
 - ▶ Increasing the capability and capacity of the relevant teams;
 - ▶ Establishing a dedicated project management office;
 - ▶ The use of third party experts to assist with matters such as planning, design and costing, where appropriate;
 - ▶ Considering alternative procurement models such as partnering or collaboration with neighbouring Councils; and
 - ▶ Securing contracts for key projects occurring near future where possible.
- ▶ Whilst management is confident that the capital works programme will be able to be delivered the implicit assumption that this significant programme of work will be delivered over the coming three years is a key assumption underpinning the financial modelling for the LTP.
- ▶ We are satisfied that the disclosures in the consultation document and the assumptions paper appropriately outline the risks and mitigating actions relating to the forecast programme of capital work. As a result of the significant change in scale of the programme we will include an emphasis of matter paragraph in our audit report to draw reader's attention to the uncertainty associated with the delivery of the capital works programme and the disclosures included in the consultation document that adequately describe the risks and mitigating factors along with the implications if the increased capital programme isn't delivered.

Sustainable investment in infrastructure assets

- ▶ The graph of capital expenditure against depreciation shows the significant level of capital expenditure that is needed in order to be able to cover renewals, new assets, and capital work to accommodate growth. The higher level of capital work is focused in years one to three before reducing to a lower level for the remainder of the LTP period and then starting to increase again as notable renewals for underground water assets get underway post the end of the current LTP planning period.



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Key judgements: Balanced budget, financial prudence

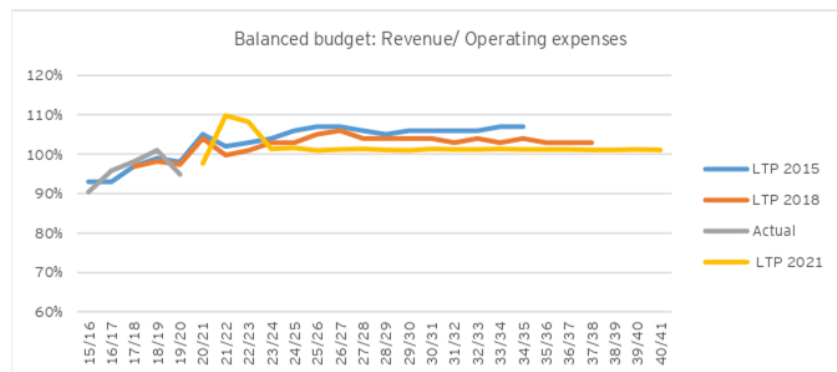
MEDIUM

Our Understanding

- ▶ Rates levied represents KCDC's primary revenue source. Rates along with subsidies and debt are the main funding sources to finance KCDC's activities. A key principle in the Local Government Act (the Act) is the requirement for Councils to manage their finances prudently.

Balanced Budget

- ▶ Section 100 of the Act requires Councils to balance the budget for each year forecasted meaning operating revenue is required to be equal to, or greater than, operating expenditure. If a Council chooses to not balance the budget for a particular year a resolution must be passed that it is prudent to do so having regard to levels of service, ability to fund the maintenance of assets, the equitable allocation of funding responsibility over the life of assets and the Council's funding and financing policies.
- ▶ Below we have provided a graphical representation of the range of balanced budgets that Council will be adopting for this LTP as well as the last two LTP's and the actual benchmarked achieved for each year from 2015/16.



EY Perspective

Balanced Budget

- ▶ KCDC has not met the balanced budget benchmark for four of the last five reporting years due to not funding some of the depreciation expense. The Council is working towards balancing its budget through committing to a financial strategy that progressively funds depreciation, with a target of fully funding depreciation by 2025. In the 2021-41 LTP KCDC have not forecasted any further deficits.
- ▶ The prospective statement of comprehensive revenue and expenses shows significant operating surpluses of \$48m, \$28m and \$37 for years one to three that is mainly due to the anticipated vesting of parts of state highways. The remainder of the LTP period shows an average surplus of \$10m that is primarily the result of capital work funded through operating revenue.
- ▶ Adjusting the surpluses for the elements relating to vested assets, development contributions and capital grants, results in the forecast performance for each year being approximately break-even.
- ▶ The consultation document clearly articulates KCDC's approach to financial management and the rationale for this.



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	<p>Debt levels and rates setting</p> <p>▶ To fund the uplift in the capital programme, debt is forecast to increase substantially over the period of the long-term plan. Net borrowing will increase by \$100m over the next three years or an average of \$31m per annum over the next 5 years before gradually reducing from 2026 onwards as the capital programme is scaled back. At the end of this long-term plan period net borrowing is projected to be \$430m (187% of revenue) compared to \$166m in 2021 (177% of revenue) both of which meet the Council green line strategy of maintaining debt at less than 200% of revenue.</p> <div><p>Debt affordability benchmark, trends in net debt (\$'000)</p><table border="1"><caption>Estimated Net Debt (\$'000)</caption><thead><tr><th>Year</th><th>LTP 2015</th><th>LTP 2018</th><th>Actual</th><th>LTP 2021</th></tr></thead><tbody><tr><td>15/16</td><td>150,000</td><td>150,000</td><td>150,000</td><td>150,000</td></tr><tr><td>16/17</td><td>180,000</td><td>180,000</td><td>180,000</td><td>180,000</td></tr><tr><td>17/18</td><td>200,000</td><td>200,000</td><td>200,000</td><td>200,000</td></tr><tr><td>18/19</td><td>220,000</td><td>220,000</td><td>220,000</td><td>220,000</td></tr><tr><td>19/20</td><td>200,000</td><td>200,000</td><td>200,000</td><td>200,000</td></tr><tr><td>20/21</td><td>180,000</td><td>180,000</td><td>180,000</td><td>200,000</td></tr><tr><td>21/22</td><td>150,000</td><td>150,000</td><td>150,000</td><td>250,000</td></tr><tr><td>22/23</td><td>120,000</td><td>120,000</td><td>120,000</td><td>300,000</td></tr><tr><td>23/24</td><td>100,000</td><td>100,000</td><td>100,000</td><td>350,000</td></tr><tr><td>24/25</td><td>80,000</td><td>80,000</td><td>80,000</td><td>380,000</td></tr><tr><td>25/26</td><td>60,000</td><td>60,000</td><td>60,000</td><td>400,000</td></tr><tr><td>26/27</td><td>40,000</td><td>40,000</td><td>40,000</td><td>380,000</td></tr><tr><td>27/28</td><td>20,000</td><td>20,000</td><td>20,000</td><td>350,000</td></tr><tr><td>28/29</td><td>10,000</td><td>10,000</td><td>10,000</td><td>350,000</td></tr><tr><td>29/30</td><td>0</td><td>0</td><td>0</td><td>350,000</td></tr><tr><td>30/31</td><td>0</td><td>0</td><td>0</td><td>380,000</td></tr><tr><td>31/32</td><td>0</td><td>0</td><td>0</td><td>400,000</td></tr><tr><td>32/33</td><td>0</td><td>0</td><td>0</td><td>420,000</td></tr><tr><td>33/34</td><td>0</td><td>0</td><td>0</td><td>430,000</td></tr><tr><td>34/35</td><td>0</td><td>0</td><td>0</td><td>430,000</td></tr><tr><td>35/36</td><td>0</td><td>0</td><td>0</td><td>430,000</td></tr><tr><td>36/37</td><td>0</td><td>0</td><td>0</td><td>430,000</td></tr><tr><td>37/38</td><td>0</td><td>0</td><td>0</td><td>430,000</td></tr><tr><td>38/39</td><td>0</td><td>0</td><td>0</td><td>430,000</td></tr><tr><td>39/40</td><td>0</td><td>0</td><td>0</td><td>430,000</td></tr><tr><td>40/41</td><td>0</td><td>0</td><td>0</td><td>430,000</td></tr></tbody></table></div> <p>▶ The forecast rates across the 20-year period are expected to increase on average by 3.8% (with a range of 2% to 8.6%). Substantial rates increases are forecasted for the first three years of the long-term plan as Council increase its capital spending.</p> <p>▶ The rates increases forecasted are higher than those forecast in previous long-term plans (the last 2018 LTP proposed rates increase between 0% and 5.5%).</p>	Year	LTP 2015	LTP 2018	Actual	LTP 2021	15/16	150,000	150,000	150,000	150,000	16/17	180,000	180,000	180,000	180,000	17/18	200,000	200,000	200,000	200,000	18/19	220,000	220,000	220,000	220,000	19/20	200,000	200,000	200,000	200,000	20/21	180,000	180,000	180,000	200,000	21/22	150,000	150,000	150,000	250,000	22/23	120,000	120,000	120,000	300,000	23/24	100,000	100,000	100,000	350,000	24/25	80,000	80,000	80,000	380,000	25/26	60,000	60,000	60,000	400,000	26/27	40,000	40,000	40,000	380,000	27/28	20,000	20,000	20,000	350,000	28/29	10,000	10,000	10,000	350,000	29/30	0	0	0	350,000	30/31	0	0	0	380,000	31/32	0	0	0	400,000	32/33	0	0	0	420,000	33/34	0	0	0	430,000	34/35	0	0	0	430,000	35/36	0	0	0	430,000	36/37	0	0	0	430,000	37/38	0	0	0	430,000	38/39	0	0	0	430,000	39/40	0	0	0	430,000	40/41	0	0	0	430,000			
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			<p>Debt levels and rate setting</p> <p>Our work in relation to rates and debt included:</p> <ul style="list-style-type: none">▶ Obtaining an understanding of, and walking through the process for, how rates and debt are incorporated into the financial model. ✓▶ Obtaining the model for calculating borrowing and other capital funding and testing a sample of items of expenditure to check that the borrowing and other funding have been correctly calculated for those items. ✓▶ Checked that the Council's assumption that interest rates will be 3.45% in year 1, 3.15% in year 2 and 2.95% for the remaining period of the long-term plan had been consistently applied. ✓▶ Checked that the debtor's balances moved in line with rates. ✓▶ Checked the correlation between debt levels and the interest expense. ✓ <p>We note that one of the key assumptions with respect to the modelling of rates and debt is the interest rate assumed for the debt for the 20-year period. KCDC have assumed that borrowing rates will be between 2.95% and 3.45% for the 20-year period. While we acknowledge that Council is currently able to borrow at a lower rate than this through the LGFA there is a risk that these rates increase over the period covered by the long-term plan. Interest rates are currently at historical lows.</p>																																																																																																																																								

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Three waters reform

Key Judgements: Uncertainty relating to the reform programme

MEDIUM

Our Understanding

- ▶ Central and local government organisations continue to consider the challenges of regulating and delivering three waters services. New legislation has been passed and a new water services regulator, Taumata Arowai, has been established.
- ▶ Key challenges in delivering water services include obtaining relevant and reliable information about assets and appropriately reinvesting in the three waters' networks. The Government considers structural reform as the most effective way to address these challenges. As a result, it has started the three waters reform programme.
- ▶ The three waters reform programme will likely result in water service delivery entities that:
 - ▶ Have sufficient scale to generate benefits from aggregation;
 - ▶ Have ownership of the water assets with a mandate to explore how to achieve better access to capital and alternative funding mechanisms; and
 - ▶ Will be structured as statutory entities.
- ▶ SOLGM has proposed that territorial authorities assume no change in the current structure of the three waters delivery in long-term plans.

EY Perspective

We will include an emphasis of matter in our opinion with respect to the uncertainty associated with the proposed three water reforms programme. Key considerations in coming to this conclusion are as follows:

- ▶ The proposed three water reforms programme considers structural changes to how water supply and waste-water assets are owned and managed (with the potential for stormwater assets to be included).
- ▶ These changes, whilst still uncertain, are likely to occur in the medium term and will also likely significantly change what Council has assumed will be in its remit for the long-term plan period.



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COVID-19 and climate change

Key Judgements: Impact of COVID-19 and climate change

LOW

Our Understanding

- ▶ On 11 March 2020, the COVID-19 outbreak was declared a pandemic by the World Health Organization. Two weeks later, New Zealand declared a state of emergency and moved to COVID-19 Alert level 4 in response to the pandemic.
- ▶ The outbreak and the response of the Government in dealing with the pandemic continues to interfere with general activity levels within the community, the economy and the operations of businesses generally. In particular border controls and the timing and availability of vaccines creates ongoing uncertainty.
- ▶ KCDC has factored into the financial modelling the impact of Covid-19 on expected growth levels and the implications of Council's larger capital programme that is intended to have a financial stimulus effect. The pandemic has also impacted the global supply chain which may affect the availability and cost of some infrastructure asset components. These factors are considered when assessing the deliverability of the capital programme forecasted.
- ▶ Councils are responsible for planning for and providing infrastructure, managing land use, and avoiding or reducing risks from natural hazard events such as floods, storms, and sea-level rise. Climate change is changing the severity and frequency of these events.
- ▶ Responding to climate changes is key theme of this long-term plan driven by the declaration of a climate emergency by KCDC in May 2019 which reaffirmed its commitment to carbon neutrality by 2025.
- ▶ Areas of potential impact include:
 - ▶ three waters services - increased waste-water overflows from heavy rainfall, and flood mitigation assets not working;
 - ▶ the transportation network - disruption from sea-level rise or flooding and landslides leading to increased maintenance costs; and
 - ▶ coastal infrastructure and property - sea-level rise causing coastal erosion that will put property and assets at risk.

EY Perspective

- ▶ We have obtained the assessment performed by management regarding the impact of COVID-19 and climate change on the district. Through our testing of key Asset Management Plans, assumptions, and strategies we checked the assumed impact has been consistently factored into planning and modelling.
- ▶ The financial forecast reflects the potential impacts from Covid-19 in the short term, with reduced migration and economic activity limiting growth in the first three years. Growth is then anticipated to recover to levels similar to those experienced in more recent years.
- ▶ To counter the effect of Covid-19 Council has adopted a recovery plan that covers a wide range of actions including an increased capital spend.
- ▶ For areas identified as being impacted or at risk of being impacted by climate change, we have checked that the future costs include an element of climate change as outlined in the respective Asset Management Plan and Supporting document to the consultation document. Council has used the climate change assumptions provided by the Greater Wellington Regional Council for Kapiti.
- ▶ We have reviewed the assumptions and disclosures that Council have included in relation to both COVID-19 and Climate change against the levels of risk they determined for each area and we are satisfied that Council have adequately considered these and provided readers with a sufficient level of detail that matches the level of impact and risk.



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Summary of adjusted audit differences - 20-year financial model

The following table contains a list of adjustments that have been corrected by management.

	Assets (Decrease) / Increase (\$000)	Liabilities Decrease / (Increase) (\$000)	Equity/P&L (Decrease) / Increase (\$000)
Adjustment to correct projects with no inflation factor applied.	12,951	(12,951)	0
Total	12,951	(12,951)	0

Summary of unadjusted audit differences - 20-year financial model

There are no unadjusted audit differences relating to the prospective financial statements



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Assessment of control environment

Internal Controls

As part of our audit of the consultation document, we obtained an understanding of the internal control environment relevant to forecasting and planning for the coming 20 year period in order to sufficiently plan our audit and determine the nature, timing and extent of testing performed. Although our audit was not designed to express an opinion on the effectiveness of internal control, we communicate to you significant deficiencies in internal control. We confirm that there are no significant deficiencies that we would like to bring to your attention.

