



AGENDA

Strategy and Policy Committee Meeting

I hereby give notice that a Meeting of the Strategy and Policy Committee will be held on:

Date: Thursday, 5 September 2019

Time: 10.00am

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

**James Jefferson
Group Manager Place and Space**

Kapiti Coast District Council

Notice is hereby given that a meeting of the Strategy and Policy Committee will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 5 September 2019, 10.00am.

Strategy and Policy Committee Members

Cr James Cootes	Chair
Cr John Howson	Deputy
Mayor K Gurunathan	Member
Cr Janet Holborow	Member
Cr Mark Benton	Member
Cr Angela Buswell	Member
Cr Mike Cardiff	Member
Cr Jackie Elliott	Member
Cr Michael Scott	Member
Cr Fiona Vining	Member
Mr Bill Carter	Māori representative

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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 UPDATES

7.1 SOCIAL INVESTMENT REPORT BACKS

7.2 AGE FRIENDLY STRATEGY DEVELOPMENT

8 REPORTS

8.1 REVIEW OF THE BEACH BYLAW 2009

Author: Brandy Griffin, Senior Policy Advisor

Authoriser: Mark de Haast, Group Manager

PURPOSE OF REPORT

- 1 This report provides an update to the Strategy & Policy Committee on the 2009 Beach Bylaw Review Project, and asks the Committee to note that engagement with the community and key stakeholders will commence in mid-October.

DELEGATION

- 2 Section B1 of the Governance Structure and Delegations for the 2016-2019 Triennium states that the Strategy and Policy Committee is responsible for the development and review of strategies, plans, policies, and bylaws.

BACKGROUND

- 3 The current Beach Bylaw was adopted on 7 May 2009. In accordance with s159 of the Local Government Act 2002 (LGA 2002), the Bylaw was due to be reviewed by 7 May 2019.
- 4 Due to resource constraints, the review was not completed by 7 May 2019. As a result, s160A of the LGA 2002 has come into effect which states the Bylaw will be revoked automatically if the review is not completed by 7 May 2021.
- 5 The Beach Bylaw Review is on the Council-approved Policy Work Programme, having commenced in February 2019 and scheduled to be completed by June 2020.
- 6 Bylaw reviews are generally carried out in three phases:
 - 6.1 Phase 1 includes:
 - 6.1.1 pre-consultation engagement, data collection, and analysis;
 - 6.1.2 the identification of issues and options; and
 - 6.1.3 the development of proposed revisions to the existing bylaw.
 - 6.2 Phase 2 is the public consultation on the proposed revisions to the bylaw, carried out in accordance with the LGA 2002 requirements for special consultative procedures.
 - 6.3 Phase 3 involves the analysis of written and oral submissions, leading to a final draft of the revised bylaw, which is then presented to Council for final consideration and adoption.
- 7 In June 2018 and October 2018, the Strategy and Policy Committee Forward Agenda Programme stated that a draft Statement of Proposal would be presented to the Committee in May 2019 requesting approval to consult (thereby commencing Phase 2).
- 8 In January 2019, a project plan was drafted with the May 2019 timeframe in mind; however, it was determined that Phase 2 of the review should not occur until after the election because there were concerns that the election would lead to a long gap between the public consultation period and the final Bylaw adoption.
- 9 In addition, concerns were raised that the proposed dates for the public consultation and hearing might not align with the principles of the Local Electoral Act 2001. Under the Local Electoral Act 2001, and based on guidance from the Office of the Auditor General, local authorities must not give rise to any 'irregularities' that could result in an election result being overturned. Because the review of the Beach Bylaw will be of interest to a wide range of stakeholders and potentially quite polarising to the community, a public consultation and hearings process too close to the election was deemed risky.

- 10 In light of the above, in January 2019, the approval to consult on the draft Beach Bylaw was removed from the Strategy and Policy Committee Forward Agenda Programme.
- 11 Council officers have since commenced the initial steps of the Bylaw review. This update provides information on the data collection and analysis that has been undertaken to date for the review, and the proposed approach and timeframes for the remainder of the review.

DISCUSSION

Phase 1: pre-consultation data collection and analysis

- 12 The pre-consultation phase seeks to identify issues with the existing bylaw that must be considered in the review.
- 13 To date, Council officers have completed the following:
- 13.1 Analysis of service requests, emails, and other correspondence that Council received in relation to the existing Beach Bylaw for the 2 years from January 2017 to December 2018;
 - 13.2 Initiated a legal review to better understand several aspects of the Bylaw, particularly in relation to legislative requirements and jurisdiction of other government agencies;
 - 13.3 Completed a review of other coastal councils to understand how they address similar issues; and
 - 13.4 Carried out some initial discussions with New Zealand Police and Greater Wellington Regional Council (GWRC) to discuss jurisdiction and implementation.
- 14 Table 1 lists the key issues that were identified from the review of service requests.

Table 1: Issues raised in service requests, January 2017 to December 2018

Issue	Number of service requests	Percentage of total*
Vehicles on beaches - concerns about pedestrian safety and/or harm to the natural environment 45 (59%) of these were in the area between the Kapiti Boating Club and the Waikanae Boating Club.	76	72%
Beach access areas - improvements requested for beach access ways, parking, signage, and boat ramps	31	30%
Horses on beaches - some callers raising complaints about the presence of horses on the beach, while others wanted to see improvements to facilitate horse riding on the beaches	8	8%
Total number of service requests	105	-

* Note: percentages add to more than 100% because some service requests will include more than one issue.

- 15 The reviews of emails and other correspondence, as well as discussions across Council and with New Zealand Police and GWRC, suggest that other issues that may require further consideration in this review will include:
- 15.1 Promoting safety around the use of kontiki longline fishing systems;
 - 15.2 Beach preservation and protection of sensitive sites;
 - 15.3 Permitting for special events; and
 - 15.4 Implementation and enforcement.

Phase 1 continued: next steps for early engagement

- 16 While Council officers have begun the data collection and analysis, this work is likely to continue through to December 2019, primarily in response to any new issues that become identified as requiring further information.
- 17 In addition, it is important that early engagement occurs with the public and our iwi partners before a draft bylaw is developed. This is particularly important because some of the issues are likely to be quite polarising for the community.
- 18 Council officers are working with the Iwi Relationships Team on the iwi partnership approach. A briefing has not yet occurred with Te Whakaminenga o Kāpiti.
- 19 As for engagement with the community and key stakeholders, a detailed engagement plan is currently being finalised. Table 2 outlines the types of engagement planned.

Table 2: Planned engagement and timeframes

Type of engagement	Timeframe
An on-line survey of residents, ratepayers, and stakeholders	15 October to 31 January
Information pop-ups in public spaces (like Farmers Markets, beaches, sportsgrounds, and the mall)	15 October to 31 January
Discussions with special interest groups (e.g. boating clubs, environmental groups)	15 October +
Meetings with community boards	As soon as possible, following election
Public panels	TBD

Phases 2 and 3

- 20 After the pre-consultation phase has been completed, the information collected will be used to develop a draft 2019 Bylaw and Statement of Proposal that will be released for public consultation in accordance with the LGA 2002 requirements for special consultative procedures. During this formal consultation period (Phase 2), some public drop-ins will be held to ensure the public has had sufficient opportunity to provide feedback.
- 21 The information collected from the formal consultation period will then input into a final draft 2019 Bylaw, which will be presented to Council for final consideration and adoption (Phase 3). To ensure that Councillors have had sufficient time to discuss the draft Bylaw with the community, additional public drop-ins may be offered after the hearings but before the final draft of the Bylaw is presented to Council for adoption.
- 22 The proposed timeframes for Phases 2 and 3 are outlined in Table 3 below.

Table 3: Timeframes for the Beach Bylaw review for Phases 2 and 3

Action	Date ¹
Briefing to the new Council on the project, with a focus on the initial results of the early engagement phase and next steps	Last meeting of 2019, or first meeting of 2020
Draft 2019 Bylaw and Statement of Proposal to Council	~February 2020
Special consultative procedure, including discussions with community boards and public drop-in(s) ²	February to March 2020
Hearings	April 2020
Briefing(s) to Council post-hearings and, potentially, public drop-in(s) (as required) ³	April and May 2020
Report to Council for adoption of Beach Bylaw 2019	June 2020

¹ These dates are tentative. The meetings schedule for the 2019-2022 triennium will be adopted after the election. In addition, the nature of the feedback received during Phase 1 could impact the proposed timeframes.