Throughout our audit we communicated to management observations regarding control matters and other issues arising from our procedures. Suggested improvement points that we are currently working through with management are as follows:

Risk Ratings	H	M	L	Total
Increasing the impact of documents used for community engagement	-	-	1	1
Approach to financial modelling	-	-	1	1
Balancing the content of community engagement documents	-	-	1	1
Total points	-	-	3	3

Key:

- H** High Risk - Matters and/or issues are considered to be fundamental to the mitigation of material risk, maintenance of internal control or good corporate governance. Action should be taken either immediately or within 3 months.
- M** Medium Risk - Matters and/or issues are considered to be of major importance to maintenance of internal control, good corporate governance or best practice for processes. Action should be taken within 6 months.
- L** Low Risk - A weakness which does not seriously detract from the internal control framework. If required, action should be taken within 6-12 months.

Detailed findings

Increasing the impact of documents used for community engagement

Community engagement is always a balance of keeping communication succinct and communicating the key information that is pertinent to the decisions to be made. Keeping material succinct and clear allows it to be more accessible. While we acknowledge there is a lot to communicate in the 2021-41 Consultation Document, we would suggest in future documents there would be an opportunity to be more concise without losing the key message in the story that needs to be told. For context management could refer to documents produced by other Councils that have been acknowledged by SOLGM, the OAG or other independent parties for their effectiveness.

Approach to financial modelling

Council uses MagiQ software as the modelling tool to prepare some of the forecast financial information. The statements of comprehensive revenue and expenses and funding impact statements are modelled within this system. However; due to system limitations the balance sheets, statements of changes in equity and statements of cash flows are prepared manually using spreadsheets. Spreadsheets are also used for preparing the financial prudence benchmarks and other information relating to the Consultation Document. Completing financial modelling manually in excel is more time consuming and there is a greater risk of errors. We recommend management consider completing more modelling in MagiQ and understand this is currently being investigated.

Balancing the content of community engagement documents

The primary purpose of a Consultation Document is to obtain community feedback on the preferred options for matters being consulted on. For the KCDC 2021-41 Consultation Document these matters are community housing, the Paekakariki seawall, setting up a CCO and the airport. While all of these matters are important to the community in different ways none have a significant impact on Council's finances in the near term or are critical to the delivery of core water and transport activities. Conversely the scaling up of the capital works programme will approximately triple planned capital spend in some years and double debt over the long-term plan period. Outside of those items required to be consulted on because they trigger Council's Significance and Engagement Policy there is judgement regarding matters where Council determine consultation is warranted. In future documents used for community engagement we recommend Council consider the balance between consulting on items that have a notable impact on Council's financial position and performance and those that are of importance for other reasons.



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Appendices

**Outstanding matters**

The items in here relate to outstanding matters at the date of the release of this report.

**Independence**

Describes how we have complied with independence requirements.





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Outstanding matters

The following items relating to the completion of our audit procedures are outstanding at the date of the release of this report:

Item	Actions to resolve	Responsibility	
Final Consultation document	Our review of the updated consultation document after final changes have been made including the formatting.	EY	M
Final Asset Management Plans	Receipt of final Asset Management Plan which include the latest budget and our review thereof.	EY	M
Consultation Document Supporting Information	Our review of the information supporting the consultation document that will be adopted by Council.	EY	M
Representation letter	Receipt of signed representation letter		M
Council approval of the Consultation Document and the Consultation Document Supporting Information	Receipt of Council approval of both documents.		M
Subsequent events review	Completion of subsequent events procedures to the date of signing the audit report	EY	M

Key:



EY responsibility



Management responsibility



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Independence

We confirm that in our professional judgment the engagement team and the Firm are independent.

We are satisfied that all EY locations world-wide which have provided services in the past or are currently providing services to Council have complied with the relevant independent requirements. We are satisfied that the services provided by EY do not impact our independence.

We are not aware of any relationships between the Firm or other firms that are members of the global network of EY firms and Council that, in our professional judgment, may reasonably be thought to bear on independence.

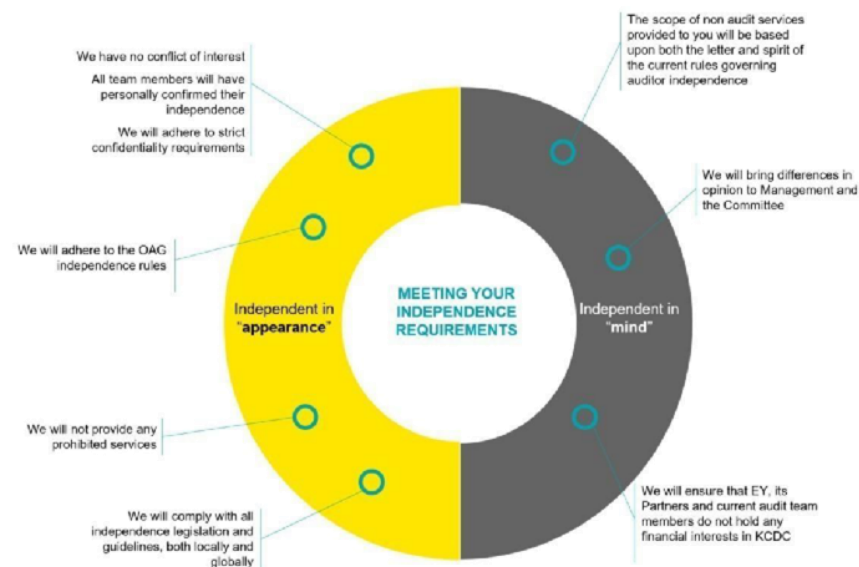
We highlight the following services that we have performed:

Description of relationship or service	Safeguards adopted
Debt Trust Deed reporting	Independent assurance services
Audit of the Annual Report	Independent assurance services

We consider that our independence in this context is a matter that should be reviewed by both you and ourselves.

Independence

We confirm that we have complied with the NZICA Code of Ethics' and the Professional and Ethical Standard 1: *Code of Ethics for Assurance Practitioners*' independence requirements, and in our professional judgement, the engagement team and the Firm are independent.



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ED None

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To the reader:

**INDEPENDENT AUDITOR'S REPORT ON KAPITI COAST DISTRICT COUNCIL'S CONSULTATION DOCUMENT
FOR ITS PROPOSED 2021-41 LONG-TERM PLAN**

I am the Auditor-General's appointed auditor for Kapiti Coast District Council (the Council). The Local Government Act 2002 (the Act) requires the Council to prepare a consultation document when developing its long-term plan. Section 93C of the Act sets out the content requirements of the consultation document and requires an audit report on the consultation document. I have done the work for this report using the staff and resources of Ernst & Young. We completed our report on xx March 2021.

Opinion

In our opinion:

- the consultation document provides an effective basis for public participation in the Council's decisions about the proposed content of its 2021-41 long-term plan, because it:
 - fairly represents the matters proposed for inclusion in the long-term plan; and
 - identifies and explains the main issues and choices facing the Council and the District, and the consequences of those choices; and
- the information and assumptions underlying the information in the consultation document are reasonable.

Emphasis of matters

Without modifying our opinion, we draw attention to the following disclosures.

Uncertainty over three waters reforms

Pages xx and xx outline the Government's intention to make three waters reform decisions during 2021. The effect that the reforms may have on three waters services provided is currently uncertain because no decisions have been made. The consultation document was prepared as if these services will continue to be provided by the Council, but future decisions may result in significant changes, which would affect the information on which the consultation document has been based.

Uncertainty over the delivery of the capital works programme

Pages xx and xx outline that the council is proposing an ambitious capital expenditure work programme. While the Council has put in place a number of initiatives to deliver its work programme it recognises the challenging

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environment it is operating in, with pressures on the availability of materials and specialist contractors. If a project is affected by this, it could have implications for costs and associated funding, and levels of service.

Basis of opinion

We carried out our work in accordance with the International Standard on Assurance Engagements (New Zealand) 3000 (Revised): *Assurance Engagements Other Than Audits or Reviews of Historical Financial Information*. In meeting the requirements of this standard, we took into account particular elements of the Auditor-General's Auditing Standards and the International Standard on Assurance Engagements 3400: *The Examination of Prospective Financial Information* that were consistent with those requirements.

We assessed the evidence the Council has to support the information and disclosures in the consultation document. To select appropriate procedures, we assessed the risk of material misstatement and the Council's systems and processes applying to the preparation of the consultation document.

We did not evaluate the security and controls over the publication of the consultation document.

Responsibilities of the Council and auditor

The Council is responsible for:

- meeting all legal requirements relating to its procedures, decisions, consultation, disclosures, and other actions associated with preparing and publishing the consultation document and long-term plan, whether in printed or electronic form;
- having systems and processes in place to provide the supporting information and analysis the Council needs to be able to prepare a consultation document and long-term plan that meet the purposes set out in the Act; and
- ensuring that any forecast financial information being presented has been prepared in accordance with generally accepted accounting practice in New Zealand.

We are responsible for reporting on the consultation document, as required by section 93C of the Act. We do not express an opinion on the merits of any policy content of the consultation document.

Independence and quality control

We have complied with the Auditor-General's:

- independence and other ethical requirements, which incorporate the independence and ethical requirements of Professional and Ethical Standard 1 issued by the New Zealand Auditing and Assurance Standards Board; and
- quality control requirements, which incorporate the quality control requirements of Professional and Ethical Standard 3 (Amended) issued by the New Zealand Auditing and Assurance Standards Board.

Other than our work in carrying out all legally required external audits, we have no relationship with or interests in the Council.

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David Borrie
Ernst & Young
On behalf of the Auditor-General
Wellington, New Zealand

DRAFT

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8.3 ADOPTION OF THE KAPITI COAST DISTRICT COUNCIL BEACH BYLAW 2021

Author: Leeza Boyd, Senior Policy Advisor

Authoriser: Hamish McGillivray, Acting Group Manager Strategy, Growth and Recovery

PURPOSE OF REPORT

- 1 This report seeks the Council's approval to:
 - a) repeal the Kapiti Coast District Council Beach Bylaw 2009;
 - b) adopt the Kapiti Coast District Council Beach Bylaw 2021 (refer Appendix One).

DELEGATION

- 2 Under Section A2 of the Governance Structure and Delegations for the 2019-2022 Triennium, the Council has the sole responsibility for adopting or amending a bylaw.

BACKGROUND

- 3 Under the Local Government Act 2002 (LGA 2002), the Council may make bylaws to:
 - protect the public from nuisance
 - protect, promote, and maintain public health and safety
 - minimise the potential for offensive behaviour in public places
 - manage or protect against damage or misuse of our land.¹
- 4 Under the terms of the LGA 2002, any bylaws established by a territorial authority must be reviewed every 10 years and that review completed within 2 years of the 10-year adoption anniversary or the bylaw is automatically revoked.
- 5 The Kapiti Coast District Council Beach Bylaw 2009 was last reviewed and adopted on 7 May 2009. An amendment was approved by the Council on 28 September 2017 pursuant to the Fire and Emergency New Zealand Act 2017.
- 6 The Council must review the 2009 Bylaw and adopt a new one by 7 May 2021 under the LGA 2002 provisions, or it will be automatically revoked. This date is extended to 30 June 2021, by the COVID-19 Response (Further Management Measures) Legislation Act 2020.
- 7 Under the LGA 2002 review requirements, the Council must consider whether a bylaw continues to be the most appropriate way of addressing a perceived problem; whether the proposed form of the bylaw continues to be the most appropriate; and whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. The Council is also required to formally consult the community via a special consultative procedure.

REVIEW OF THE BEACH BYLAW 2009

- 8 This section provides information on the:
 - a) purpose of the Beach Bylaw 2009;
 - b) review process;
 - c) early engagement;
 - d) formal consultation;
 - e) proposed amendments as a result of submitter feedback; and

¹ The provision in relation to ability to "manage, regulate against or protect against damage or misuse of land under the control of the territorial authority" relates to rules to protect the land and infrastructure, not the indigenous flora or fauna on that the land.

- f) statutory review requirements.

Purpose of the Beach Bylaw 2009

- 9 The purpose of the Beach Bylaw is to manage human activities on the beach and protect the public from nuisance, health and safety risks, and offensive behaviour. With increasing popularity and use of our beaches, the Beach Bylaw plays an important role in helping to manage activities on our beaches.

The review process

- 10 Work on the review commenced in February 2019 and spanned three phases.
- a) Phase 1 comprised data collection, early public engagement, and analysis; identification of issues and options; development of proposed revisions to the bylaw.
 - b) Phase 2 involved development of, and consultation on, a draft Bylaw, in accordance with the LGA 2002 special consultative procedure.
 - c) Phase 3 consisted of the analysis of submissions, consideration of amendments to the draft bylaw, and presentation of the revised bylaw for adoption by the Council (in this paper).

Early engagement

- 11 Extensive pre-engagement was undertaken in Phase 1 of the review. Council officers gathered and analysed information and talked with numerous stakeholders to assess whether the Beach Bylaw 2009 appropriately addressed issues related to our beaches. Specifically, officers:
- consulted with our iwi partners about their aspirations for the beach²;
 - analysed all beach-related service requests, emails, and other correspondence received by the Council from January 2017 to December 2018;
 - consulted with community stakeholders, including local boating clubs, local surf lifesaving clubs, and other community groups;
 - ran a public survey from 30 January 2020 to 30 April 2020³, receiving 1,724 responses⁴;
 - consulted with government stakeholders, including Greater Wellington Regional Council, Department of Conservation, and the New Zealand Police; and
 - assessed the Beach Bylaw 2009 rules against other legislation to check for any ambiguities or inconsistencies that required amendment.
- 12 This work found that many of the current rules remain appropriate and fit for purpose, but some amendments are required to improve safety and beach users' understanding of the rules, and to strengthen enforcement.
- 13 A number of proposals were identified to address or mitigate the issues and challenges, where this was feasible. Some proposals are for changes to the bylaw itself, others are operational changes to support the intent of the bylaw.

² Guidance on iwi aspirations for the beach was received from Ātiawa ki Whakarongotai, with the support of ART. The guidance included a number of proposals for consideration.

³ In May 2020, a complaint was made to the Human Rights Commission on the basis that the survey questions about disability access were biased and discriminated by way of age and disability. Council Officers attended mediation on the matter. The Human Rights Commission has now closed the complaint.

⁴ The range of community views was diverse and in some cases almost evenly split.

Formal consultation

- 14 In Phase 2 of the review, the Strategy and Policy Committee approved the release of the Statement of Proposal for the draft Beach Bylaw 2021 (which also included some proposals for operational solutions to bylaw issues) for public consultation on 24 September 2020.
- 15 The consultation period ran for five weeks, between 12 October 2020 and 13 November 2020. A total of 458 submissions were received. Hearings were held on Monday 23 November and Thursday 26 November, with 37 submitters speaking to their submissions.
- 16 The submission form for the Statement of Proposal asked submitters 16 'Yes/No' questions to gauge levels of support for proposed bylaw or operational changes (providing additional comment was optional). It also included an open-ended question that provided an opportunity to give feedback on any other matters, including two specific minor proposals. For a summary of submissions refer to Appendix Two (content in the first column).
- 17 There were many mixed and diverse views on desirable activities and behaviours, due to the varying situational contexts of submitters.⁵ Some submitters wanted evidence and data on beach activities that, unfortunately, doesn't actually exist. Others provided anecdotes as evidence. As with the pre-engagement, use of motor vehicles on beaches was a key theme, with views ranging from a complete ban to complete freedom.
- 18 Naturally, there are concerns about our current and proposed beach restrictions. The beach is reaching a capacity threshold for the number of activities, vehicles and equipment that can operate safely and co-exist within a shared environment. In many cases there are no perfect right or wrong solutions. Instead, the amendments seek to find a reasonable balance between managing issues or concerns and not overly restricting people's activities.