² More information on the public drop-in sessions will be provided when the draft 2019 Bylaw and Statement of Proposal are presented to Council.

³ Time has been allocated for a number of briefings with Council, but the exact number will be confirmed after the consultation process has identified which issues require further discussion.

CONSIDERATIONS

Policy considerations

23 There are no considerations in addition to those outlined in this report.

Legal considerations

24 There are no legal considerations arising from this report.

Financial considerations

25 This review will be carried out within existing budgets.

Tāngata whenua considerations

26 Iwi have not been consulted on the development of this paper.

Strategic considerations

27 *Toitū Kāpiti* includes aspirations for strong, safe communities and a thriving environment. The Beach Bylaw assists in the attainment of these aspirations because it seeks to enhance the safety of the public on the beach, while also protecting the beach natural environment.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

28 In accordance with the LGA 2002, a special consultative procedure will be required for this Bylaw review.

Consultation already undertaken

29 Conversations have started with New Zealand Police and GWRC.

Other Considerations

30 Because vehicles on beaches will be a key topic for this Bylaw review, this review will be carried out alongside the review of the Traffic Bylaw to ensure that the two Bylaws are in alignment.

RECOMMENDATIONS

31 It is recommended that the Strategy & Policy Committee note this update on the 2009 Beach Bylaw Review Project, and note that engagement with the community and key stakeholders will commence in mid-October 2019.

APPENDICES

Nil

8.2 KAPITI COAST DISTRICT COUNCIL FILM FRIENDLY POLICY 2019 AND SCREEN WELLINGTON MEMORANDUM OF UNDERSTANDING

Author: Brandy Griffin, Senior Policy Advisor

Authoriser: Mark de Haast, Group Manager

PURPOSE OF REPORT

- 1 The purpose of this report is to obtain Committee approval to:
 - a) Repeal the Kapiti Coast District Council Film Friendly Policy 2012;
 - b) Adopt the Kapiti Coast District Council Film Friendly Policy 2019 (as attached in Appendix 1 to this report); and
 - c) Approve the 2019 Memorandum of Understanding between Kapiti Coast District Council and Screen Wellington (as attached in Appendix 2 to this report).

DELEGATION

- 2 The Committee has delegation to consider this matter under Section B.1 of the Governance Structure & Delegations, which states this Committee “will deal with all strategy and policy decision-making that is not the responsibility of Council.”

BACKGROUND

- 3 The New Zealand Local Government Filming Protocol was developed by Film New Zealand (now known as the New Zealand Film Commission) in November 2002 to help councils encourage the economic benefits of location filming, while also representing the interests of their communities and carrying out their statutory duties to protect the environment.
- 4 The Protocol states that local councils should:
 - a) provide a supportive environment for the screen production industry;
 - b) take steps to adopt the principles of the Protocol;
 - c) communicate and cooperate with Regional Film Offices and the New Zealand Film Commission where applicable; and
 - d) develop best practice film friendly processes, including the adoption of a film friendly policy.
- 5 On 28 June 2012, Council adopted a Film Friendly Policy to encourage and support the Kāpiti Coast District and Wellington region film industry. At the same time, Council agreed to sign a Memorandum of Understanding (MoU) with Film Wellington (now known as Screen Wellington).
- 6 As the Wellington regional film office, Screen Wellington’s aim is to develop and promote a supportive environment for the film industry in the Wellington region. It is a division of Wellington NZ, and administers film permits on behalf of all councils in the Wellington region.
- 7 The MoU, which outlines the respective roles and responsibilities of Council and Screen Wellington, is in effect for a period of two years from the date of being signed by both parties. It was first adopted in 2012 and then renewed in 2014 and 2016.
- 8 In 2018, Screen Wellington contacted the Economic Development Team to discuss the renewal of the MoU. Since the Film Friendly Policy had not been reviewed since its adoption in 2012, it was determined that the Film Friendly Policy ought to be reviewed as well so it was included in the Policy Work Programme that was approved by Council on 31 January 2019.

DISCUSSION

Film Friendly Policy – Proposed Changes

- 9 Following discussions with Screen Wellington and with relevant teams across Council (e.g. Economic Development, Parks and Open Spaces, and Resource Consents), it was determined that the 2012 Policy remains largely fit for purpose, with only minor changes deemed necessary.
- 10 The proposed changes in the draft 2019 Policy include the following:
 - a) Film Wellington is now called Screen Wellington, and Film New Zealand is now called the New Zealand Film Commission;
 - b) All references to the 2012 Partnership Agreement between Kapiti Coast District Council and Film New Zealand are deleted because this Partnership Agreement is no longer required by the New Zealand Film Commission;
 - c) A new 'Filming with drones' section has been added, based on New Zealand Civil Aviation Authority guidance; and
 - d) The clause about the need to have a health and safety plan before any permits or consents can be approved now cites the Health and Safety at Work Act 2015 (previously no legislation was cited).
- 11 The draft 2019 Policy is attached as Appendix 1 to this report.

Memorandum of Understanding with Screen Wellington – Proposed Changes

- 12 The only change proposed to the draft 2019 MoU is that Film Wellington is now called Screen Wellington.
- 13 The draft 2019 MoU is attached as Appendix 2 to this report.

CONSIDERATIONS

Policy considerations

- 14 There are no policy considerations in addition to those already covered in this report.
- 15 Subject to Council adoption, the implementation of this Policy will be carried out by the Economic Development Team.

Legal considerations

- 16 Legal Counsel has confirmed that there are no known legal considerations with respect to the proposed Film Friendly Policy 2019 or the proposed 2019 MoU with Screen Wellington.

Financial considerations

- 17 The review of the Film Friendly Policy and the MoU with Screen Wellington has been carried out within existing budgets, as will implementation.

Tāngata whenua considerations

- 18 We have not engaged directly with iwi on this submission.

Strategic considerations

- 19 *Toitū Kāpiti* includes an aspiration for a vibrant economy. The proposed Film Friendly Policy 2019, and the accompanying 2019 MoU with Screen Wellington, help in the attainment of this aspiration because Council seeks to work alongside Screen Wellington to promote and encourage film production activities in the Kāpiti Coast District and the wider Wellington region.

SIGNIFICANCE AND ENGAGEMENT**Significance policy**

- 20 This review of the Film Friendly Policy and the MoU with Screen Wellington have a low level of significance under Council policy.

Consultation already undertaken

- 21 The New Zealand Local Government Filming Protocol was originally developed following extensive consultation with the film industry, key stakeholders, local councils, and community groups.
- 22 There is no requirement or need for Council to consult with any parties other than Screen Wellington. The proposed Film Friendly Policy 2019, and the accompanying 2019 MoU, have been reviewed and approved by Screen Wellington.

Engagement planning

- 23 An engagement plan is not required for this review of the Film Friendly Policy and MoU.

Publicity

- 24 The Film Friendly Policy and MoU will be uploaded to the Policy page on the website, and the Economic Development Team's page on Filming in the Kāpiti Coast District.

RECOMMENDATIONS

- 25 That the Council:

- a) Repeal the Kapiti Coast District Council Film Friendly Policy 2012;
- b) Adopt the Kapiti Coast District Council Film Friendly Policy 2019 (as attached in Appendix 1 to this report);
- c) Approve the 2019 Memorandum of Understanding between Kapiti Coast District Council and Screen Wellington (as attached in Appendix 2 to this report); and
- d) Delegate authority to the Chief Executive to execute the 2019 Memorandum of Understanding between Kapiti Coast District Council and Screen Wellington.

APPENDICES

- 1. Draft Kapiti Coast District Council Film Friendly Policy 2019
- 2. Draft Memorandum of Understanding between Kapiti Coast District Council and Screen Wellington

FILM FRIENDLY POLICY 2019

Policy purpose and scope

The New Zealand Local Government Filming Protocol (also known as the Film Friendly Protocol) states that local councils should:

- provide a supportive environment for the screen production industry;
- take steps to adopt the principles of the Film Friendly Protocol;
- communicate and cooperate with Regional Film Offices and New Zealand Film Commission where applicable; and
- agree to develop best practice film friendly processes, including the adoption of a film friendly policy.