Amendments proposed as a result of the formal consultation

- 19 In Phase 3 of the Review, the Council sought to consider and incorporate submitter feedback into the final draft 2021 Bylaw.⁶
- 20 Amendments to the bylaw proposals that were included in the Statement of Proposal are discussed below. For a post-consultation summary of all proposals, including the proposed operational changes, refer to Appendix Two (content in second column).
- 21 As a result of consultation feedback, Officers recommend amending three of the Bylaw proposals. These are the proposals to:
 - create a rule that beach users give way to vehicles within boat launch and retrieve sites;
 - remove vehicle access at the beach entry point at The Avenue in Ōtaki; and
 - create summer restrictions for longline fishing.
- 22 Officers recommend the proposal for a bylaw rule requiring other beach users give way to motor vehicles in boat launch sites be withdrawn. The rationale for this is that the safety onus should remain with the driver of the vehicle, even in beach areas designated for vehicle use. The existing rule (vehicles give way to other users at all times, rule 8.2) should continue to apply in all areas.
- 23 Officers also recommend that the proposal to remove vehicle access at the beach accessway at the end of The Avenue in Ōtaki be withdrawn with the accessway established as a formal motor vehicle accessway instead. The majority of submitters want vehicle access retained.

⁵ How people are impacted by event and/or perceive behaviour can differ widely depending on the event or activity, the location, the time of day, the number of participants and their demeanour.

⁶ Submitters will not necessarily see their individual views reflected in the Bylaw presented for adoption. A range of factors are considered in determining how to respond to issues and meet our legislative requirements. Considerations include the: size and impact of issue; usefulness of using the bylaw to address it; potential to create, rather than reduce, conflict between beach users; practicality of response; Council's ability to monitor or enforce; and financial impact in terms of capital expenditure or staff costs.

24 Finally, Officers recommend some adjustments to the locations in the proposal to create longline fishing restrictions in summer. The recommended adjustments focus on a key high-use swimming area in each suburb and cover 10,250m of our 42,000m coastline (1,370m longer than the original proposal). The recommended summer location restrictions are:

- Ōtaki - between 8 Marine Parade and 100 Marine Parade (680m shorter)
- Te Horo - between Te Horo Beach Road and south end of Rodney Ave (100m shorter)
- Peka Peka - between Peka Peka Road and Marram Way (440m longer)
- Waikanae - between the Waikanae Boating Club and Olliver Grove (1,420m longer, and now covering the Permitted Blokart Zone)
- Paraparaumu/Raumati - between Kapiti Boating Club and Jeep Road (1,940m longer, covering the whole beach stretch between Paraparaumu and Raumati)
- Raumati South - between Poplar Road and Jeep Road (850m shorter)
- Paekākāriki – within 400m of the Surf Club (800m shorter, with the removal of the second restriction from Beach Road to 90 Ames Street).

25 Finally, as a result of the submission from GWRC, an additional and final amendment has been included to reflect three sites in the northern beaches where Natural Resources Plan rules restrict driving. These sites will be included as an informational 'notation' only to make beach users aware, as the Council is not responsible for monitoring or enforcing these rules.

26 No amendments are recommended for the remaining Bylaw proposals that were consulted on, which were to:

- lower the fine imposed for driving offences to \$150;
- clearly specify our existing parking restrictions to allow issuing of infringement notices;
- remove the 'beachside reserve track' in Te Horo from 'allowable driving areas';
- require longline fishers to monitor their lines and 'flag' them visibly;
- require longline fishers to take reasonable steps to ensure activity is not a hazard;
- reduce the period of the summer horse riding restrictions to between 10am and 5pm from 15 December to 15 February;
- include 'designated disability parking areas' in the list of defined areas; and
- include 'iwi practices' in the list of defined areas.

27 The remaining proposed amendment to the Bylaw is the proposal to close the boat launch and retrieve site on Manly Street in Paraparaumu Beach North.

- Cars are prohibited on Paraparaumu and Waikanae beaches (except for boat launching and Mobility Permit parking) for safety, but the rules are not being followed.
- The Statement of Proposal recommended that the Manly Street site be closed and access to the boat launch sites in Paraparaumu and Waikanae restricted (except for boat launching and Mobility Permit parking).

Although the majority of submitters wanted the Manly Street site to remain open, closure is still recommended. The original rationale stands (the 'no driving' rule is breached consistently and there are real safety risks) and the maintenance costs are high in comparison to the site's capacity. However, if the site was to remain open, the location would need to be added to the list of Authorised Boat Launch and Retrieve sites in the new Bylaw and restrict access to authorised users only.

28 The draft Beach Bylaw 2021 includes other minor amendments, which do not change the intent of the rules in the bylaw or the proposals consulted on during the special consultative procedure (e.g., clarifying that non-motorised watercraft, like kayaks, can also use boat launch and retrieve sites). There will also be a range of updates to operational guidance (e.g. ensuring that people launching watercraft directly from their vehicle, without the use of a boat launch trailer, are identified as authorised users in boat launch and retrieve sites).

- 29 A copy of the Kapiti Coast District Council Beach Bylaw 2021 is attached, as Appendix One (with the changes consulted on marked in yellow and recommended amendments marked in green). For a phase-by-phase summary of the changes to the 2009 Beach Bylaw, from consultation version to the revised version presented for adoption, refer to Appendix Three.

CONSIDERATIONS

Policy considerations

- 30 The rules in the draft Beach Bylaw 2021 reflect an appropriate balance between the community's wishes and what works in terms of beach safety and practical enforcement and management. There are no additional policy considerations with respect to the bylaw.

Legal considerations

- 31 The Council is required by section 155 of the LGA 2002 to make determinations to ensure:
- a) the bylaw continues to be necessary;
 - b) the bylaw continues to be the most appropriate form; and
 - c) any implications under the New Zealand Bill of Rights Act 1990 have been considered.
- 32 The bylaw continues to be necessary, and it is the most appropriate form of managing issues of public nuisance, health, safety, and offensive behaviour on our beaches. The draft Beach Bylaw 2021 contains no provisions that conflict with the New Zealand Bill of Rights Act 1990.
- 33 There are no legal considerations in addition to those already discussed in this report.

Financial considerations

- 34 The review was funded from existing budgets. The communication and implementation work for any bylaw amendments and operational solutions is also covered within existing budgets, with the exception of proposal to restrict vehicle access at the boat launch sites in Paraparaumu and Waikanae (for which funding is being sought through the Long Term Plan process, including provision for Manly Street if it is decided to keep the site open).

Tāngata whenua considerations

- 35 During the special consultative procedure submissions were received from Ātiawa Ki Whakarongotai Charitable Trust and Kaunihera Kaumatua Trust ki Kapiti. Feedback mirrored the earlier guidance provided by Ātiawa Ki Whakarongotai (with the support of ART) on iwi aspirations for the beach, and which had been taken into consideration.

Strategic considerations

- 36 *Toitū Kāpiti* includes aspirations for strong, safe communities and a thriving environment. The Beach Bylaw assists in achieving these aspirations because it seeks to enhance the safety of the public while also protecting the natural beach environment, by managing the human activities on beaches in the Kāpiti Coast District.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 37 In accordance with the LGA 2002, a special consultative procedure was required, and undertaken, for the bylaw review.

Consultation already undertaken

- 38 Prior to the formal consultation, the Council:
- sought input from our iwi partners on their aspirations for the beach;

- consulted with community stakeholders, including local boat clubs, local surf lifesaving clubs, and other community groups (e.g. disability advisory and equine interest groups);
 - consulted with government stakeholders, including Greater Wellington Regional Council, Department of Conservation, and the New Zealand Police; and
 - conducted a stakeholder survey to test community opinion on some key topics, receiving nearly 1,800 responses between 30 January and 30 April.
- 39 For the formal consultation, a communications plan was developed to encourage community participation in the formal consultation. The submission period ran for five weeks, from 12 October 2020 to 13 November 2020. Hearings were held on Monday 23 November and Thursday 26 November, with 37 submitters to speaking to their submissions.

Publicity

- 40 The finalised Beach Bylaw 2021 will be of considerable interest to the community. Subject to Council adopting the Kapiti Coast District Council Beach Bylaw 2021:
- the new 2021 Bylaw will be uploaded to the Council website and the website page on beach activities will be refreshed;
 - the Council will give public notice of when the new Bylaw will come into operation, as required by the LGA 2002;
 - the Council will engage with the wider community via social media and newspaper; and
 - the Council will review and upgrade signage across the District.
- 41 Any work to progress the operational proposal to physically restrict vehicle access to Paraparaumu and Waikanae beaches (if funded through the Long-Term Plan) will undertake targeted consultation on the potential solutions (e.g. options for barrier arms or cameras).

Other Considerations

- 42 The Bylaw will come into effect on 1 June 2021, allowing two months to prepare for implementation. An implementation plan has been developed to ensure that all necessary changes are actioned (e.g. updating of website information and maps, development and installation of new signage). This currently excludes any work to progress operational proposals to restrict unauthorised vehicle access to Paraparaumu and Waikanae beaches (for which a funding bid has been placed in the current Long-Term Plan process).

RECOMMENDATIONS

- 43 That the Council:
- a) repeal the Kapiti Coast District Council Beach Bylaw 2009;
 - b) adopt the Kapiti Coast District Council Beach Bylaw 2021 (Appendix One), subject to any further minor amendments or corrections needed which do not alter the intent of the Bylaw provisions
 - c) note that plans are in place for the communications and implementation work for the Bylaw to come into effect on 1 June 2021.

APPENDICES

1. Kapiti Coast District Council Beach Bylaw 2021 [↓](#)
2. Summary of submissions and post-consultation analysis [↓](#)
3. Beach Bylaw 2021 - Record of Proposed Changes [↓](#)

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KAPITI COAST DISTRICT COUNCIL BEACH BYLAW 2021

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DRAFT FOR ADOPTION**1. Title, Commencement and Application**

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Beach Bylaw 2021 and comes into force on 1 June 2021.
- 1.2 This Bylaw is made pursuant to Sections 145 and 146 of the Local Government Act 2002 and section 22AB of the Land Transport Act 1998, or any subsequent amendments.
- 1.3 This Bylaw applies to any part of the beach (the term 'beach' is defined in section 4.1 of this Bylaw) in the Kapiti Coast District, including:
- (a) the beach area of Kapiti Marine Reserve, Kapiti Island Nature Reserve, and the Waikanae Estuary Scientific Reserve, which are owned and managed by the Department of Conservation.
 - (b) the beach area of Queen Elizabeth Park, which is owned and managed by the Greater Wellington Regional Council and subject to Greater Wellington Regional Council's Parks, Forests and Reserves Bylaw 2016, including any subsequent amendments.
- 1.4 This Bylaw does not apply to dogs on the District's beaches. For rules associated with dogs on beaches, please refer to the Kapiti Coast District Council Dog Control Bylaw 2019 and Dog Control Policy 2019, or any subsequent amendment.
- 1.4 This Bylaw replaces the Kapiti Coast District Council Beach Bylaw 2009.

2. Kapiti Coast District Council Beach Bylaw 2021 Validation

- 2.1 The Kapiti Coast District Council Beach Bylaw 2021 was approved at a meeting of the Kapiti Coast District Council held on 25 March 2021 after completion of the Special Consultative Procedure.
- 2.2 The Common Seal of the Kapiti Coast District Council was affixed, pursuant to a resolution of Council on 25 March 2021 in the presence of:

K Gurunathan
Mayor

Councillor

Wayne Maxwell
Chief Executive Officer

DRAFT FOR ADOPTION**3. Objective**

- 3.1 Subject to the limitations of Sections 145 and 146 of the Local Government Act 2002, the purpose of this Bylaw is to manage human activities on the beach in order to protect, promote, and maintain health and safety and the beach environment in accordance with *Toitū Kāpiti: Kāpiti Coast District Council Long term plan*, which aims to ensure:
- (a) a high quality natural environment enjoyed by all; and
 - (b) a resilient community that has support for basic needs and feels safe and connected.
- 3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- (a) any other Council bylaws, District Plan requirements;
 - (b) the Land Transport Act 1998 or any Act passed in amendment or substitution thereof;
 - (c) the Summary Offences Act 1981 or any Act passed in amendment or substitution thereof;
 - (d) any protected customary rights in the Marine and Coastal Area Act 2011;
 - (e) the Litter Act 1979;
 - (f) the Greater Wellington Proposed Natural Resources Plan, the Navigation and Safety Bylaw for the Wellington Region, and any other requirements imposed by Greater Wellington Regional Council;
 - (g) the Waikanae Scientific Reserve Bylaw 1994 and any other requirements imposed by the Department of Conservation; and
 - (h) any other applicable Acts, regulations or rules.

4. Interpretation

- 4.1 In this Bylaw, unless the context requires otherwise:

Animals	Shall have the same meaning as defined in section 2 of the Animal Welfare Act 1999. This Bylaw does not apply to the control of dogs. For the rules associated with dog on beaches, please see the Dog Control Bylaw 2019 and the Dog Control Policy 2019.
Approved	Means approved in writing by Council or by any authorised Council Officer.
Authorised Boat Launch and Retrieve Area	Means a section of the foreshore, as identified by signage and/or signposts, designated for the purpose of launching boats and watercraft.
Authorised Disability Parking Area	Means a section of the foreshore designated for the purpose of people with disabilities to park and access the beach.

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Authorised Officer	Refers to any officer of the Council or any other person authorised under the Local Government Act 2002 and authorised by Council to administer and enforce its bylaws.
Authorised Parking Area	Refers to an area on the foreshore designated for parking.
Authorised Surf Lifesaving Area	An area of beach patrolled by a Surf Lifesaving Club.
Authorised Vehicle Accessway	Means a Council sign posted road or track allowing vehicular access to the beach from public roads, parking bays, reserves or picnic areas.
Beach	Any area along the Kapiti Coast which can reasonably be considered part of the beach environment including the foreshore, dunes, river mouths, coastal vegetation, coastal protective works, and any other areas of sand, surf, pebbles, shells or shingles under Council regulatory control. This area is a road for the purposes of the Land Transport Act 1998.
Chief Executive	Means the Chief Executive of the Kapiti Coast District Council or a person acting under delegated authority on behalf of the Chief Executive.
Coastal Marine Area	Has the meaning given by section 2 of the Resource Management Act 1991.
Coastal Protection Works	Means any hard or soft structures (such as sea walls, rock revetments, dune fencing and coastal plants) used to prevent erosion and controlled by the Council.
Council	Means the Kapiti Coast District Council or any Committee acting under the delegated authority of the Kapiti Coast District Council.
District	Means the Kāpiti Coast District.
Drones	An aircraft without a human pilot onboard. Its flight is controlled either autonomously by onboard computers or by the remote control of a pilot on the ground or in another vehicle.
Dunes	Means the section of the beach lying generally above the high tide mark where mounds or ridges of sand or stones formed by wind or water action exist. These dune areas may be covered or uncovered by vegetation.

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Enforcement Officer	Means any person appointed by the Council who holds a warrant under section 177 of the Local Government Act 2002, any person warranted under section 38 of the Resource Management Act 1993, any person warranted under section 33G of the Maritime Transport Act 1994, a Parking Warden appointed under section 128D of the Land Transport Act 1998 and includes a 'Constable' under the Policing Act 2008.
Foreshore	Means the land edging the sea, estuaries and rivers that are normally submerged and exposed by the sea's tidal ebb and flow, that is, the area between the line of mean high water springs level and the mean low water springs level.
Foxton Ecological District	The beach area from South Taranaki to Paekākāriki is a unique ecological area known as the Foxton Ecological District, which is characterised by extensive sand-dunes, estuaries, wetlands, dune lagoons and a few coastal swamp forests. (DOC, 1987, <i>Ecological Regions and Districts of New Zealand</i> , p56.).
Green Waste	Means any waste organic material generated by human activities.
Hang glider	Means a glider, including a powered glider, that is capable of being launched and landed solely by the use of the pilot's legs, and includes para gliders.
Horse	Means any horse, mule, donkey or ass.
Kite surf (sailboard)	Means any type of board that is propelled by a detachable sail apparatus and operated by a person standing on the board. This includes wind surfers and kite surfers.
Land Yacht	Means any unmotorised wheeled vehicle used in land sailing which consists of little more than a carriage and a sail.
Licence	Refers to a permit or other authority from the Council.
Litter	Has the meaning given to it by section 2 of the Litter Act 1979.
Longline fishing off the beach	Refers to fishing from the beach using long lines fitted with multiple hooks regardless of device (for example kontiki, kite, drone) used to deploy the line.
Moped	Shall have the same meaning as defined in section 2 of the Land Transport Act 1998.
Motorcycle (motorbike)	Shall have the same meaning as defined in section 2 of the Land Transport Act 1998.

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Motorised water craft	Means any boat, jet ski or vessel propelled by a motor and controlled by a person or any other means.
Offence	Includes any act or omission in relation to this bylaw or any part thereof for which any person is liable to prosecution.
Official Beach Access Point	Means a Council sign posted road or track allowing pedestrian access to the beach from public roads, parking bays, reserves or picnic areas.
Para glider	Means a hang glider with no rigid primary structure. See hang glider.
Prohibited Driving Area	Means a section of the beach set out in clause [15(b)] of this Bylaw where driving is prohibited.
Protected Customary Right	Shall have the same meaning as defined in section 51 of the Marine and Coastal Area Act 2011.
Sign	Means any display or device whether or not placed on land or affixed to a building, stationary vehicle or structure, intended to attract attention for the purposes of directing, identifying and informing.
Stock	Includes poultry, cattle, deer, goats, sheep, pigs or any other farmed animal (excluding horses).
Surfcasting	The activity of fishing from shore, especially by casting one's line into the surf.
Vehicle	Shall have the same meaning as defined in section 2 of the Land Transport Act 1998 or subsequent amendments.

5. Appropriate Behaviour

- 5.1 No person shall use any dressing shed or toilet except for its intended purpose, nor loiter in or around any dressing shed or toilet.
- 5.2 No person shall remain upon any part of the beach in deliberate view of others in such a state of undress as to cause offence.

6. Beach Activities**(a) Fishing**

- 6.1 It is the responsibility of all surfcasters and longline fishers to take reasonable steps to ensure their lines or equipment do not present a safety hazard to other beach users.
- 6.2 No person shall clean fish or bring, deposit or leave any filth or rubbish in any

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dressings shed or toilet.

- 6.3 Longline fishing off the beach (regardless of method of deployment) is not permitted between the hours of 10.00am and 5.00pm from 15 December to 15 February, in the following areas:

- (a) between 8 Marine Parade and 100 Marine Parade, Otaki;
- (b) between Te Horo Beach Road and south end of Rodney Ave, Te Horo;
- (c) between Peka Peka Road and Marram Way, Peka Peka;
- (d) between Waikanae Boat Club and Olliver Grove, Waikanae;
- (e) between Kapiti Boat Club in Paraparaumu and Takatimu St in Raumati;
- (f) between Poplar Road and Jeep Road, in Raumati South; and
- (g) within 400m of the Surf Club in Paekākāriki.

- 6.4 All individuals undertaking longline fishing must ensure their line is visible by the placement of flags on the line.

- 6.5 All individuals undertaking longline fishing must ensure their line is monitored at all times.

(b) Kite surfing

- 6.6 It is the responsibility of all kite surfers to take reasonable steps to ensure their lines or equipment do not present a safety hazard to other beach users.

7. Boat Launching and Retrieval Sites

- 7.1 The following sites are designated as official boat launching and retrieval sites:

- (a) Jeep Road, Raumati South
- (b) 'Marine Gardens', Garden Road or Matatua Road, Raumati Beach;
- (c) Kapiti Boating Club, Marine Parade, Paraparaumu Beach;
- (d) Waikanae Boat Club, Tutere Street, Waikanae Beach;
- (e) Peka Peka Road, Peka Peka Beach;
- (f) south end Rodney Avenue, South End access;
- (g) opposite 100 Marine Parade, Otaki; and
- (h) opposite 8 Marine Parade, Otaki.

- 7.2 The geographical boundaries of the sites listed may be identified by signage and/or signposts.

8. Boat and Watercraft Launching

- 8.1 Motorised boats and watercraft shall, except in emergency situations, launch from a site set out in clause 7.1.

- 8.2 Non-motorised boats and watercraft are permitted to launch from:

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(a) Any site set out in clause 7.1; or

(b) Any permitted driving area as set out in clause 15.4.

9. Litter and Green Waste

9.1 No person shall dump litter or green waste on any part of the beach.

9.2 Any person found discarding or dumping or directing the discarding or dumping of litter or green waste contrary to this Bylaw, is liable to prosecution and or a fine to recover the costs associated with its removal.¹

10. Life Saving

10.1 No person shall obstruct, hinder or interfere with any life-saving operations or with any person engaged in life saving activities.

10.2 The Council may at its discretion authorise any life-saving club to erect and remove danger notices from any place.

10.3 No person shall swim in any place, or in the vicinity of any place, which is declared unsafe for such activity by a Council approved "danger" board or notice. No person shall swim or bathe in any place after being warned by an enforcement officer or qualified life-saving attendant that it is dangerous to swim in such a place.

10.4 No person shall use, displace, or otherwise interfere with any appliance, warning device or sign provided by the Council or by any life-saving club unless authorised by an official surf club member, an enforcement officer, or member of Police.

10.5 From time to time, a surf lifesaving club may set aside areas of beaches as flagged areas for the purposes of swimming and bodyboarding only. No person may carry out any activity other than the activities for which the area has been flagged. These flagged swimming areas are marked by two yellow flags forming the boundary.

11. Harvesting

11.1 Except with the written permission of the Chief Executive, no beach material listed in clause 11.2 may be removed:

- (a) using any power equipment or tool (such as a chainsaw) to chop up or break down material for removal; and
- (b) in quantities exceeding that which can be carried on foot (unless the permitted quantity is specified in some other bylaw or Act of Parliament).

11.2 Except with the written permission of an authorised officer, no person shall remove any of the following resources from the beach in quantities greater than that specified in clause 11.1 above:

- (a) sand;

¹ Individuals caught dumping or discarding litter may also be liable to an infringement offence under the Litter Act 1979.

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- (b) driftwood;
- (c) native estuary vegetation; and
- (d) stones - where they form the predominant beach material.

12. Aircraft and Hovercraft

12.1 No person shall (except in the case of an emergency) land or attempt to land on any part of the beach any aircraft, glider, balloon, parachute or other craft for air flying nor any hovercraft, except a hang glider or para glider, unless:

- (a) The Council has given written approval to carry out the activity; and
- (b) All other statutory requirements are also complied with.

12.2 Any person flying a drone must comply with the Civil Aviation Act 1990 and any other relevant Council policy.

13. Hang glider/Para glider

13.1 No person shall (except in the case of an emergency) land or attempt to land on any part of the beach any hang glider or para glider unless:

- (a) The Council has given written approval to carry out the activity and all other statutory requirements are also complied with; or
- (b) The person is landing a hang glider or para glider on the foreshore between the southernmost limit of Ames Street, Paekakariki, and the Fisherman's Table Restaurant² at the southern boundary of the District.

13.2 Any person landing or attempting to land a hang glider or para glider on the foreshore between the southernmost limit of Ames Street, Paekākāriki and the Fisherman's Table Restaurant, shall take all possible steps to avoid causing a nuisance or danger to other beach users.

13.3 No person shall (except in the case of an emergency) attempt to become airborne or waterborne in any aircraft, glider, para glider, hang glider balloon, parachute or other craft for air flying nor any hovercraft, from any part of the beach, unless the Council has given written permission to carry out the activity and the person has complied with all other statutory requirements.

14. Land Yacht

14.1 No person may operate a land yacht on any part of the beach unless they are on the foreshore between the north bank of the Waimeha Stream Mouth, North Waikanae, and the Official Beach Access Point at Olliver Grove, North Waikanae.

14.2 All land yachts being driven on the beach must give way to pedestrians, bathers, horses and dogs at all times.

15. Vehicles:**(a) Authorised vehicle accessways**

² Fisherman's Table Restaurant situated at 29 State Highway 1, Paekakariki 5034.

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15.1 The following sites are designated as authorised vehicle accessways:

- (a) Peka Peka Road, Peka Peka;
- (b) south end of Rodney Avenue, Te Horo;
- (c) opposite The Avenue, Otaki;
- (d) opposite 100 Marine Parade, Otaki;
- (e) opposite 8 Marine Parade, Otaki.

(b) Prohibited Driving Areas

15.2 Two-wheeled (road or off-road) motorcycles or mopeds are not permitted to drive on any part of the beach.

15.3 No person may drive any vehicle in a prohibited driving area of the beach or on any dunes or coastal protection works, unless that person has the prior permission of the Council or when any of the following circumstances apply:

- (a) an emergency or law enforcement situation;
- (b) an authorised officer/enforcement officer undertaking monitoring and compliance; or
- (c) Council, groups recognised by Council, Greater Wellington Regional Council or Department of Conservation Staff (or their delegated contractors) carrying out restoration or beach maintenance work.

(c) Permitted Driving Areas

15.4 All beaches in the District are prohibited driving areas in relation to any vehicle (excluding two-wheeled motorcycles and mopeds) apart from the following:

- (a) the foreshore between the Official Beach Access Point at Olliver Grove, North Waikanae, to the Official Beach Access Point at the southern end of Rodney Avenue, Te Horo;
- (b) the formed shingle track adjacent to the foreshore between the northern bank of the Otaki River mouth to the Official Beach Access Point opposite 100 Marine Parade, Otaki Beach;
- (c) the foreshore between the Official Beach Access Point opposite 8 Marine Parade, Otaki Beach, to the northern limit of the District. (Note: The Waitohu Reserve area is outside the limits of the foreshore and is off limits to all vehicles).

Note: Under the Greater Wellington Regional Council's Natural Resources Plan, driving is restricted in the following areas (Rule 196) unless launching or retrieving a boat (Rule 190) or for surf lifesaving operations, emergency situations and government activities (Rule 197):

- (a) the foreshore of the Kowhai Stream Mouth;
- (b) the foreshore of the Otaki River Mouth/Estuary; and
- (c) the foreshore of the Waitohu Stream Mouth/Estuary.

15.5 No person shall, except for emergency purposes, bring or drive any vehicle, land

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yacht, or trailer onto any part of the beach except via an Authorised Vehicle Accessway.

- 15.6 No person shall, except for emergency purposes access an Authorised Boat Launch or Retrieve Area or Authorised Disability Parking Area from a vehicle prohibited part of the beach.

(d) Conditions for Driving

- 15.7 No person shall, except for emergency purposes, on any part of the beach:

- (a) Drive a vehicle through an official vehicle beach access point at a speed greater than 10 km/h.
- (b) Drive any vehicle at a speed greater than 20 km/h or in a manner which:
 - (i) causes nuisance or annoyance to other beach users;
 - (ii) causes damage to any part of the beach; or
 - (iii) has adverse effects on plants and/or native animals or their habitats.

- 15.8 No person shall tow or drag any wave board or similar device behind any motor vehicle in such a way as to cause a danger or inconvenience to any person.

16. Parking:

(a) Prohibited Parking Areas

- 16.1 Parking on the beach is prohibited in all areas, except for the in following areas:

- (a) Designated boat launching site for individuals parking a trailer;
- (b) Authorised disability parking areas;
- (c) Permitted driving areas set out in clause 15.4; and
- (d) any other authorised parking areas.

- 16.2 No person may park any vehicle in a prohibited Parking Area on the beach or on any dunes or coastal protection works, unless that person has the permission of the Council or when any of the following circumstances apply:

- (a) an emergency or law enforcement situation;
- (b) an authorised officer/enforcement officer undertaking monitoring and compliance; or
- (c) Council, groups recognised by Council, Greater Wellington Regional Council or Department of Conservation Staff (or their delegated contractors) carrying out restoration or beach maintenance work.

(b) Authorised Disability Parking Areas

- 16.2 Individuals holding a Mobility Parking Permit may park on the foreshore at any Authorised Disability Parking Area, provided a valid Mobility Parking Permit is displayed.

- 16.3 Authorised Disability Parking Areas are located in the following sites:

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(a) the Authorised Boat Launch and Retrieve Area at Kapiti Boating Club;

(b) the Authorised Boat Launch and Retrieve Area at Waikanae Boating Club.

Note: Inquiries about mobility parking permits can be made to Well-Able Information and Equipment Service (phone 04 298 2914 or email info@well-able.org.nz) or CCS Disability Action (phone 0800 227 2255 or email Wellington.Admin@ccsDisabilityAction.org.nz).

(c) Conditions for Parking

16.4 Vehicles displaying Mobility Parking Permits must give way to vehicles launching boats at all times when driving through boat launching areas or accessways.

16.5 No person shall:

- (a) park any craft, trailer or vehicle on or near any Authorised Boat Launch and Retrieve Area and Authorised Disability Parking Areas so as to obstruct or impede the reasonable use of such areas; or
- (b) park beyond the signposted boundaries of any Authorised Boat Launch and Retrieve Area or Authorised Disability Parking Area in a vehicle prohibited part of the beach.

17. Horses and Stock

17.1 Between 10am – 5pm from 15 December to the 15 February no person shall ride, drive or lead a horse on the foreshore in the following restricted areas:

- (a) from the southern boundary of the District to the Wainui Stream mouth at the north of the Paekākāriki Settlement;
- (b) from the Official Beach Access at Jeep Road, Raumati South, to the Kapiti Boating Club, Paraparaumu Beach;
- (c) from the Waikanae Boating Club, Waikanae Beach to the Waimeha Stream mouth, Waikanae Beach; and
- (d) from the beach access point opposite 100 Marine Parade, Otaki Beach to the beach access point opposite 8 Marine Parade, Otaki Beach and in Waitohu Reserve.

17.3 At all other times and locations, a person may ride, drive or lead a horse on the foreshore.

17.6 No person shall, on any part of the foreshore, ride any horse in a manner which causes danger or unreasonable inconvenience to any person or causes damage to the beach environment.

17.8 The Council may from time to time issue a permit authorising horse racing or riding in a restricted area of the foreshore, in which case:

- (a) the provisions of this Bylaw apply except so far as varied by the permit and any conditions on the permit; and
- (b) the rider must either clearly display the approved sticker or carry the permit so that it can be produced on demand.

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- 17.9 Horses are prohibited from traversing all areas of the beach other than the foreshore and appropriately marked beach accessways.
- 17.10 A Council permit is required to lead stock on the beach.
- 17.11 No person who has obtained prior written permission from the Council to drive or lead any stock on any part of the beach shall do so in a manner which causes danger or inconvenience to any person or causes damage to the beach environment.

18. Hiring of Craft/Trading on the Beach

- 18.1 No person shall, on any part of the beach, sell, offer for sale, or trade, any article without obtaining a permit.
- 18.2 The Council may authorise the use of any part of the foreshore for the hiring, storing, launching and recovery of any types of waterborne craft made available for public hire, and may issue a permit to any person or persons for the carrying out of one or more of those activities.
- 18.3 Any such permit may include such conditions as may be desirable in the interests of the safety and convenience of the public.

Note: For information about applying for a permit for trading in a public place, please see Council's Public Places Bylaw and Trading in Public Places Policy.

19. Special Events – Non commercial

- 19.1 Any person or organisation wishing to hold a special event on the foreshore shall apply in writing to the Council for a permit to hold such an event. This application should be received at the Council a minimum of six weeks before the planned event.
- 19.2 The issuing of a permit for a special event may be subject to a bond to cover the costs of any clean-up or remediation undertaken by the Council following the event. The bond amount will be determined by Council Officers based on the size and potential risk of staging the said event.