This Film Friendly Policy details the relationship between Kapiti Coast District Council (Council) and Screen Wellington to deliver on the Film Friendly Protocol in coordination with similar efforts being made by other local councils in the Wellington Region. An attached Memorandum of Understanding (Appendix 1) outlines the responsibilities and levels of co-operation that will be provided by the Council and Screen Wellington to develop this joint approach.

Policy objective

The objective of the Kapiti Coast District Council Film Friendly Policy is to support the Kāpiti Coast District and Wellington Region film industry by adopting and

implementing the Film Friendly Protocol and working cohesively with the rest of the region to achieve desired outcomes for all.

This Policy:

- provides the foundation to promote and encourage a supportive environment for the local film industry;
- strengthens the relationship with Screen Wellington and establishes best practice film friendly processes;
- identifies the Council's film liaison contact;
- provides guidance to potential production companies on Council's processes; and
- outlines the Council's expectations with regard to film production companies wanting to film in the Kāpiti Coast District.

Policy validation

The Kapiti Coast District Council Film Friendly Policy 2019 was approved at a meeting of the Kapiti Coast District Council Strategy and Policy Committee on 5 September 2019.

Outcomes

Implementation of this Policy will:

- coordinate the Kāpiti Coast District's film friendly activities with the rest of the region;
- promote, facilitate, and assist the work of the film industry within the Kāpiti Coast District;
- increase the number of film production companies choosing the Kāpiti Coast District as a preferred location;
- enhance the reputation and profile of the Kāpiti Coast District by offering an efficient service to film production companies;
- deliver on outcomes consistent with the Kapiti Coast District Council's Strategy for Supporting the Arts and Economic Development Strategy;
- promote local business, facilities, and services to inbound production companies where possible; and
- raise the profile of the Kāpiti Coast District's unique village and coastal atmosphere and diversity of open space for filming opportunities.

Strategies

These outcomes will be achieved by:

- cooperating with Screen Wellington to streamline the functional permit process;
- appointing a film liaison function within Council's Economic Development Team to coordinate the approval of permit applications and respond to enquiries relating to filming activities in the Kāpiti Coast District;
- developing and maintaining administrative systems and processes to efficiently manage service requests from the film industry;
- promoting the Kāpiti Coast District as a film friendly location through advocacy from Screen Wellington and Council;
- proactively managing filming activities to maximise opportunities for local business and the general promotion of the Kāpiti Coast District nationally and internationally; and
- clarifying the Council's requirements and expectations with regard to film production company activities to avoid any conflicts of interest or adverse impacts on the community and environment.

Filming permits: consent and approval process

To be consistent with the rest of the region and ensure Council is responsive to the short lead times often required by location filming, the Council has appointed Screen Wellington as its inaugural permit processing body.

Requests to film in the Kāpiti Coast District must be made to the Screen Wellington Office who provide a free service to complete location and permit application forms for the Council. Screen Wellington will then coordinate with the Council's Economic

Development Team so that approval can be obtained from the appropriate Council department(s).

Before any permit or consent can be approved:

- application forms must be sighted and signed off by the appropriate Council department(s);
- any additional information, conditions, or fees requested or imposed by the relevant Council department must be disclosed, strictly adhered to, and paid in full;
- the Council is satisfied that the production company has a sufficient health and safety plan developed in accordance with the Health and Safety at Work Act 2015 and has completed a risk assessment for the film location(s); and
- the Council is satisfied that the production company has sufficient Public Liability Insurance for the planned filming activity.

Filming with drones

The New Zealand Civil Aviation Authority (CAA) introduced new rules on 1 August 2015 for the operation of drones, also known as UAVs (unmanned aerial vehicles), RPASs (remotely piloted aircraft systems), and unmanned aircraft.

If you are planning to use a drone in your screen production, there are some additional requirements. Before a permit or consent can be approved, the Council must be satisfied that the production company has:

- a production plan that will ensure adherence to the CAA rules – Part 101 for drones under 25kg, and Part 102 for drones over 25kg;
- evidence of CAA certification, as required;
- clauses within the health and safety plan that include practicable steps to minimise hazards to people, property, and other aircraft; and plans for the safe retrieval of the drone in the event of a loss of signal or an emergency landing;
- an aviation clause in the Public Liability Insurance, as required;
- permission from Kapiti Coast Airport for the operation of any drones within 4km of the airport; and
- permission from property owners (i.e. private persons, Council, or other Government agencies) as required.

Coordination of Council departments

Filming activity impacts on many Council departments so the Economic Development Team will coordinate the processing of Screen Wellington's permit applications across the relevant Council departments. Liaising between all of these departments to support filming activity is essential for the provision of an efficient, effective service,

and this will help to develop and maintain excellent relationships between the film industry and Council.

Coordination with local residents, special interest groups, and businesses

Filming activity can also have an impact on local residents and businesses. To ensure this relationship remains positive, the Economic Development Team will work closely with Screen Wellington to stay well informed of planned film requests in the District. The Economic Development Team will provide advice to Screen Wellington on the suitability of planned film locations and help to identify residents, businesses, or special interest groups (such as iwi, restoration groups, etc.) that should be consulted prior to filming.

The Economic Development Team will endeavour where possible to promote the use of local acting talent, facilities, and services by inbound production companies because the Economic Development Team recognises the importance of retaining and maximising creative and economic opportunities within the community.

Damage to Council property

Any damage caused by the production company shall be repaired to the original condition in which the property stood at the time of damage. This shall be at the expense of the production company. All costs associated with clearing litter and other waste generated by the filming activities, and for any damage to parks, irrigation, roads, and other Council property will be borne by the production company.

To remove all doubt about liability for damage that may have occurred to Council property prior to the location being used, the Council recommends that the production company record digital dated images of the state of the property prior to setting up their gear.

Acknowledgements

Where possible, film credits and media publicity should acknowledge the assistance and cooperation of the Kapiti Coast District Council and its community, in addition to giving credit to any area featured in the Kāpiti Coast District.

Where to go for advice on filming in the Kāpiti Coast District

Film production companies should direct any enquiries with regard to filming in the Kāpiti Coast District to:

Screen Wellington
Level 1, 175 Victoria Street
PO Box 10 017, Wellington 6143, New Zealand
Tel: +64 4 382 0066, +64 22 622 9183
Email: screen@screenwellington.com
<https://www.wellingtonnz.com/screen/>

Kapiti Coast District Council Film Liaison Office

The Council's Film Liaison Office is administered through the Kapiti Coast District Council's Economic Development Team.

All enquiries regarding filming on the Kāpiti Coast District should be directed to the Economic Development Team at:

Kapiti Coast District Council
175 Rimu Road
Private Bag 60 601, Paraparaumu 5032, New Zealand
Tel: +64 4 296 4700
Email: kapiti.council@kapiticoast.govt.nz
<https://www.kapiticoast.govt.nz/>

MEMORANDUM OF UNDERSTANDING BETWEEN KAPITI COAST DISTRICT COUNCIL AND SCREEN WELLINGTON

5 September 2019

Agreement Purpose

This Memorandum of Understanding (MoU) signed by Kapiti Coast District Council (the Council) and Screen Wellington outlines the roles and responsibilities of both parties for the application of the New Zealand Local Government Film Protocol (Film Friendly Protocol). The Film Friendly Protocol states that where applicable Council film offices must communicate and co-operate with regional film offices to deliver a truly consistent and streamlined service to the film industry.

The Council's Film Friendly Policy 2019 acknowledges the benefits for the Kāpiti Coast District of working collaboratively with Screen Wellington (the Wellington regional film office) to collectively promote and encourage a supportive environment for the film industry. The MoU outlines the roles and responsibilities of the Council and Screen Wellington to support and encourage film production activities in the Kāpiti Coast District and the wider Wellington region.