20. Beach Preservation

- 20.1 No person is permitted to cultivate or tend any plant/s on the beach, other than those that naturally occur within the Foxton Ecological District, unless with prior permission of the Council.
- 20.2 Other than horses or dogs, no person is permitted to introduce or release any animal into the beach environment, without prior written permission of the Council.
- 20.3 The Council reserves the right to work with landowners to ensure that private accessways to the beach are consolidated when cause for consolidation is justified to prevent harm to the coastal dune system.

21. Coastal Protection Works

- 21.1 No person shall damage, break, destroy, remove or otherwise interfere with any coastal protection works legally placed, planted, erected or maintained on any

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part of the beach for the control of sand or shingle or for the prevention of erosion without a written permit from the Council.

22. Defined Areas

- 22.1 The Council may from time to time following public consultation, upon such terms and conditions and for such period or periods as it thinks fit, declare that a defined area of the beach shall be notified and identified as an area where specific activities may be expected to occur, either:

- (a) to limit damage to the natural environment; or
- (b) to restrict an activity that might not be acceptable in all areas; or
- (c) to provide for safety matters.

For example, and without limitation, a defined area could include:

- (d) dune restoration areas;
- (e) clothing optional areas;
- (f) iwi traditional practice areas;
- (g) vehicle driving or parking areas; and
- (h) designated disability parking area.

Note: Unless specific prohibitions are established, a defined area does not exclude the general public from use of those areas.

23. Permits Issued Pursuant to the Bylaw

- 23.1 Where the Council issues any permit pursuant to the terms of this Bylaw, it may impose any reasonable conditions on that permit that it thinks fit.
- 23.2 When undertaking a permit-required activity on the beach, permits or permit stickers must be either visibly displayed or readily available so that they can be produced on demand.

24. Offences and Penalties**(a) Offences**

- 24.1 Every person who breaches the terms of this Bylaw commits an offence.

- 24.2 Further, every person commits a breach under this Bylaw who:

- (a) Fails or refuses to, if requested, supply Council Enforcement Officers with their full name and address as set out in section 178 of the Local Government Act 2002.
- (b) Obstructs or hinders any Enforcement Officer of the Council or other Council appointed person in performing any duty or in exercising any power under this Bylaw.

(b) Penalties

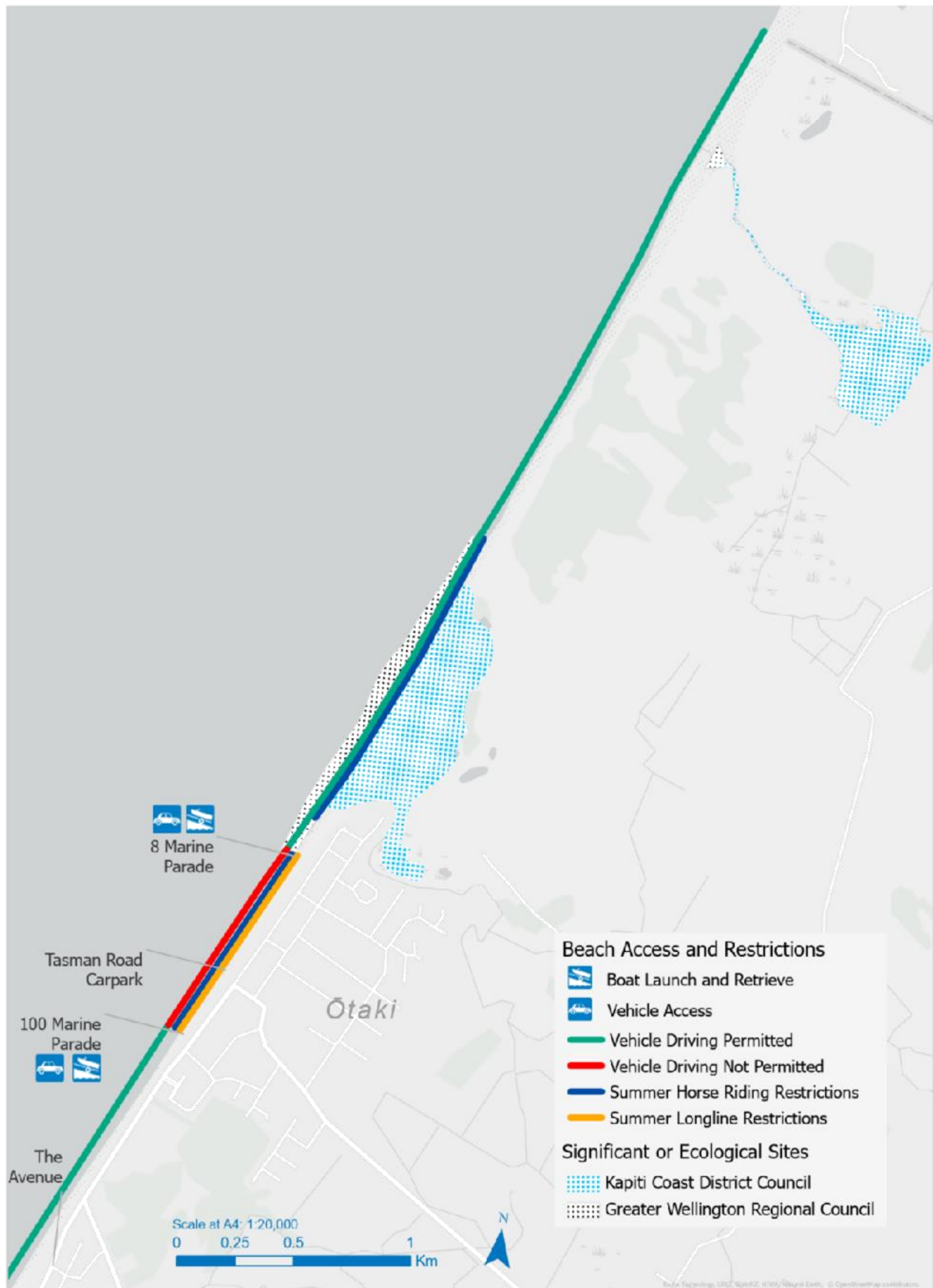
- 24.3 The infringement fee, issuable by the New Zealand Police for breach of the driving provisions as set out in clause 15.1 to 15.8 of this Bylaw is \$150 as set

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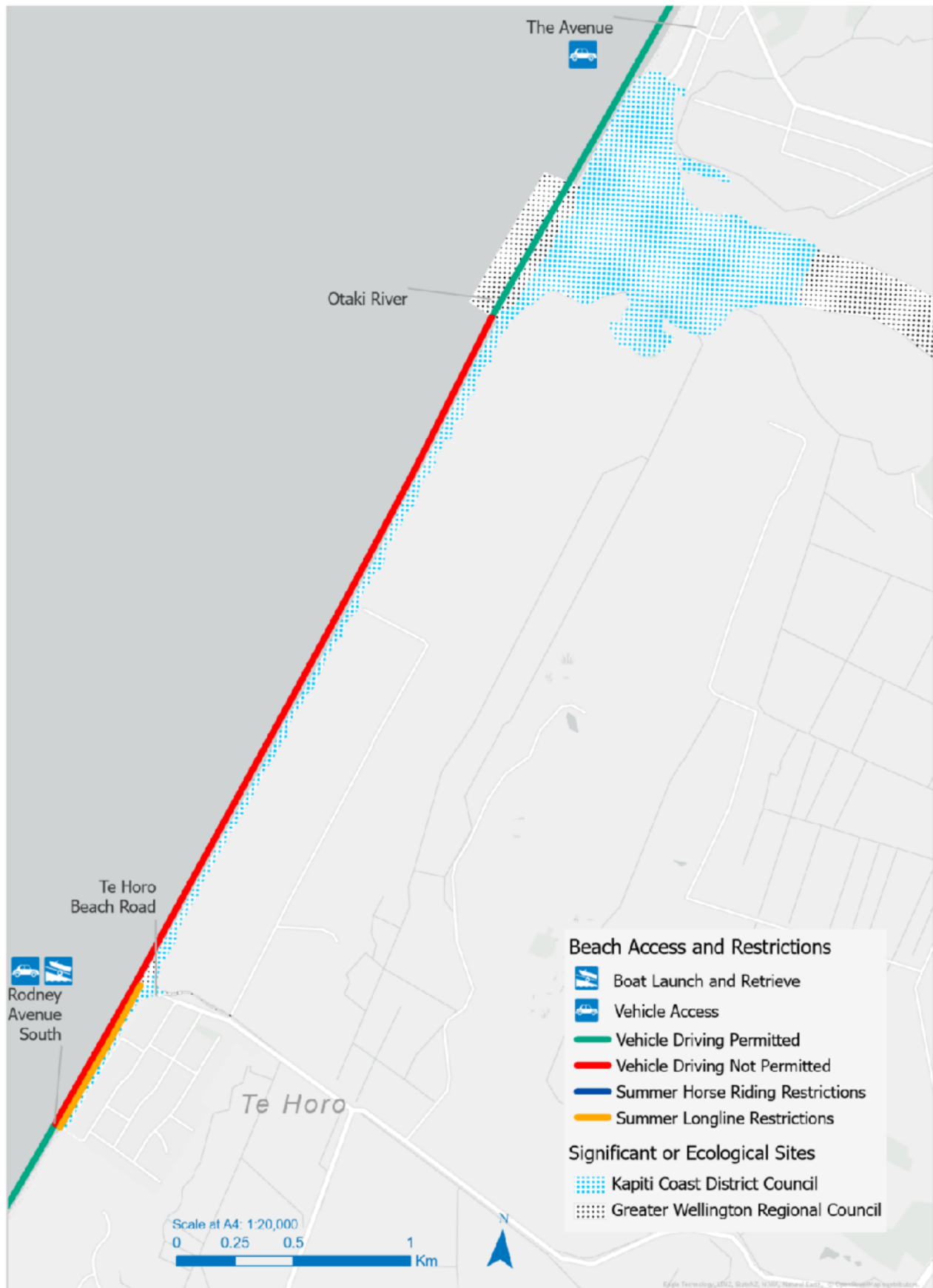
out in Land Transport (Offences and Penalties) Regulations 1999.

- 24.4 The infringement fee, issuable by the Council for breach of the parking provisions as set out in clause 16.1 to 16.5 of this Bylaw is \$150 as set out in Land Transport (Offences and Penalties) Regulations 1999.
- 24.5 Subject to any provision to the contrary, any person guilty of an offence against this Bylaw shall be subject to the penalties set out in section 242(2) of the Local Government Act 2002, and is liable on conviction to a fine not exceeding \$20,000.

Ōtaki: Beach Access and Restrictions



Te Horo to Ōtaki River: Beach Access and Restrictions



Beach Access and Restrictions

- Boat Launch and Retrieve
- Vehicle Access
- Vehicle Driving Permitted
- Vehicle Driving Not Permitted
- Summer Horse Riding Restrictions
- Summer Longline Restrictions

Significant or Ecological Sites

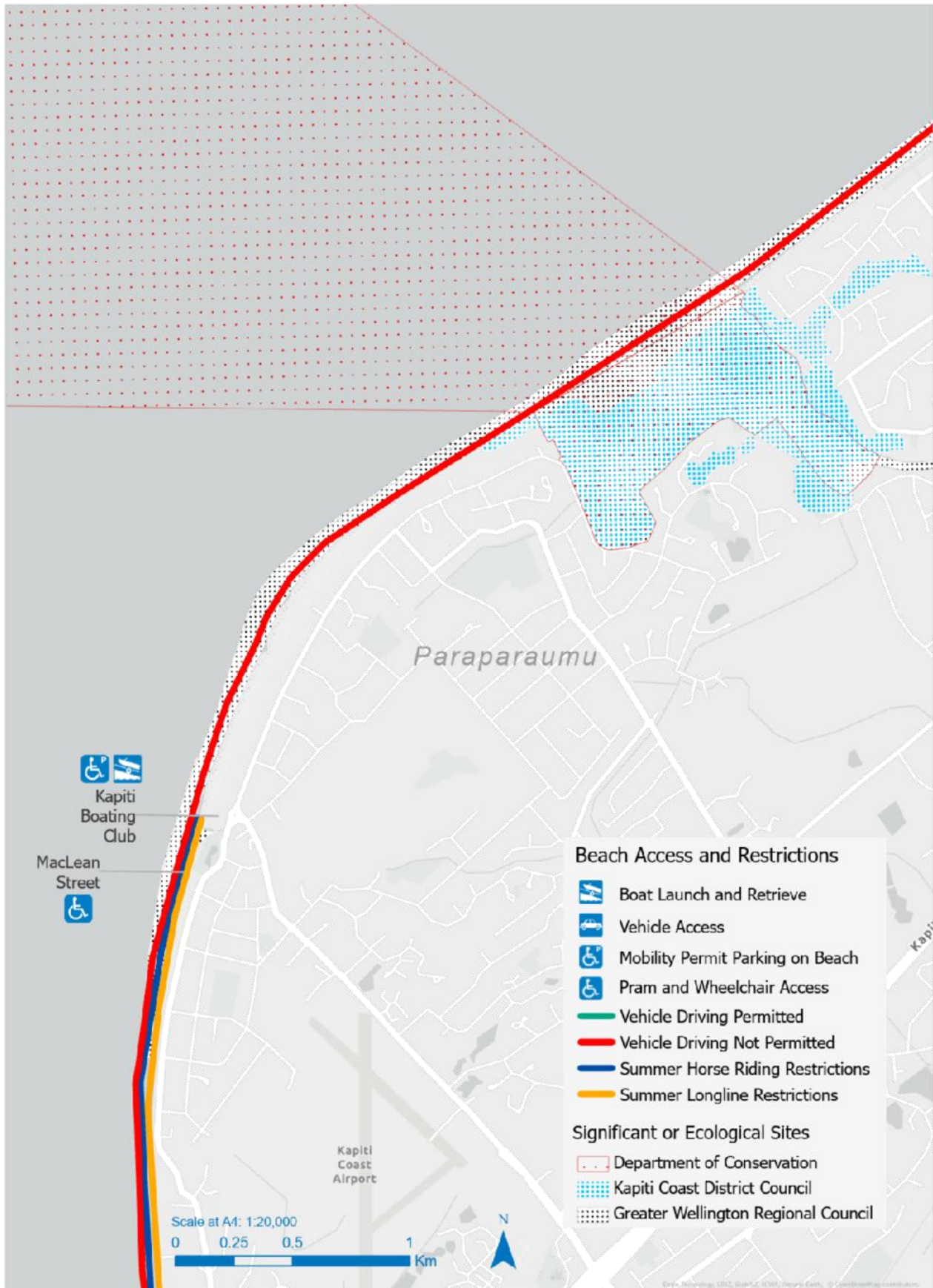
- Kapiti Coast District Council
- Greater Wellington Regional Council