Roles and Responsibilities

The Kapiti Coast District Council will:

- Promote its Film Friendly Policy through its website: <https://www.kapiticoast.govt.nz/>.
- Develop a strong relationship with Screen Wellington, and act as a Film Liaison Office through its Economic Development Team to respond to enquiries regarding location filming in the Kāpiti Coast District.
- Actively engage with Screen Wellington on joint strategies and promotions to encourage and support filming activities in the Kāpiti Coast District.
- Accept Screen Wellington's Standard Terms & Conditions of Contract between film production companies and councils (see Attachment 1).
- Agree to give Screen Wellington's permit applications prompt consideration.
- Provide Screen Wellington with up-to-date images of the Kāpiti Coast District and assist Screen Wellington in ensuring an up-to-date location library.
- Update Screen Wellington on any implementation or changes to fees, or to any organisational processes relating to film permits.
- Provide Screen Wellington with up-to-date contacts within the Economic Development Team and notify of any changes.
- Provide guidance on general Health and Safety requirements as set out by the Council.
- Put steps in place to direct screen clients to Screen Wellington when permitting is needed, as well as other industry needs.

Screen Wellington will:

- Actively promote the Kāpiti Coast District as a great film location.
- Maintain an attractive webpage profiling the Kāpiti Coast District.
- Provide regular updates on film activities occurring in the Wellington region and forward notice of prospective film opportunities.

- Work with the Council's Economic Development Team to encourage inbound film companies to use local acting talent, facilities, and services.
- Encourage film production companies to acknowledge the assistance and cooperation of the Kapiti Coast District Council and its community, in addition to giving credit to any areas featured in the Kāpiti Coast District.
- Provide prompt notification to the Council of any issues or concerns regarding the activities of any film production company working or wishing to work in the Kāpiti Coast District.
- Ensure that any prospective film production company wishing to work in the Kāpiti Coast District has a valid and adequate level of Public Liability Insurance, as determined by the insurance company, to cover their intended filming activity.¹
- Ensure that any prospective film production company wishing to work in the Kāpiti Coast District has provided a Health and Safety Plan, and a Risk Assessment, for the location at which they intend to film.²
- Set up half-yearly meetings with the Council to discuss what's going on in the Wellington region and any potential high-impact filming, including reviewing any relationship needs.

Dispute Resolution

Any matter causing dispute between the Council and Screen Wellington must be aired and attempted to be resolved between the parties in the first instance.

Review Period

The MoU between the Council and Screen Wellington shall run for a period of two years from the date of being signed by both parties. The parties shall consult and may suggest and adapt amendments to this document at any time.

At the expiration of the two-year period, if the desire of both parties is that the MoU continue, then by exchange of letters the review term shall be extended by a further defined period.

Dissolution of MoU

Either party may terminate the MoU without cause by providing 14 days' written notice to the other party.

Signed:

.....
Chief Executive
Kapiti Coast District Council

.....
Chief Executive
Screen Wellington / Wellington NZ

¹ Screen Wellington must be in possession of a copy of the film production company's Public Liability Insurance, and make it available for Council inspection upon request.

² Screen Wellington must be in possession of a copy of the film production company's Health and Safety Plan and Risk Assessment, and make it available for Council inspection upon request.



Level 1, 175 Victoria Street
PO Box 10347, Wellington 6143, New Zealand
+64 4 382 0066 | +64 21 575 595
ScreenWellington.com

Attachment One



Level 1, 175 Victoria Street
PO Box 10347, Wellington 6143, New Zealand
+64 4 382 0066 | +64 21 575 595
ScreenWellington.com

Screen Wellington Terms & Conditions

Standard Terms & Conditions of Contract between the 'Hirer' (film production company) and 'The Principal' (Wellington City Council, Hutt City Council, Porirua City Council, Kapiti District Council, Upper Hutt City Council, Masterton District Council, Carterton District Council and South Wairarapa District Council) for filming in the Wellington region.

1. Intent

1.1 The Hirer has lodged a completed application form with Screen Wellington, being a division of Wellington Regional Economic Development Agency Limited ("Screen Wellington"), which administers film permits on behalf of the Principal ("the Application"). 1.2 The Principal and Hirer agree that the Location may be used for the purposes of filming as set out in the Contract, subject to the following terms and conditions (which form part of the Contract, except as expressly varied in the Contract).

1.3 There is no binding agreement between the Hirer and the Principal until such time as the Application is approved by the Principal and the Hirer is notified by Screen Wellington on behalf of the Principal.

2. Programme of use

2.1 If the Hirer decides to use the Location for other than as set out in the Application then any such changes shall be notified to Screen Wellington on behalf of the Principal, in writing, prior to the commencement of the Hire Period.

2.2 The Principal may terminate the Contract with immediate effect by written notice to the Hirer should the notified changes result in (in the opinion of the Principal) a substantial alteration to the details in the Application.



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2.3 If, during the Hire Period, the Hirer wishes to use the Location other than as set out in the Application, it shall request written approval from Screen Wellington on behalf of the Principal to vary the Contract. The Hirer is not permitted to use the Location other than as set out in the Application until any changes have been approved in writing by Screen Wellington on behalf of the Principal.

3. Obligations of the Principal

3.1 Subject to clause 15, the Principal shall provide the Location for the Hire Period (as set out in the Contract).

3.2 As well as Screen Wellington, the Principal may nominate an internal representative(s) ("Principal's Representative(s)") with whom the Hirer shall liaise.

4. Obligations of Hirer

4.1 The Hirer shall be responsible for the Location and any obligations under the Contract.

4.2 The Hirer shall not undertake any building works at, nor make any structural or non-structural alterations or additions to, the Location without the Principal's prior written approval.

4.3 The Hirer shall leave the Location in the same condition it was in immediately prior to commencement of the Hire Period, including removing and making good any building works, additions, or alterations approved under clause 4.2.

4.4 Where the Principal deems it necessary, the Hirer shall provide all barriers, fencing and the like necessary to establish the boundaries of the Location for the Hire Period. Such barriers, fencing and the like shall be free-standing and in accordance with the Special Conditions set out in the Contract.

4.5 The following additional obligations (to be determined by the Principal) may be placed upon the Hirer in the use of the Location ("the Special Conditions"): · public notification/consultation · restriction to hours of use · liaison with relevant Principal Representative · signage · barriers · temporary structures.



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4.6 The Hirer will not bring the reputation of the Principal or the representatives of the Principal into question as a result of their activities at the Location or on Council land.

4.7 The Hirer shall respond to any complaint in respect of the Hirer's use of the Location promptly and courteously, and forward a copy of any complaint to Screen Wellington on behalf of the Principal.

5. Damage and loss

5.1 Any damage to the Location, vegetation, structures, wildlife, stock etc or any other property or any loss incurred by any person whatsoever resulting from the Hirer's use of the Location, as determined by the Principal, is the responsibility of the Hirer and the Hirer is liable to pay to the Principal (or as the Principal directs) all amounts as a result of such damage or loss and do any other thing necessary to make good such damage or loss.

5.2 Prior to undertaking any repair works the Hirer shall obtain the Principal's consent and will carry out such repairs in a good workmanlike manner, using good quality materials and in compliance with all applicable laws, regulations and local authority requirements.

6. Bonds

6.1 If required by the Principal, the Hirer will pay a Bond in advance by cheque or cash to the Principal's Representative at the time the Contract is signed by the Hirer or no later than the specified date in the Contract ("the Last Date For Payment Of The Bond"). If the Hirer fails to pay the Bond in accordance with this clause 6.1, the Principal may terminate the Contract with immediate effect by written notice to the Hirer.

6.2 Subject to clause 11.2, within three (3) working days of the end of the Hire Period the Principal shall:

- (a) authorise the refund of the balance of the money held under the Bond (less any amounts already deducted in accordance with the Contract terms) to the Hirer;

or give written notice to the Hirer setting out details if, in the Principal's opinion, the Hirer has failed to perform any of its obligations under the Contract ("Default") and, if the default is capable of



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remedy, requiring the Hirer to remedy the default within one (1) working day ("Default Notice").6.3 If the Hirer fails to remedy the Default within the time period specified in the Default Notice, the Principal shall be entitled to remedy the Default at the Hirer's expense and apply all or any part of the Bond for this purpose. If the cost of remedying the Default is:

- (i) in excess of the amount held under the Bond, the Hirer shall pay the additional expenses to the Principal (or as directed by the Principal) within seven (7) working days of receiving written demand from the Principal; or
- (ii) less than the amount held under the Bond, the Principal shall refund the amount remaining under the Bond to the Hirer within three (3) working days of the Principal remedying the Default, provided the Principal is satisfied the Hirer has complied with all of its other obligations under the Contract.

6.4 If the Default is not capable of remedy, in addition to the other rights and remedies of the Principal, the Hirer forfeits the Bond from the date of the Default Notice.

6.5 Expenditure of all or any part of the Bond by the Principal shall not release the Hirer from any of its obligations in the Contract which remain unfulfilled nor shall the Principal be required to use the Bond before: (i) exercising any other of its rights under this Contract to ensure performance by the Hirer of its obligations; or (ii) requiring the Hirer to meet its obligations under this Contract.

7. Fees

7.1 The Fee specified in the Contract is payable in advance by the Hirer by cheque or cash to the Principal's Representative at the same time as the Bond, but no later than the date specified in the contract (the "Last Date For Payment Of The Fee"). If the Fee is paid by cheque, a cheque separate to the Bond payment must be used. If the Hirer fails to pay the Fee in accordance with this clause 7.1, the Principal may terminate the Contract with immediate effect by written notice to the Hirer.

8. Indemnity and insurance

8.1 The Hirer indemnifies the Principal against:



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- (a) all damage or loss resulting from any act or omission on the part of the Hirer or the Hirer's employees, contractors or invitees. The Hirer shall recompense the Principal for all expenses incurred by the Principal in making good any damage to the Location or other property resulting from any such act or omission; and
- (b) all actions, suits, proceedings, claims, costs (including legal and debt collection fees) and demands whatsoever which may be made or brought against the Principal by reason of the use of the Location by the Hirer, its employees, contractors, servants, agents or invitees or by reason of any act or omission or negligence of the Hirer or its employees, contractors, servants, agents or invitees.

8.2 The Hirer shall, at its cost from the beginning of the Hire Period or earlier, take out with a reputable insurance company public liability insurance with a minimum cover of \$1,000,000 or such higher minimum cover specified in the Contract in respect of its use and operations pursuant to the Contract in the joint names of the Hirer and the Principal and shall produce to Screen Wellington and the Principal immediately upon written demand being made by Screen Wellington and/or the Principal a copy of the policy and a receipt for the current premium paid.

9. Compliance with Laws and Permits and consents

9.1 The Hirer shall comply with all laws, regulations, by-laws and rules applicable to the use of the Location, including but not by way of limitation, the Health and Safety at Work Act 2015, and is responsible for obtaining and complying with the provisions of necessary approvals, consents and licences from any person including any department of the Principal.

9.2 The Hirer is responsible for identification of underground/above ground services which may be affected by their activities and the obtaining of any relevant service authority's permission to operate above/below ground level.

9.3 The cost of the consents, licences or permits shall be met by the Hirer.

10. Safety and convenience of the public

10.1 The Hirer is responsible for the safety of all users of, and people present at, the Location during the Hire Period. The Hirer must ensure, so far as is reasonably practicable, that the Location, the



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means of entering and exiting the workplace, and anything arising from the workplace are without risks to the health and safety of the public.

10.2 The Hirer shall ensure that there is no undue inconvenience to traffic or pedestrian flows through the area of the film shoot and pedestrians must never be forced to step onto the adjoining roadway without adequate protection from vehicles. Pedestrian access on to properties is to be maintained at all times.

10.3 The Hirer shall ensure that all building egress and driveways are kept clear at all times. Where any property owner's access cannot be maintained at all times, the Hirer shall provide notice in accordance with clause 10.4.

10.4 The Hirer shall provide property owners (and the public, if reasonably required by the Principal) with at least five days' notice, and provide a copy of that notice to Screen Wellington at least two days, prior to the commencement of any filming activity which will involve disturbance to the property owner or public's use of the property or Location, including, but not limited to:

- (a) interference with access, including property access, vehicular access and footpath closures;
- (b) traffic management; and
- (c) road closures.

10.5 The Hirer is responsible for the provision, placement and removal of all signs, cones and barricades to the satisfaction of the Principal.

10.6 The Hirer is responsible for providing suitably qualified and identifiable marshals for traffic control to the satisfaction of the Principal.

11. Rubbish and litter collection

11.1 The Hirer shall collect and dispose of all rubbish and litter resulting from the use of the Location.



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11.2 If the Hirer fails to collect and dispose of all rubbish and litter within twenty-four (24) hours of the end of the Hire Period or the Principal is of the view that any rubbish or litter still remains at the Location at that time then, notwithstanding anything else in this Contract, the Principal shall be entitled to have the rubbish and litter removed. The cost of this shall be borne by the Hirer directly either by deduction from any Bond or direct payment from the Hirer to the Principal or as directed by the Principal.

12. Principal's instructions

12.1 The Hirer shall comply with all reasonable instructions given by the Principal or Principal's Representative(s) at any time.

13. Non-waiver

13.1 Failure of either party at any time or times to require performance of any provision of this Contract shall in no manner affect its rights to enforce such provisions at a later time, and shall not be considered to be a waiver of those rights.

13.2 Any condition inserted for the sole benefit of the Principal or the Hirer may be waived by the party having the sole benefit of the condition.

14. Payment terms and interest on unpaid money

14.1 Unless provided otherwise, any charges, costs and amounts recoverable by or owing to the Principal under the Contract shall be paid by the Hirer to the Principal within fourteen (14) days of written demand made by the Principal.

14.2 Should any amounts payable by the Hirer under this Contract not be paid within fourteen (14) days of written demand being made by the Principal such amounts shall accrue interest at the rate of 8 percent per annum from the date of demand to the date payment is made.

15. Costs

15.1 The Hirer shall be responsible for all of the Principal's costs of and incidental to the enforcement or attempted enforcement of the Principal's rights, remedies and powers under this Contract, including but not limited to legal and debt collection costs.



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16. Unavailability of location

16.1 If for any reason the Location is not available, or becomes unavailable, during the Hire Period (including but not limited to, any event fire, storm, earthquake, emergency or disaster, whether man-made or not) the:

- (a) Principal's liability under this Contract is limited to refunding the Bond (subject to any deduction made by the Principal in accordance with the Contract terms) and endeavouring to arrange an alternative location and/or time if possible; and
- (b) the Principal may terminate this Contract with immediate effect by written notice to the Hirer.

17. Termination

17.1 The Principal may terminate the Contract with immediate effect by written notice to the Hirer for any breach of the Contract.

18. Regulatory function

18.1 Nothing in this Contract shall be read as limiting or otherwise affecting the proper and valid undertaking or exercise of any regulatory or statutory power or function by the Principal or any part of its operations.

19. Location clearance

19.1 Subject to clauses 19.2 and 19.3, in addition to the Hirer's obligations in clause 4, the Hirer has the right: (i) to represent the Location as being another real or fictitious place according to the requirements of the television series/film/commercial/ or any other on-screen medium. (ii) to use and exhibit the film and stills photographs with or without the scenes photographed in any medium, either now known or hereafter devised, and without any restrictions whatsoever throughout the world in perpetuity.

19.2 If the Principal believes that as a result of the Hirer's activities, any reputation is likely to be or has been damaged clause 17.1 will not apply.



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19.3 The Principal may, by written notice to the Hirer, prevent the Hirer from representing the Location under its proper title.

20. Special conditions

20.1 The Principal may impose special conditions on the Hirer in addition to the standard terms and condition of contract listed above.

21. Health and Safety

21.1 The Hirer must meet their obligations under the Health and Safety at Work Act 2015. The Hirer agrees that the Location is a 'workplace' (for the purposes of Health and Safety at Work Act 2015) and that they will manage or control this workplace. As a result, the Hirer agrees that it will ensure, so far as is reasonably practicable, that the workplace, the means of entering and existing the workplace, and anything arising from the workplace are without risks to the health and safety of any person.

21.2 The Principal will consult, co-operate and co-ordinate activities with the Hirer, to the extent that the parties have overlapping duties in relation to health and safety. The Principal will inform the Hirer of any hazards which it has knowledge of which arise from the Contract.