Scale at A4: 1:20,000
0 0.25 0.5 1 Km

Waikanae: Beach Access and Restrictions



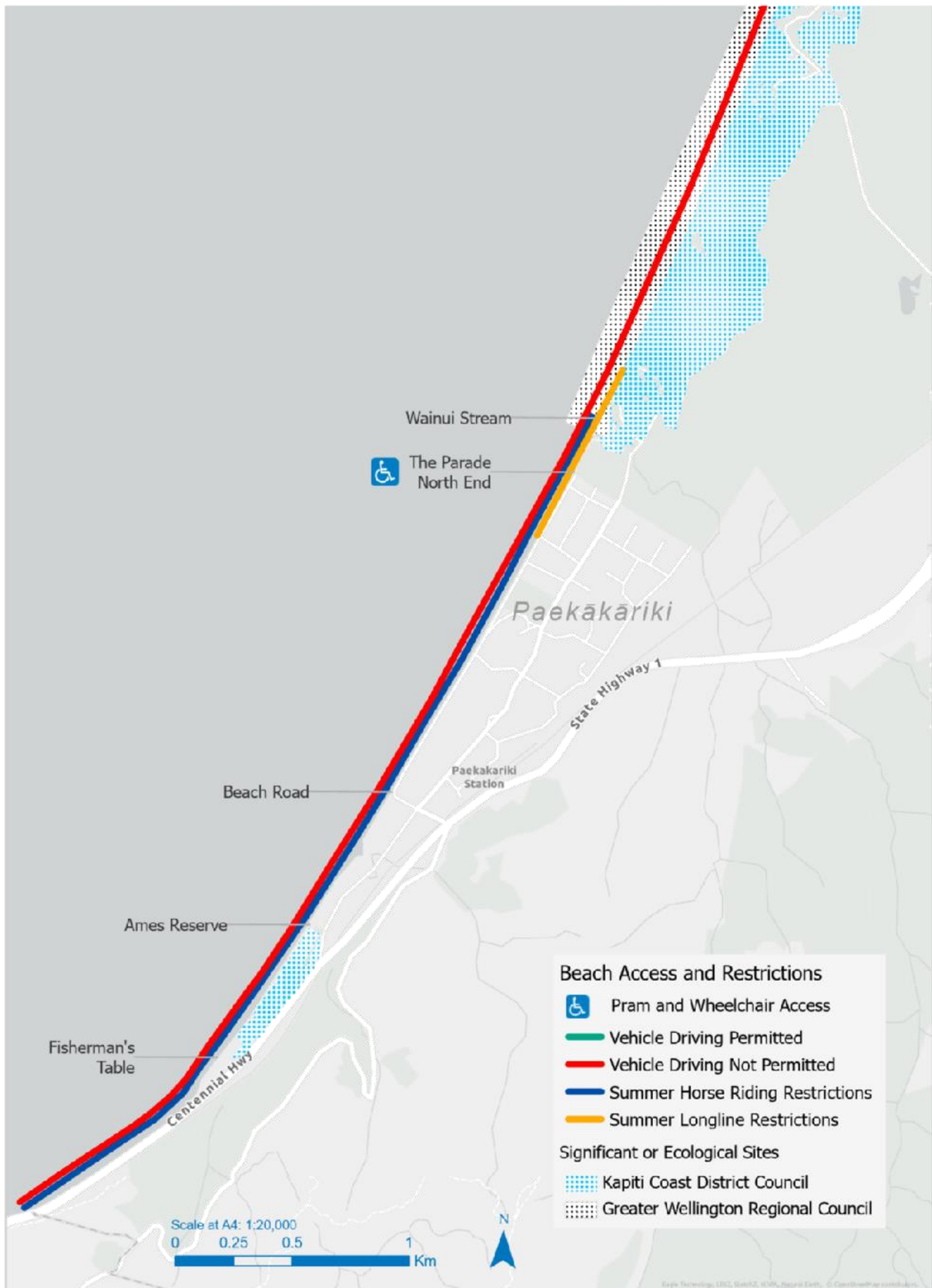
Paraparaumu: Beach Access and Restrictions



Raumati: Beach Access and Restrictions



Paekākāriki: Beach Access and Restrictions



Beach Bylaw Review:

Summary of submissions

Summary of post-consultation analysis

Background:

- On 24 September 2020, the Strategy and Operations Committee approved the draft Kapiti Coast District Council Beach Bylaw 2021 for public consultation.
- The Statement of Proposal for the draft Kapiti Coast District Council Beach Bylaw 2021 presented 18 distinct proposals (bylaw changes as well as operational responses).
- The consultative procedure, which ran from 12 October 2020 to 13 November 2020, was:
 - publicly notified in the Kāpiti News on 14 October 2020
 - advertised in the Kāpiti News on 14 October 2020, and Ōtaki Mail October 2020 edition
 - promoted through the Council website, the Everything Kāpiti newsletter, Council's Facebook page, through Council's service centres and libraries and on local radio.
- A total of 458 submissions were received during the public consultation (online, emailed or dropped into the Council or service centres).

Summary of submissions

- An external provider collated the submissions and provided the submissions analysis. The summary of submissions is included in column one of Table 2.
- Vehicles on beaches (support for or opposition to) was the predominant issue during the pre-engagement and this was reflected in the consultation feedback. Views on enforcement (the lack of, or views that enforcement is excessive or unnecessary) was a strong secondary theme.
- Peoples' views of various activities and behaviours were dependant on the situation in which they arose (e.g. location, time and number of people involved) and how they impacted them.

Post-consultation analysis:

- Submitter feedback on each proposal or question in the Statement of Proposal was considered within a wider framework, as outlined in Table 1.

Table 1: Method of post-consultation analysis

Evaluation criteria for final analysis of the Beach Bylaw Review proposals		
Legislative (key criteria)	Public view (significant criteria)	Efficacy (significant criteria)
Protect the public from nuisance	Submissions feedback from formal consultation	Response fits size and impact of issue
Protect, promote, and maintain public health and safety	Beach Bylaw Survey 2020 input	Equity across activities on the beach
Minimises potential for offensive behaviour in public places		Impact on conflict between beach users
Manage/protect against damage/misuse of land (KCDC)		Practicality of response
Most appropriate to use bylaw		Ability to monitor or enforce
		Financial impact in terms of capital expenditure or staff costs
		Usefulness of bylaw rule to address issue

Table 2: Summary of submissions and Summary of post-consultation analysis

Summary of submissions	Post-consultation analysis of proposals						
<ul style="list-style-type: none">Results (quantitative and qualitative) for each proposal in the Statement of Proposal (bylaw and/or operational) are summarised below.The numbers that are shown in brackets in information on the themes represent the number of submitters who mentioned the point or remark.	<ul style="list-style-type: none">The final comments and recommendation for each proposal in the Statement of Proposal are summarised below.The analysis took a safety first approach and, where a trade-off was required, placed the safety of those on foot (pedestrians, picnickers, swimmers) as the priority.						
Question 1 Do you support the amendment to the Offences and Penalties section of the bylaw to set a penalty of \$150 for motor vehicle drivers failing to comply with the Beach Bylaw?							
Submission results: <table><tr><th>Submitters</th><th>Yes</th><th>No</th></tr><tr><td>423</td><td>269 (64%)</td><td>154 (36%)</td></tr></table> <p>Key themes for <u>Yes</u> respondents were:</p> <ul style="list-style-type: none">general support (12), particularly if enforced (37)concern about dangerous driving (13)improves the environment (9)reduces the number of vehicles on the beach (5). <p>Key themes for <u>No</u> respondents were:</p> <ul style="list-style-type: none">beach should be available to all users, including cars (21)fine should be more than \$150 (13)inability to enforce (12). <p>Other themes were:</p> <ul style="list-style-type: none">only fine people driving dangerously (12)continue access for fishermen / white-baiters (8).	Submitters	Yes	No	423	269 (64%)	154 (36%)	Comment: <p>The proposal responds to advice from the Police on enforcement approach – and increases the likelihood of action being taken against dangerous or prohibited driving.</p> <p>Majority support from submitters (and strong support for this approach from earlier survey).</p> Recommendation: <p>Progress the bylaw proposal to set a penalty of \$150 for motor vehicle drivers failing to comply with the rules (i.e. a reduction to the current \$750 fine).</p>
Submitters	Yes	No					
423	269 (64%)	154 (36%)					
Question 2 Do you support the bylaw amendment to establish parking restrictions in all but specifically authorised areas?							
Submission results: <table><tr><th>Submitters</th><th>Yes</th><th>No</th></tr><tr><td>422</td><td>199 (47%)</td><td>223 (53%)</td></tr></table> <p>Key themes for <u>Yes</u> respondents were:</p> <ul style="list-style-type: none">will help protect the environment (6). <p>Key themes for <u>No</u> respondents were:</p> <ul style="list-style-type: none">beach should be available to all users (31)not an issue, bylaw not required (19). <p>Other themes were:</p> <ul style="list-style-type: none">allow parking but not driving (9)needs enforcement and monitoring (8)parking area needs to be extended (6)allow parking for disabled people (5)need better signage (4) and maps (5).	Submitters	Yes	No	422	199 (47%)	223 (53%)	Comment: <p>Majority of submitters were opposed. However, the question could have been read to mean additional (rather than existing) parking restrictions would be enforced.</p> <p>Overall responsibility for public safety takes precedence of concerns about access to and use of the beach. As our population grows and the beaches become busier and busier, it is important to retain and enforce the existing vehicle-free areas of our beach to ensure public safety.</p> Recommendation: <p>Progress the bylaw proposal to specify our current parking restrictions (in restricted driving areas) to allow Council enforcement officers to issue parking infringement notices.</p>
Submitters	Yes	No					
422	199 (47%)	223 (53%)					

Summary of submissions			Post-consultation analysis of proposals
Question 3			
Do you support the bylaw amendment to require all beach users to give way to people launching or retrieving a boat in an authorised boat launch and retrieve site?			
Submission results:			Comment: Majority support from submitters. However, compelling points were raised by opposing submitters (including a boating club) who felt the onus should remain on drivers to ensure safety at all times (disabled people’s ability to move out of the way quickly and children lack situational awareness). Submitters also drew attention to the fact that this would be confusing, being contrary to the overriding bylaw rule (8.2) that vehicles must give way to other beach users at all times.
Submitters	Yes	No	
401	343 (86%)	58 (14%)	
Key themes for <u>Yes</u> respondents were:			Recommendation: <u>Withdraw</u> the proposal. It will create confusion and conflict. Instead, retain a single rule (rule 8.2, that vehicles must give way to other beach users at all times) and improve signage warning pedestrians they are entering an area of busy vehicle activity (as already being recommended in Proposal 4).
• improves safety (39).			
Key themes for <u>No</u> respondents were:			
• not an issue, bylaw not required (22)			
• pedestrians should have the right of way (8).			
Other themes were:			
• good signage will resolve the issue (10).			
Question 4			
Do you support the proposal to install signposts on the foreshore to mark the boundaries of authorised boat launch and retrieve sites at:			
• the Kapiti Boating Club, with a 400 metre zone,			
• the Waikanae Boating Club, with a 400 metre zone?			
Submission results:			Comment: Majority support, but both boating clubs requested a larger signposted sites.
Submitters	Yes	No	
394	288 (73%)	106 (27%)	
Key themes for <u>Yes</u> respondents were:			Recommendation: <u>Progress</u> the proposal, with the following adjustments:
• improves safety (6).			
Key themes for <u>No</u> respondents were:			
• not an issue, bylaw not required (8)			
• beach should be available to all users (7).			
Other key themes were:			
• the size (39)			
o 400m is too narrow (27)			
o zone size should depend on time (7)			
o 400m is too wide (5)			
• obvious signage with relevant details (12)			
• apply signs to other sites as well (10)			

Summary of submissions		Post-consultation analysis of proposals	
Question 5			
Do you support the operational proposal to physically restrict vehicle access to the beach at the Kapiti Boating Club and the Waikanae Boating Club except for authorised users?			
Submission results:		Comment:	
Submitters	Yes	No	
402	157 (39%)	245 (61%)	
Key themes for <u>Yes</u> respondents were:		Majority opposition, but for many this was because they oppose the underlying ‘no driving’ rule.	
<ul style="list-style-type: none">will reduce dangerous driving and improve safety (8)will reduce number of cars accessing the beach (7)improves the environment (5).		The barriers were seen as excessive by some, but those who mostly used the beach for walking supported the move.	
Key themes for <u>No</u> respondents were:		A suggested alternative was just using surveillance cameras, but this would have little to no impact. Police can’t act on these photos, the cost of monitoring outputs to issue warning letters is high, and modes of evasion easy (cover your number plate).	
<ul style="list-style-type: none">beach should be available to all users (36)negatively impacts responsible users (23)will increase congestion at other sites (8)expensive cost (7)not an issue, bylaw not required (6).		Recommendation:	
Other key themes were:		<u>Progress</u> the proposal through a funding bid in the Long Term Plan process.	
<ul style="list-style-type: none">depends on implementation/enforcement (21)include other areas in these restrictions (6).		The responsibility for public safety takes precedence over concerns about access for recreation. The safety risks in this area are only going to increase and prevention is still the recommended approach.	
Question 6			
Do you support the proposal to close the boat launch and retrieve site on Manly Street, Paraparaumu Beach North?			
Submission results:		Comment:	
Submitters	Yes	No	
356	107 (30%)	249 (70%)	
Key themes for <u>Yes</u> respondents were:		Majority opposition but, again, for many this was because they oppose the underlying ‘no driving’ rule.	
<ul style="list-style-type: none">improves environment/will stop cars on the reserve (20).		There were concerns of increased congestion at other sites (mainly KBC) but this can be managed as the beach parking available to Manly St is limited.	
Key themes for <u>No</u> respondents were:		Recommendation:	
<ul style="list-style-type: none">will increase congestion at other sites (42)will impact recreational users (18)not an issue, bylaw not required (17)beach should be available to all users (8).		<u>Progress</u> the proposal to close the boat launch and retrieve site on Manly Street. The proposal (along with restricting access to authorized users at other sites) will reduce the safety risks of prohibited driving and the annual cost of maintaining this site is high, for the level of capacity it offers.	
Other key themes were:			
<ul style="list-style-type: none">allow authorised users only (20).			

Summary of submissions			Post-consultation analysis of proposals	
Question 7				
Do you support a bylaw amendment to remove the ‘beachside reserve track’ accessed from Sims Road in Te Horo from the list of ‘allowable driving areas’?				
Submission results:			Comment:	
Submitters	Yes	No	Majority opposition from submitters, who wanted to retain the bylaw reference to the track as an ‘allowable driving area’.	
350	139 (40%)	211 (60%)		
Key themes for <u>Yes</u> respondents were:			Recommendation:	
<ul style="list-style-type: none">• better for environment (9)• reduces number of cars on beach (6).			<u>Progress</u> the Bylaw amendment to remove the track from the list of ‘allowable driving areas’. This is not Council land, it would be inappropriate for Council to do so.	
Key themes for <u>No</u> respondents were:				
<ul style="list-style-type: none">• safety issue with closing access (17)• used for fishing access (15)• beach should be available to all users, including cars (14)• not an issue, bylaw not required (10)• signage and policing instead of closure (6).				
Question 8				
Do you support the operational proposal to restrict access to the ‘beachside reserve track’, accessed from Sims Road in Te Horo, by means such as barriers or road closure?				
Submission results:			Comment:	
Submitters	Yes	No	Majority opposition from submitters.	
354	130 (37%)	224 (63%)		
Key themes for <u>Yes</u> respondents were:			Recommendation:	
<ul style="list-style-type: none">• environment (21).			<u>Withdraw</u> the proposal to restrict vehicle access to the track (but refresh signage advising that driving on the beach is prohibited).	
Key themes for <u>No</u> respondents were:				
<ul style="list-style-type: none">• will not stop vehicles accessing the beach (10)• beach should be available to all users (9)• not an issue, bylaw not required (9)• expensive cost to council (5).				
Other key themes were:				
<ul style="list-style-type: none">• keep fishing access (8)• keep emergency access (5)• keep disabled access (5).				