21.3 The Hirer must:

- (a) immediately notify the Principal of any hazards or risks which the Hirer observes or becomes aware of at the Location. The Hirer must also immediately notify the Principal of any incident, "near miss", or accident it becomes aware of at the Location and the Hirer will provide the Principal with such assistance as may be necessary to conduct any incident or accident investigation. Such notification does not in any way absolve the Hirer from their obligations under the Health and Safety at Work Act 2015 or the terms of this Contract;
- (b) take all reasonably practicable steps to ensure risks to health and safety are eliminated, if the risk cannot be eliminated then minimised, and it shall have due regard to any risks that may arise in performing its obligations under this Contract;



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- (c) comply and adhere with the Code of Practice for Safety & Health in the New Zealand Film and Video Production Industry known as the 'White Book';
- (d) prepare and provide to the Principal and Screen Wellington a Health and Safety Plan and Risk Assessment for the Location and, upon the request of the Principal, submit to, and fully co-operate with, any safety process reasonably required by the Principal and provide any other documentation relating to the Hirer's own safety policies and procedures;
- (e) assess all reasonably foreseeable risks to health and safety that may affect the Principal or any third party arising out of or in any way connected with the performance of this Contract, and provide a copy of such assessments to the Principal upon request, and promptly take all reasonably practicable steps to eliminate or minimise such risks and must notify and co-operate with the Principal accordingly;
- (f) fully co-operate with the Principal and any other parties as necessary to ensure that all reasonably foreseeable risks to health and safety are eliminated or minimised; and
- (g) take all reasonably practicable steps to ensure that no act or omission is a breach of any duty or obligation of the Hirer under the Health and Safety at Work Act 2015 and associated regulations or any safety requirements as may reasonably be required by the Principal.

21.4 If contract works are stopped by WorkSafe because of the Hirer's failure to comply with the Health and Safety at Work Act 2015, the Hirer shall be liable for any resulting additional costs to the Principal over and above the contract sum.

21.5 The Principal reserves the right to terminate the Contract at any time if it considers that the Hirer is not meeting its obligations under this clause.

22. Assignment

The Hirer shall not assign or otherwise transfer its rights under the Contract without the prior written approval of the Principal.



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23. Fit For Purpose

Screen Wellington and the Principal give no warranty as to the state of the Location or that the Location is legally or physically fit for purpose.

24. Disputes

24.1 If any dispute arises out of or in relation to this Contract (a “**Dispute**”) the parties shall promptly meet to discuss (on a *without prejudice* basis) the Dispute in an attempt to resolve the Dispute. Except for any urgent injunctive relief, neither party shall pursue legal action through the court other than in compliance with this clause 24.

24.2 If the Dispute cannot be resolved within 20 days of meeting under clause 24.1, the parties will refer the Dispute to mediation, a non-binding dispute resolution process in which an independent mediator facilitates negotiation between the parties. Mediation may be initiated by either party in writing to the other party and identifying the dispute which is being suggested for mediation. The other party will either agree to proceed with mediation or agree to attend a preliminary meeting with the mediator to discuss whether mediation would be helpful in the circumstances. The parties will agree on a suitable person to act as mediator or, if they cannot agree, will ask the Arbitrators’ and Mediators’ Institute of New Zealand Inc. to appoint a mediator. The mediation will be in accordance with the Mediation Protocol of the Arbitrators’ and Mediators’ Institute of New Zealand Inc.

24.3 The mediation shall be determined by:

- (a) the signing of a settlement agreement by the parties; or
- (b) Notice to the parties by the mediator, after consultation with the parties, to the effect that further efforts at mediation are no longer justified; or
- (c) Notice by one or more of the parties to the mediator to the effect that further efforts at mediation are no longer justified; or



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(d) The expiry of sixty (60) working days from the mediator's appointment, unless the parties expressly consent to an extension of this period.

24.3 Only if the Dispute remains unresolved following mediation, either party shall be entitled to pursue the matter through the courts.

25. General

25.1 The Contract is governed by and construed in accordance with, New Zealand law, and the parties submit to the non-exclusive jurisdiction of the New Zealand courts.

25.2 Any undertaking by the Hirer not to do an act or thing shall be deemed to include an obligation not to permit or suffer such an act or thing to be done by any of the Hirer's employees, servants or agents.

8.3 2018-2021 POLICY WORK PROGRAMME UPDATE

Author: Brandy Griffin, Senior Policy Advisor

Authoriser: Mark de Haast, Group Manager

PURPOSE OF REPORT

- 1 This report provides an update on the 2018-2021 Policy Work Programme (PWP), and requests Committee approval for several amendments to the 2018-2021 PWP.

DELEGATION

- 2 The Committee has delegation to consider this matter under Section B.1 of the Governance Structure & Delegations, which states this Committee “will deal with all strategy and policy decision-making that is not the responsibility of Council. Key responsibilities will include: (a) Setting and approving the policy and strategy work programme.”

BACKGROUND

- 3 On 31 January 2019, the Committee approved the PWP for the three-year cycle from 1 July 2018 to 30 June 2021.
- 4 This update to the PWP reports on projects that:
 - 4.1 have been completed;
 - 4.2 are in process with no known concerns;
 - 4.3 are in process with some delays;
 - 4.4 are currently on hold; and
 - 4.5 are proposed as new additions to the PWP.
- 5 Each of these projects will be discussed separately below.

DISCUSSION**Completed projects**

- 6 Since 1 July 2018, nine projects on the PWP have been completed (see Table 1, and those that are marked as completed in Appendix 1 of this report).

Table 1: Completed projects

Project	Completion date
Annual Report 2017/18	27 September 2018
Alcohol in Public Places Bylaw	6 December 2018
Trade Waste Bylaw Review	24 January 2019
Dog Bylaw and Policy Review	14 March 2019
Class 4 Gambling and TAB Venue Gambling Policy Reviews	11 April 2019
Annual Plan 2019-20	23 May 2019
Speed Limit Review	13 June 2019
On-going NPS UDC quarterly reports	Four quarters ending 31 August 2018, 30 November 2018, 28 February 2019, and 31 May 2019
On-going quarterly reports	Five quarters ending 30 June 2018, 30 September 2018, 31 December 2018, 31 March 2019, and 30 June 2019

Projects in process

- 7 There are currently 27 projects on the PWP in process. Of these:
- 7.1 19 are in process with no known concerns (see those marked as green in Appendix 1 of this report); and
 - 7.2 eight are in process but experiencing some delays (see Table 2, and those marked as amber in Appendix 1 of this report).
- 8 For three of the projects that are experiencing some delays, revisions to the completion dates are proposed.

Table 2: Projects in process, with some delays

Project	Current status	Impact on completion date
NPS UDC Report 2018	Kāpiti report has been completed. Delay is because it is to be included in the release of the Wellington Region Housing and Business Capacity Assessment (HBA).	Release date is not yet known. Ongoing discussions are occurring at regional forums (e.g. CE and Mayoral Forums)
Development Management Strategy Review	Commencement of this review has been delayed because it is dependent on the completion of the NPS UDC Report 2018; however, this is not expected to delay the completion date.	No change
Backflow Study	The Study is in progress; however, the timing for this study was slowed in order to align with other waste water projects. The Study is not required until the Backflow Policy project commences in January 2020.	Proposed change from June 2019 to December 2019
Welfare Plan	Kāpiti Plan has been drafted, but it is dependent on the WREMO Welfare Plan which has not yet been completed.	Release date for the WREMO Plan is not yet known. Council officers are in regular contact with WREMO on this issue.

Land Audit	In process, although the work has slowed considerably due to unexpected workloads impacting the resources of the Property Team.	Proposed change from August 2019 to March 2020
Economic Development Strategy Refresh	The Economic Development Team determined that further work was required to ensure sufficient engagement with the community and key stakeholders.	Proposed change from June 2019 to February 2020
Environmental Monitoring Strategy	The Research & Policy team is reviewing the existing Strategy in order to recommend next steps on this project.	No change
Regional Waste Management and Minimisation Plan (RWMMP) Local Outcomes Plan	The Plan has been drafted, but will not be completed until the Mayoral Waste Minimisation Taskforce completes its report to Council recommending the prioritisation of the waste minimisation actions under the RWMMP.	The Plan will be put to Council for adoption once the Taskforce has presented its Report.

Projects on hold

- 9 There are three projects that are currently on hold (see Table 3, and those marked as blue in Appendix 1 of this report). These are on hold because:

9.1 two are on hold while we work constructively on the partnership with iwi; and

9.2 one is on hold because it will be integrated into the wider housing programme.