Summary of submissions			Post-consultation analysis of proposals
Question 9			
Do you support the operational proposal to reduce vehicle access to Te Horo Beach adjacent to the residential area, by using a physical barrier and signage to deter vehicle access at the south end of the residential area?			
Submission results:			Comment: Majority opposition. The diversity and strength of opinions provided by submitters shows that progressing would very likely increase, rather than reduce conflict. Recommendation: <u>Withdraw</u> the proposal to deter vehicle access at the south end of Te Horo Beach (but refresh signage advising that driving on the beach is prohibited).
Submitters	Yes	No	
359	136 (38%)	223 (62%)	
Key themes for <u>Yes</u> respondents were: <ul style="list-style-type: none">improves the environment (7). Key themes for <u>No</u> respondents were: <ul style="list-style-type: none">beach should be available to all users (10)safety issue with closing (8)signs and enforcement is enough (6)will not stop vehicles accessing the beach (5)no parking available (5). Other key themes were: <ul style="list-style-type: none">allow access for registered users (7)access needed to fish (5).			
Question 10			
Do you support the operational proposal to reduce vehicle access to Te Horo Beach adjacent to the residential area, by using a physical barrier to restrict vehicle access at the Te Horo Beach Road parking area?			
Submission results:			Comment: Majority opposition. Again, the diversity and strength of opinions provided by submitters shows that progressing would very likely increase, rather than reduce conflict. Recommendation: <u>Withdraw</u> the proposal to restrict vehicle access at the north end of Te Horo Beach (but refresh signage advising that driving on the beach is prohibited).
Submitters	Yes	No	
359	129 (36%)	230 (64%)	
Key themes for <u>Yes</u> respondents were: <ul style="list-style-type: none">environment (8). Key themes for <u>No</u> respondents were: <ul style="list-style-type: none">beach should be available to all users (13)safety issues with closure (9)expensive cost/barriers will get destroyed (5).			

Summary of submissions			Post-consultation analysis of proposals
Question 11			
Do you support the operational proposal to classify the beach access at the corner of Marine Parade and The Avenue in Ōtaki as pedestrian only and create a physical barrier to block vehicle access to the track?			
Submission results:			Comment: Majority opposition. Most wanted to retain vehicle access. Recommendation: Withdraw the proposal, and follow the community decision to establish as a formal motor vehicle accessway.
Submitters	Yes	No	
349	141 (40%)	208 (60%)	
Key themes for <u>Yes</u> respondents were:			
<ul style="list-style-type: none">• environment (14).			
Key themes for <u>No</u> respondents were:			
<ul style="list-style-type: none">• beach should be available to all users (11)• not an issue, bylaw not required (5).			
Question 12			
Do you support a bylaw amendment to restrict longline fishing off the beach (regardless of method of deployment) between the hours of 10.00am and 5.00pm from 15 December to 15 February, in all the following areas:			
<ul style="list-style-type: none">• within 400 metres of any designated boat launch or retrieve area,• Paekakariki foreshore – between the Beach Road entrance and the southern boundary,• within 400 metres of any surf lifesaving flags, and• within 400 metres of any authorised vehicle access-ways?			
Submission results:			Comment: Majority support. The size and period settings were generally accepted (but there were requests for both increases and decreases). However, feedback on locations indicated some adjustments were needed to find the right balance between swimmer safety and freedom to fish. In hindsight, using boat launch sites wasn't helpful and having two restricted areas in Paekakariki was excessive. The focus should have been on identifying the key high use swimming spots in each area. Recommendation: Progress the proposal, but adjust locations so they focus on one high-use swimming area in each suburb. The proposed new restrictions are:
Submitters	Yes	No	
405	268 (66%)	137 (34%)	
Key themes for <u>Yes</u> respondents were:			
<ul style="list-style-type: none">• improves safety (25).			
Key themes for <u>No</u> respondents were:			
<ul style="list-style-type: none">• not an issue, bylaw not required (14)• beach should be available to all users, including fishers (8).			
Other key themes were:			
<ul style="list-style-type: none">• when restrictions apply – increases and decreases (16)• where restrictions apply (13)• 400m is too small (7).			
			<ul style="list-style-type: none">• Ōtaki - between 8 Marine Parade and 100 Marine Parade• Te Horo - between Te Horo Beach Road and south end of Rodney Ave• Peka Peka - between Peka Peka Road and Marram Way• Waikanae - between Waikanae Boating Club and Olliver Grove• Paraparaumu/Raumati - between Kapiti Boating Club and Takatimu Street• Raumati south - between Poplar Road and Jeep Road• Paekakariki – within 400m of the Surf Club.

Summary of submissions			Post-consultation analysis of proposals	
Question 13 Do you support a bylaw amendment to require longline fishers monitor their lines at all times and ‘flag’ their line in a manner that it is visible to other beach users?				
Submission results:			Comment: Majority support.	
Submitters	Yes	No	Recommendation: <u>Progress</u> the proposal to create a bylaw requirement to monitor and flag longlines.	
418	354 (85%)	64 (15%)		
Key themes for <u>Yes</u> respondents were: <ul style="list-style-type: none">improves safety (33).				
Key themes for <u>No</u> respondents were: <ul style="list-style-type: none">most fishers already do/common sense (18)flags are unnecessary (5).				
Question 14 Do you support a bylaw amendment to include longline fishing systems alongside surfcasting in the requirement “to take reasonable steps to ensure their lines or equipment do not present a safety hazard to other beach users”?				
Submission results:			Comment: Majority support.	
Submitters	Yes	No	Recommendation: <u>Progress</u> the proposal to create a bylaw requirement to ensure equipment doesn’t create a safety hazard.	
408	354 (87%)	54 (13%)		
Key themes for <u>Yes</u> respondents were: <ul style="list-style-type: none">improves safety (18)common sense to implement bylaw (9)other users should be considerate of fishers (6).				
Key themes for <u>No</u> respondents were: <ul style="list-style-type: none">not an issue, bylaw not required (11).				
Question 15 Do support a bylaw amendment to amend the summer horse riding restrictions to 15 December to 15 February, from 10am to 5pm?				
Submission results:			Comment: The majority opposition is somewhat misleading, as most of the ‘No’ respondent’s comments were that we shouldn’t have any restrictions but we assume they would prefer less over the current. The current restrictions of four months (1 December to the end of daylight savings) do seem excessive considering the lack of service requests related to safety issues. Should align all the beach activity restrictions into one ‘summer restriction’ period (i.e. match riding and longline restrictions) that provides safe and clear beach space during peak summer use but doesn’t unduly restrict other activities.	
Submitters	Yes	No	Recommendation: <u>Progress</u> the Bylaw amendment to reduce the summer horse riding restrictions.	
372	160 (43%)	212 (57%)		
Key themes for <u>Yes</u> respondents were: <ul style="list-style-type: none">riders should clean up after horses (6).				
Key themes for <u>No</u> respondents were: <ul style="list-style-type: none">not an issue, bylaw not required (30)beach should be available to all users, including horses (12).				
Other key themes were: <ul style="list-style-type: none">reduce restrictions (23).				

Summary of submissions			Post-consultation analysis of proposals
Question 16			
Do you support the proposal to create a ‘code of etiquette’ for managing horses at the beach?			
Submission results:			Comment:
Submitters	Yes	No	Majority support.
380	286 (75%)	94 (25%)	Recommendation:
			<u>Progress</u> this operational response.
Key themes for <u>Yes</u> respondents were:			
<ul style="list-style-type: none">• riders should clean up after their horses (21)• code should apply to other beach users too (14)• needs consultation with horse riders (8)• improves safety (7)• general support (6).			
Key themes for <u>No</u> respondents were:			
<ul style="list-style-type: none">• not an issue, bylaw not required (21)• ineffective and not practical (8)• enforcement issues (6).			
Question 17			
Do you have any other comments on the proposed changes to the Kapiti Coast District Council Beach Bylaw 2009, including:			
<ul style="list-style-type: none">• provisions for disability parking• provisions for traditional iwi practices• any other minor or technical changes?			
Submission results:			Comment:
Submitters			Submitters supported access for the disabled and elderly communities and the moves to allow practice of iwi traditions.
200			Submitters had a number of other suggestions. Some minor amendments have been made. Some ideas were out of scope or had already been considered internally and abandoned for various legal or operational reasons.
Key themes were:			GWRC requested some amendments to driving areas to align with Natural Resources Plan (NRP).
<ul style="list-style-type: none">• keep access for disabled individuals (29) and elderly (6)• current bylaws are fine (28)• beach should be available to all users (23)• enforcement is important (22)• ban all vehicles (22)• protect the environment (20)• allow practice of iwi traditions (18)• consultation process was inadequate (20)• education and signs (17)• white-baiters to use beach as short season (8)• collaboration between agencies (6)• proposals not based on data (5)• other areas need protection (5).			Recommendation:
			<u>Progress</u> provisions for disability parking and iwi practices, and ‘note’ the GWRC driving restrictions in the revised Bylaw.

Record of proposed changes: Kapiti Coast District Council Beach Bylaw 2021

Draft 2021 bylaw provisions			Key differences between the draft 2021 Bylaw and the existing 2009 Bylaw at 17 September 2020.	Changes made after Strategy and Operations Committee report of 24 September 2020.	Changes made based on feedback from (i) submitters, (ii) Council at a briefing on 2 March 2021.
Item	Topic	Sub-topic	<u>This is the version submitted to Strategy and Operations Committee for approval to consult.</u>	<u>This is the version that went out for public consultation.</u>	<u>This is the version put to Council for adoption.</u>
1	Title, Commencement, and Application		Carried over from 2009 Bylaw, and amended to: (i) clarify the beach areas under the jurisdiction of Greater Wellington Regional Council (GWRC) or Department of Conservation (DOC) but where our beach bylaw rules apply, (ii) include section 22AB of the Land Transport Act 1998, and (iii) note the exclusion of rules for dogs on beaches.	Corrected text error, changing ‘excluding’ to ‘including’.	
2	Kapiti Coast District Council Beach Bylaw 2021 Validation		Carried over from 2009 Bylaw with minor amendments for validation.		Dates on which the bylaw will be: • adopted (25 March 2021), and • come into force (1 June 2021).
3	Objective		Carried over from 2009 Bylaw and amended to: (i) reflect the recent <i>Toitū Kāpiti: Kāpiti Coast District Council Long Term Plan</i> , and (ii) update the references to other legislation that also set rules on the beach (i.e. by including <i>Litter Act 1979, Marine and Coastal Area Act 2011, GWRC’s Proposed Natural Resources Plan and Navigation and Safety Bylaw, DOC’s Waikanae Scientific Reserve Bylaw</i>).		
4	Interpretation		The following terms are newly defined (n) or amended (a) to: (i) make the overall intent and scope of the bylaw clearer and/or (ii) to align with definitions in other legislation. <div style="display: flex; flex-wrap: wrap;"> <ul style="list-style-type: none"> • Animals (a) • Approved (a) • Authorised Boat Launch and Retrieve Area (a) • Authorised Disability Parking Area (a) • Authorised Officer (n) <ul style="list-style-type: none"> • Kite surfer (n) • Licence (n) • Litter (n) • Longline fishing off the beach (n) • Mobility device, including mobility scooters (n) </div>	Removed “Restricted Driving Area (n)” (redundant as replaced by “Prohibited Driving Area (n)”).	Reworded “Authorised Boat Launch and Retrieve Area (a)” to be clear these sites are available for all watercraft.

			<ul style="list-style-type: none"> • Authorised Parking Area (n) • Authorised Vehicle Accessway (n) • Beach (a) • Coastal Marine Area (n) • Council (a) • Designated Boat Launch and Retrieve Area (a) • Designated Disability Parking (n) • Designated Surf Lifesaving Area (n) • Drones (n) • Enforcement Officer (a) • Foxton Ecological District (a) • Hang glider (n) • Moped (n) • Motorcycle (a) • Motor vehicle (a) • Offence (n) • Para glider (n) • Prohibited Driving Area (n) • Protected Customary Right (n) • Restricted Driving Area (n) • Sailboard (n) • Sign (n) • Surfcasting (n) • Vehicle (a) 		
5	Appropriate Behaviour		In the 2009 Bylaw, this section included two clauses about fishing. This section has been carried over, but the two clauses about fishing have been moved to a new section called 'Beach Activities'.		
6	Beach Activities	(a) Fishing	This is a new section that includes two existing clauses about responsible fishing, alongside three new clauses prohibiting longline fishing at certain times and locations and setting flagging and monitoring responsibilities. The two existing clauses have been carried over from the Appropriate Behaviour section, and amended to include longline fishing systems.		Amended the locations where summer longline restrictions will apply.
		(b) Kite surfing	This is a new clause stating that all kite surfers must take reasonable steps to ensure their lines or equipment do not present a safety hazard to other users.		
7	Authorised Boat Launching and Retrieval Sites		This is a new section that has been added to the Bylaw in order to officially designate the boat launch and retrieve sites. Inclusion of clause specifying signposted geographical boundaries for Kapiti Boating Club and Waikanae Boating Club.		Amended the clause on signposted geographical boundaries to remove reference to Kapiti Boating Club and Waikanae Boating Club and allow that that they all may be signposted.
8	Boat Launching		This section was included in the 2009 Bylaw, but it was called Motorised Watercraft. It was brought forward to sit closer to the sections on Beach Activities and Designated Boat Launching and Retrieval Sites. It has also been amended to more clearly define where boat launching is allowed.		Reworded to clarify that motorised boats and watercraft must launch from an Authorised Boat Launch and Retrieve Area, but non-motorised boats and watercraft can launch from an Authorised Boat Launch and

				Retrieve Area or any Permitted Driving Area.
9	Litter and Green Waste	Carried over from 2009 Bylaw with minor amendments to include both litter and green waste. Included a footnote on the potential for infringement offences under Litter Act 1979.		
10	Life Saving	This section was included in the 2009 Bylaw, but it has been brought forward to sit closer to the section on Beach Activities. This section has been amended to clarify rules around flagged swimming sites in surf lifesaving areas and to improve alignment with the GWRC's <i>Navigation and Safety Bylaw</i> .		
11	Harvesting	This section was included in the 2009 Bylaw, but it has been brought forward to sit closer to the section on Beach Activities. In one clause, the source for written permission to undertake an activity has been downgraded from Chief Executive to an Authorised Officer.		
12	Aircraft and Hovercraft	Carried over from 2009 Bylaw with: (i) minor amendments to improve readability, and (ii) a new clause about drones (and compliance with legislation).		
13	Hang glider / Para glider	Carried over from 2009 Bylaw with minor amendments to improve readability.		
14	Land Yacht	Land yachts were included in the 2009 Bylaw, under two sections on vehicles. The relevant clauses have been pulled into a specific section on Land Yachts and brought forward to sit closer to Beach Activities section.		
15	Vehicles	(a) Authorised Vehicle Accessways	This is a new section that has been added to the Bylaw in order to officially designate the authorised vehicle accessways.	Added site at 'Cnr Marine Parade and The Avenue, Otaki' (and removed site at 'north bank of Otaki River').
		(b) Prohibited Driving Areas	This section was included in the 2009 Bylaw, but it was called Beach Restrictions. It has been brought forward to sit in front of the section on Conditions for Driving and amended to improve readability. Exceptions for driving in prohibited areas have been extended to include Council officers undertaking monitoring or compliance.	
		(c) Permitted Driving Areas	Moved the exceptions to prohibited driving areas to a new section called Permitted Driving Areas.	Added informational notation about three sites where the rules in GWRC's

			Removed the 'formed shingle track through the reserve area adjacent to the foreshore between the northern bank of the Mangaone Stream, Te Horo Beach' from the list of exceptions to prohibited driving areas (and maps amended to this).		Natural Resources Plan restrict driving.
		(d) Conditions for Driving	Carried over from the 2009 Bylaw with minor amendments.		
16	Parking	(a) Prohibited Parking Areas	New section that has been added to the Bylaw to clarify the parking rules for vehicles (and trailers used for boat launch or retrieve). It defines parking on the beach as being prohibited on the while beach, with the exception of the areas specified.		Added a clause allowing parking for emergency, enforcement, approved restoration or maintenance work (and removed shortened version of this clause) to provide more coverage.
		(b) Authorised Disability Parking Areas	This is a new section created for clarity, which specifies authorised disability parking areas, from the Beach Access Map, for those with Mobility Parking Permits.		Added informational notation about where people can inquire about Mobility Parking Permits.
		(c) Conditions for Parking	This is a new section created for clarity, which relocates existing clauses from 2009 Bylaw.		
17	Horses and Stock		Carried over from 2009 Bylaw with the following amendments to the new hours and dates for the summer restrictions, which are between 10am and 5pm from 15 December to 15 February.		
18	Hiring of Craft / Trading on the Beach		In the 2009 Bylaw, Hiring of Craft and Trading on the Beach are in two separate sections. The draft Bylaw merges these into one section. It increases the approval level for trading on the beach from permission to permit. It also includes a notation for readers to reference Council's Public Places Bylaw and Trading in Public Places Policy.		
19	Special Events – Non commercial		Carried over from 2009 Bylaw, but with the term 'Non commercial' added.		
20	Beach Preservation		Carried over from the 2009 Bylaw with no amendments.		
21	Coastal Protection Works		Carried over from the 2009 Bylaw with no amendments.		
22	Defined Areas		Carried over from the 2009 Bylaw with two proposed amendments to include 'designated disability parking areas' and 'iwi practice areas'.		
23	Permits Issues Pursuant to the Bylaw		Carried over from the 2009 Bylaw with no amendments.		

24	Offences and Penalties	(a) Offences	Carried over from 2009 Bylaw with the following amendments: <ul style="list-style-type: none"> Clarification of what is an offence under this Bylaw. 	Restructured the Offences and Penalties section, into two separate sections for clarity. Removed clause stating that Council Enforcement Officers or Police can request date of birth.	Added the word “the” in clause 24.4.
		(b) Penalties	Carried over from 2009 Bylaw with the following amendments: <ul style="list-style-type: none"> Sets the infringement fee for breach of vehicle restriction clauses (driving breaches) at \$150. Sets the infringement fee for breach of vehicle restriction clauses (parking breaches) at \$150. <p>Note: the 2009 Bylaw section on the General Bylaw has been deleted because the necessary clauses and definitions from the General Bylaw have been included in this draft 2020 Bylaw.</p>		Added references to relevant driving and parking clauses.
	Maps		Maps have been updated with any changes noted above, and reformatted.		

8.4 FINES FOR ILLEGAL DUMPING AND LITTERING UNDER THE LITTER ACT

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Authoriser: Sean Mallon, Group Manager Infrastructure Services

PURPOSE OF REPORT

- 1 This report seeks Council approval for adoption of section 13 (3) of the Litter Act 1979 by adopting proposed **'Infringement notices for disposal of waste in Kāpiti Coast District'**.

DELEGATION

- 2 Section 13 of the Litter Act 1979 permits territorial authorities to adopt infringement notice provisions by resolution.
- 3 Under Council's current governance structure there is no delegation of this authority to a subcommittee and therefore council has the delegation to make this decision.

BACKGROUND

- 4 In the year 2019/20 Council received 260 service requests for illegally dumped waste and 50 litter complaints.
- 5 Illegally dumped waste (and subsequent litter) is a problem as it creates:
 - hazards and risks – dumped waste can be dangerous to people particularly when it includes hazardous waste like asbestos
 - rising costs – to Council and to the rate payer ultimately as removing and disposing of illegally dumped waste costs a lot of time and money
 - environmental damage – dumped materials can harm the local environment by killing birds and fish, damaging plants, soil, and waterways
 - decreasing property and community value – areas used for illegal dumping are ugly and we want the community to be proud of a clean Kāpiti and we want our visitors to enjoy it
- 6 Council incurs significant costs for the removal of illegally dumped rubbish and litter. In the 2019/20-year 260 service requests for illegally dumped waste were received and Council spent \$33,445 to clean up illegal dumping and dispose of it. Another \$7474 was spent on picking up and disposing of litter.
- 7 Other costs associated with litter include clearing sumps and blockages (plastic bottles and bags are a common cause of sump blockages), street cleaning costs, and picking up litter in parks and reserves.
- 8 Issuing fines for littering and illegal dumping is likely to deter people, which would help to reduce incidences. While enforcement in this area can be difficult due to challenges in gathering sufficient proof, examples from other jurisdictions show that this can be a worthwhile effort. When Hastings District Council undertook an anti-littering campaign in 2014 for example, it was found that 70% of dumped waste contained evidence that could lead to the offender.
- 9 Other councils in the Wellington Region issue infringements for illegally dumped rubbish. For example, Porirua City Council adopted a Litter Infringement Policy on 11 December 2019 which enables officers to issue infringement notices between \$100 and \$400. Hutt City also issues litter infringements between \$100 and \$400 and provides an education leaflet about illegal dumping on their website.

- 10 Apart from the cost to Council to deal with illegally dumped waste or litter in the public space, there is also a reputational risk to Council from not following up with offenders, which may create a perception that it is okay to dump waste, as there are no consequences and Council will pick up after the offenders.
- 11 Residents also have an expectation that Council will enforce the Litter Act. This is even more clear now that the new Solid Waste Management and Minimisation Bylaw has been adopted where there is more emphasis on prevention of litter in the public space. For example, the Bylaw now enables Council to infringe when flyers are put under windscreen wipers of cars parked in the public area, but at the moment Council cannot infringe (yet) under the Litter Act as will be explained below.
- 12 Council can currently prosecute through the courts. However, prosecution is not considered in the 'public interest' as the cost of prosecution is prohibitive. Council can also, if there is sufficient evidence to link dumped waste to a person, remove the waste and recover the cost from this person. Council's current schedule of compliance fees includes a fee to that end, which is the cost of removal of litter plus 20 percent.
- 13 Looking forward to the future, there is a possibility that illegal dumping will increase as a result of increasing the waste levy on every tonne to landfill per 1 July 2021, which in turn will increase the gate fees at our transfer stations. In the submission that Council prepared to the draft proposal to raise the waste levy it was mentioned that Central Government will need to provide more support for increased enforcement for this reason.

ISSUE AND OPTION

Issue

- 14 Under section 13 of the Litter Act 1979, territorial authorities may adopt infringement notice provisions to address depositing of litter in a public place or on private land. When the provisions of sections 13 and 14 have been adopted by Council resolution *in accordance with section 13 (2), (2A) and (3)*, Council may serve an infringement notice under the Litter Act.
- 15 In 2012, a report was put to Council on 17 May (CS-12-537) to adopt the provisions of sections 13 and 14 of the Litter Act, but unfortunately the resolution adopted by Council did not meet the requirements of section 13, as '*the nature of the infringement offence or offences and the fee payable in respect of any such offence*' were not specified as required under section 13 (3) of the Litter Act. What was missing was a description of the offences and the fees payable for those offences.
- 16 This means that at this moment in time Council cannot serve an infringement notice under the Litter Act.

Option 1

- 17 There are various ways in which council can decide to describe the nature of the infringement offences and the fee payable in respect of those offences.
- 18 There is a more descriptive approach where offences are described and categorised with a fee per category. This approach been adopted by for example Hutt City, where Council by resolution approved three categories of offences and fee levels in 2007.

19 Table 1

Descriptors for typical offences	Fine
Minor littering: One-off incidents involving cigarette butts, wrappers/papers, chewing gum, small food waste, take-away food/drink containers, fish-and-chip papers, plastic drinks bottle(s) and aluminium cans.	\$100
Medium littering: Single used disposable nappy or nappies, small dumping (e.g.. up to four supermarket shopping bags), domestic household refuse/commercial waste in or by public litter bins, small dumping in or by commercial waste bins/clothing bins/recycling stations, persistent use of unofficial (non-Council) refuse bags, and small insecure load from truck or trailer.	\$200
Major littering: Household waste, commercial waste, green waste, car parts, glass or any other litter as defined in the Litter Act 1979 and not defined as minor or medium littering above. Note the depositing of glass or glass bottles (broken or not) is defined under the Act as a dangerous form of litter and is thus considered a major littering offence.	\$400

Option 2

- 20 Then there is a volume-based approach to categorise the offences and relating fees, like for example Porirua City Council has adopted in their Litter Infringement Policy 2019. Porirua also decided to include a place-based approach for the third category and a waste type approach for the fourth category.

Table 2

FINE	DESCRIPTION FOR TYPICAL OFFENCES
\$100	Depositing litter of less than one litre by volume <i>Examples: a takeaway container or contents of an ashtray</i>
\$200	Depositing litter from 1 to 20 litres by volume <i>Examples: roadside dumping of a 1.5 litre plastic container, or placing household rubbish bags or accumulated car waste in public litter bins</i>
\$300	Depositing litter from 20 to 120 litres by volume OR Depositing any litter in a Council park or reserve <i>Examples: roadside dumping of small volumes of household or green waste, or of any pest plant material</i>
\$400	Depositing litter of more than 120 litres by volume OR Depositing of Hazardous litter <i>Examples: dumping commercial waste, dumping disposable nappy(s), car parts or glass, e-waste, animal remains or anything that has a hazardous chemical residue</i>

Option 3

- 21 This option reflects the same approach as option 2 with some amendments to the examples and adding on a differentiation between a first offence and a repeated offence.

22 Table 3

Infringement notices for disposal of waste in Kāpiti Coast District in a public place, or on private land, without the occupier's consent		
DESCRIPTION FOR TYPICAL OFFENCES	First Offence	Second or subsequent offence within one year
Depositing litter of less than or equal to one litre by volume <i>Examples: takeaway food/drink containers, cigarette butts, plastic drink bottles</i>	\$100	\$400
Depositing litter from 1 to 20 litres by volume* <i>Examples: roadside dumping of household rubbish or accumulated car waste or putting it in public litter bins</i>	\$200	\$400
Depositing litter from 20* to 120** litres by volume OR Depositing any litter in a Council park or reserve <i>Examples: roadside dumping of smaller volumes of household or green waste, or of any pest plant material</i>	\$300	\$400
Depositing litter of more than 120 litres by volume OR Depositing of Hazardous litter <i>Examples: dumping commercial waste, dumping disposable nappies, car parts or glass, e-waste, animal remains or anything that has a hazardous chemical residue</i>	\$400	\$400

* 20L is the approximate capacity of a small pull-out kitchen or a bathroom rubbish bin

** 120L is the approximate max. capacity of two 'usual' (black) rubbish bags for household (60L per bag)

- 23 This option is the preferred option as including the place-based approach for \$300 offences and the waste-type approach for \$400 offences reflects that the impacts on the environment are more significant in those instances.
The differentiation between a first and a repeated offence was not included in the approaches taken by Hutt City (option 1) and Porirua (option 2), but is in line with Council's approach to educate first and enforce when needed. This approach has also been adopted by for example Auckland Council.

CONSIDERATIONS

Policy considerations

- 24 The phased approach to infringements for first and repeat offences unless the impact is greater (for illegal dumping in parks and open spaces and hazardous waste) is in line with Council's Compliance and Enforcement Policy 2018. Setting the gliding scale for infringements and publicising this scale directly implements the principles of this Policy of being transparent and open, and fair and consistent. It will be clear for all what is considered an infringement offence under the Litter Act.

Legal considerations

- 25 Under section 13 of the Litter Act 1979, territorial authorities may adopt infringement notice provisions to address depositing of litter in a public place or on private land. When the provisions of sections 13 and 14 have been adopted by Council resolution *in accordance with section 13 (2), (2A) and (3)*, Council may serve an infringement notice under the Litter Act.
- 26 Section 13 (3) requires that every resolution made under subsection (2) shall specify the nature of the infringement offence or offences and the fee payable in respect of any such offence.
- 27 As described above this last step set out under section 13 (3) is what is proposed in this report.
- 28 As stipulated in Section 13, Council needs to give at least 14 days' notice of its intention to pass a resolution to adopt the provisions of section 13. It is proposed that Council adopts the infringement offences table as proposed under section 22 of this report and at the same time approves giving notice the week following with a term of 14 days, which means that the ability to infringe will come into force after the notice period.
- 29 In accordance with section 7 of the Litter Act, every officer appointed as a Litter Control Officer is authorised to enforce the provisions of this Act and may intervene to prevent the deposit or attempted deposit of litter in the public place or onto private land without the consent of the occupier of that private land.
- 30 The content of this report has been discussed with and reviewed by in house legal counsel.

Financial considerations

- 31 Issuing of infringements for illegal dumping may increase demand on the compliance team, but at this moment in time additional resourcing into this team is not proposed.
- 32 The focus for action will be on the more serious and repeat incidents and on repeat illegal dumping locations. The team will also prioritise incidents where there is a clear evidential line of enquiry. This is in line with Council's Compliance and Infringement Policy 2018, to focus enforcement efforts on people or organisations for which the compliance team has reason to believe they are unwilling to comply.
- 33 There is a small enforcement budget incorporated in the solid waste activity budget that will be used to support infringement actions.

Tāngata whenua considerations

- 34 As part of the new Solid Waste Minimisation and Management Bylaw 2021 which includes enforcement based on the Litter Act 1979, Iwi has been consulted and feedback has been received from one Iwi. Iwi have also been consulted during the development of the WWMP in 2017, which incorporated the action to manage illegal dumping and litter in the public space. As this report proposes to implement one step of a process that was resolved by Council in 2012, separate engagement has not been undertaken.
- 35 Infringing illegal dumping in public spaces will enable a strong stance from Council to promote a healthy and waste free environment.

Strategic considerations

- 36 In Council's action plan that forms part of the Regional Waste Management and Minimisation Plan 2017-23 that Council has adopted, action 4 in section 10.2.5 (Infrastructure) is to Provide clean Public Places, which includes managing illegal dumping and litter in the public space.

- 37 Councils across the region have now also embedded conditions in the (regionally consistent) Solid Waste Management and Minimisation Bylaw 2021 which assist in preventing litter but also enables Councils to act, such as a condition focussing on unaddressed mail and advertising material.
- 38 Using infringements as a tool to drive a litter free public space and a clean environment aligns with Council's strategy and bylaw on solid waste but also with Council's strategic outcome of providing a healthy and natural environment.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 39 This matter has a low level of significance under Council's Significance and Engagement Policy.

Engagement planning

- 40 An engagement plan is not needed to implement this decision.

Publicity

- 41 As discussed under paragraph 28 of this report 14 days' notice will be given of the Council resolution.
- 42 Once the public notice period has passed, the table will be published on the Council's website.
- 43 A communications plan will be developed in tandem with developing a programme for targeted enforcement focussing on known repeat illegal dumping areas.

RECOMMENDATIONS

- 44 That the Council resolves to adopt the table **'Infringement notices for disposal of waste in Kāpiti Coast District in a public place, or on private land, without the occupier's consent'** in line with section 13 (3) of the Litter Act 1979 and as discussed under paragraph 22-23 (table 3) of this report.
- 45 That the Council resolves that notice will be given as required under section 13 of the Litter Act 1979 with regard to the resolution made under section 13 (3) of the Litter Act 1979, which means that section 13 (3) of the Litter Act will come into force after the notice period.

APPENDICES

Nil

9 CONFIRMATION OF MINUTES

Nil

10 PUBLIC SPEAKING TIME

- Covering other items if required
- Public Speaking Time responses

11 CONFIRMATION OF PUBLIC EXCLUDED MINUTES

Nil

12 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 (with the exception of Mr Mike Cardiff who, as a representative of an impacted organisation, has information which may be of assistance to members in relation to item 12.1), 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 - Disposal of Property	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
12.2 - Strategic Property Update	Section 7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities 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