Table 3: Projects that are on hold

Project	Status	Reason for hold
Biosolids Strategy	A considerable amount of work has been undertaken over the last two years through the Lower North Island Collective Biosolids Strategy Study, which received significant MfE funding. The management of waste in our District (and, in particular, the impact on land and water) is of significant interest to tāngata whenua.	This project is on hold whilst we work constructively on the partnership with iwi.
Joint Iwi Management Plan	This is a project that Te Whakaminenga o Kāpiti (TWOK) requested. There has been no active conversation with iwi on this plan in 2019.	The Iwi Relationships Team will discuss this item with TWOK to determine whether there is still an appetite to develop this Plan.
Older Persons' Housing Policy Review	Responsibility for this work is to be determined as well as its relationship to the wider housing programme.	This project is on hold, awaiting the outcome of the wider housing scoping project.

Projects proposed as new additions

- 10 Two new projects are being proposed as new additions to the PWP (see those marked as yellow in Appendix 1 of this report).

Market Policy

- 11 The need for a Market Policy has arisen out of the Relocation of the Paraparaumu Market Project, which has identified a wide range of practices supporting the establishment and operations of markets across the District.
- 12 The Economic Development Team is viewing the new arrangements for the Paraparaumu Market as a test case for best practice in this area. After the new arrangements for the Paraparaumu Market have been put in place and trialled, the learnings from that project will be used to develop a District-wide policy.
- 13 It is proposed that the development of a Market Policy be added to the PWP. It would:
 - 13.1 commence in March 2020 for completion in February 2021; and
 - 13.2 be included under 'Other policy and strategy work identified (not in LTP)'.

Gifting Policy

- 14 The recent report to the Operations and Finance Committee on the installation of the Ōtaki River Mouth Toilet (Corp-19-848) stated that "a gifting policy, setting out the key information to be considered and the key criteria to be achieved before a gift can be formally accepted, could assist in the decision-making around future gifting proposals".
- 15 The Operations and Finance Committee noted that Council officers will draft a Gifting Policy for consideration, but this has not yet been added to the PWP.
- 16 It is proposed that the development of a Gifting Policy be added to the PWP. It would:
 - 16.1 commence in November 2019 for completion in June 2020; and
 - 16.2 be included under 'Other policy and strategy work identified (not in LTP)'.

CONSIDERATIONS**Policy considerations**

- 17 There are no policy considerations in addition to those already outlined in this report.

Legal considerations

- 18 Legal Counsel has confirmed that there are no legal considerations arising from this report.

Financial considerations

- 19 There are no financial considerations arising from this report.

Tāngata whenua considerations

- 20 We have not engaged directly with iwi on this report.
- 21 As the implementation of the PWP is carried out, planning to ensure that individual projects are created in partnership with tāngata whenua is undertaken.

SIGNIFICANCE AND ENGAGEMENT**Significance policy**

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

Other Considerations

- 23 When the PWP was approved on 31 January 2019, it suggested that the 'Regional approach to climate change & community-led coastal adaptation' and the 'National and regional climate change and coastal adaptation working groups' would be completed by March 2021.

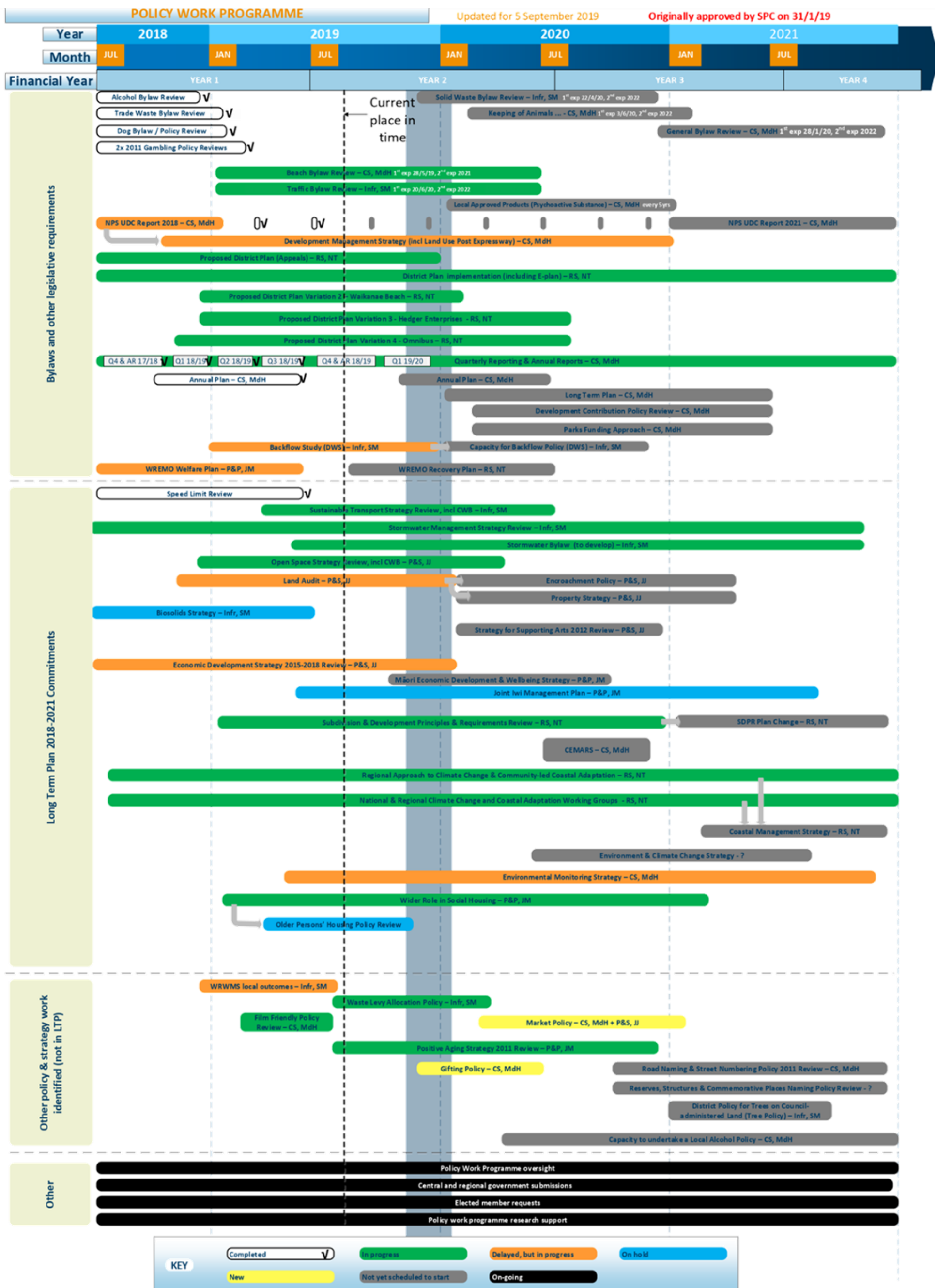
- 24 It has been noted, however, that both of these work streams will continue through this entire three-year cycle and into the next cycle, so the PWP should not have suggested that these projects would be completed by March 2021. It is proposed that this error is corrected by amending the current PWP to indicate that these two projects are extended to 30 June 2021.

RECOMMENDATIONS

- 25 It is recommended that the Strategy & Policy Committee note the projects on the PWP that:
- 25.1 have been completed;
 - 25.2 are in process with no known concerns;
 - 25.3 are in process with some delays; and
 - 25.4 are currently on hold.
- 26 It is recommended that the Strategy & Policy Committee approve the following proposed amendments to the 2018-2021 Policy Work Programme:
- 26.1 Backflow Study completion date changed to December 2019;
 - 26.2 Land Audit completion date changed to March 2020;
 - 26.3 Economic Development Strategy Refresh completion date changed to February 2020;
 - 26.4 Development of a Market Policy added, with the expectation that the project would commence in March 2020 for completion in February 2021;
 - 26.5 Development of a Gifting Policy added, with the expectation that the project would commence in November 2019 for completion in June 2020;
 - 26.6 Regional Approach to Climate Change & Community-led Coastal Adaptation completion date changed to June 2021; and
 - 26.7 National and Regional Climate Change and Coastal Adaptation Working Groups completion date changed to June 2021.

APPENDICES

1. Updated Policy Work Programme, with proposed amendments



9 CONFIRMATION OF MINUTES**9.1 CONFIRMATION OF MINUTES - 20 JUNE 2019**

Author: Joy Murray, Democracy Services Advisor

Authoriser: Leyanne Belcher, Democracy Services Manager

RECOMMENDATIONS

- 1 That the minutes of the Strategy and Policy Committee meeting held on 20 June 2019 be adopted as a true and correct record of that meeting.

APPENDICES

1. Strategy & Policy Minutes - 20 June 2019

MINUTES	MEETING	TIME
STRATEGY AND POLICY COMMITTEE	THURSDAY, 20 JUNE 2019	10.08 AM

Minutes of a meeting of the **Strategy and Policy Committee**, held in the Council Chambers, Ground Floor, 175 Rimu Road, Paraparaumu on **Thursday, 20 June 2019**, commencing at **10.08 am**.

PRESENT	Cr	J	Cootes	Chair
	Mayor	K	Gurunathan	
	Cr	J	Howson	
	Cr	M	Benton	
	Cr	A	Buswell	
	Cr	J	Elliott	
	Cr	J	Holborow	
	Cr	M	Scott	
	Cr	F	Vining	
	Mr	B	Carter	Māori Representative
ATTENDING	Mr	W	Maxwell	Chief Executive
	Mr	S	Mallon	Group Manager, Infrastructure Services
	Mr	M	de Haast	Group Manager, Corporate Services
	Ms	J	McDougall	Group Manager, People & Partnerships
	Ms	N	Tod	Group Manager, Regulatory Services
	Mr	I	Littleworth	A/g Group Manager, Place & Space
	Mr	P	Edwards	Chair, Paekākāriki Community Board
	Ms	K	Spiers	Member, Paraparaumu-Raumati Community Board
	Mr	C	Pearce	Senior Advisor Project & Portfolio
	Ms	L	Belcher	Manager, Democracy Services
	Ms	J	Murray	Democracy Services Advisor
	Ms	S	Foote	Democracy Services Coordinator
APOLOGIES	Ms	M	Stevens	
	Mr	P	Hughes	
	Mr	J	Seamark	
LEAVE OF ABSENCE	Cr	D	Scott	

SPC 19/06/180 WELCOME

The Chair welcomed everyone to the meeting, read the Council blessing and declared the meeting open.

SPC 19/06/181

(a) Apologies

MOVED (Gurunathan/M Scott)

That apologies are received from Paul Hughes, Member Paekākāriki Community Board, and Marilyn Stephens, Member Ōtaki Community Board and Jeremy Seamark, Member Waikanae Community Board.

CARRIED

It was noted that Cr D Scott is on a leave of absence.

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(b) Declarations of Interest Relating to Agenda Items

There were no declarations of interest.

SPC 19/06/182

PUBLIC SPEAKING TIME (for items relating to the agenda)

There were no public speakers for items relating to the agenda.

SPC 19/06/183

MEMBERS' BUSINESS

(a) Public Speaking Time Responses:

There were none.

(b) Leave of Absence:

There were none.

(c) Matters of an Urgent Nature:

SPC 19/06/184

Update: Regional Waste Forum Meeting – Items of Interest

Cr Elliott provided an update on the Regional Waste Forum Meeting and answered members' questions.

Cr Elliott confirmed that the Regional Waste Forum have been lobbying for product stewardship of large items of white ware, electronics and furniture whereby the responsibility would sit with the manufacturer and seller to charge a levy within the price which would go towards the end waste of that product.

SPC 19/06/185

LGNZ ANNUAL GENERAL MEETING REMITS (Corp-19-823)

Chris Pearce introduced the report, which was taken as read. Members questions were answered.

Cr M Scott left the meeting at 10.48am and returned at 10.49am.

Members agreed that each remit being submitted for consideration at the 2019 LGNZ Annual General Meeting would be put to the vote as either a 'Yes' meaning the Strategy and Policy Committee to support it or 'No' meaning the Strategy and Policy Committee do not support it.

MOVED (Benton/Howson)

26 Remit 1 – call on the Government to include local government representation on climate change response policies.

Yes

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CARRIED

MOVED (Elliott/Howson)

- 27 Remit 2 – that LGNZ work with central government to raise the issue about the sale of fireworks and advocate for legislative change.**

Yes

CARRIED

MOVED Holborow/Gurunathan

- 28 Remit 3 – request the Government to bring into line camera and officer-detected red light running offences with other traffic offences that incur demerit points.**

Yes

CARRIED

Against: Cr M Scott, Cr Benton

MOVED VINING/M SCOTT

- 29 Remit 4 – seek an amendment to clause 6.2 of the Land Transport (road User) rule 2004 to prohibit parking on urban berms.**

No

CARRIED

MOVED (Gurunathan/Vining)

- 30 Remit 5 – advocates for enabling legislation that would allow councils to require all guest accommodation providers to register with the council.**

Yes

CARRIED

MOVED (Holborow/Howson)

- 31 Remit 6 – recommend to the government the funding of additional research into the effects of nitrates in drinking water on human health, and/or partner with international public health organisations to promote such research.**

Yes

CARRIED

MOVED (Gurunathan/Holborow)

- 32 Remit 7 – initiate a review of Local Government Official Information and Meetings Act (1987) (LGOIMA) request management nationally with a view to establishing clear and descriptive reporting.**

Yes

CARRIED

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MOVED (Howson/Holborow)

- 33 Remit 8 – encourages member councils to consider using environmentally friendly weed control methods.**

Yes

CARRIED

Division:

For: Cootes, Vining, Buswell, Elliott, Howson, Holborow, Gurunathan

Against: Cardiff, Scott, Benton,

MOVED (Vining /Holborow)

- 34 Remit 10 – urgently focus on the development and implementation of a broader range of funding and financing tools in respect of community/social housing provision.**

Yes

CARRIED

MOVED (Gurunathan/Howson)

- 35 Remit 11 – investigate the ability of the sector to collaborate in procuring open-source designs and plans for bulk infrastructure.**

Yes

CARRIED

Against: Elliott

MOVED (Howson/Buswell)

- 36 Remit 12 – advocate to the Government to phase out single use polystyrene.**

Yes

CARRIED

MOVED (Elliott/Howson)

- 37 Remit 14 – request the Government to amend the Camping – Ground Regulations to allow councils to approve remote camp facilities on private property.**

Yes

CARRIED

MOVED (Howson/Buswell)

- 38 Remit 15 – that LGNZ members consider engaging with the Living Wage Aotearoa New Zealand Movement when developing policies on payment of the Living Wage.**

Yes

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CARRIED

Against: Benton, Elliott

MOVED (Vining/Howson)

- 39 Remit 16 – ask for a review of the effectiveness of the Sale and Supply of Alcohol Act 2012 in reducing alcohol harm.**

Yes

LOST**Division:**

For: Cootes, Vining, Buswell, Gurunathan, Howson,

Against: Elliott, Cardiff, Holborow, M Scott, Benton, Carter

MOVED (Howson/Buswell)

- 40 Remit 17 – that LGNZ members collectively adopt the position that government should revise the Resource Management Act 1991 to adequately consider the impact of greenhouse gases when making decisions under that law and to ensure that the Resource Management Act 1991 is consistent with the Zero Carbon Bill.**

Yes

CARRIED**MOVED (Howson/Elliott)**

- 41 Remit 18 – recommend to Government that they establish an independent expert group to develop a new policy framework for adapting to climate change impacts.**

Yes

CARRIED**MOVED (Elliott/Buswell)**

- 42 Remit 19 – request a review of the New Zealand Transport Authority's Code of Practice for Temporary Traffic Management.**

Yes

CARRIED**MOVED (Gurunathan/Buswell)**

- 43 Remit 20 – requests that government investigate the introduction of strengthened rules to govern the safer use of mobility scooters, particularly in relation to speed limits and registration.**

Yes

CARRIED**MOVED (Elliott/Holborow)**

- 44 Remit 21 – That central government funding be made available on an**

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annual basis for museums and galleries operated by territorial authorities with nationally significant collections.

Yes

CARRIED

Against: Bill Carter

Mr Carter raised a concern that if this remit was passed there would be a risk that small local museums which have separated out of local authority control into community trusts may incur costs associated with standard government audit.

MOVED (Buswell/Vining)

- 45 Remit 24 – call on the Government to develop and implement national guidelines, policy or regulations to achieve national consistency for the ‘health and beauty clinic’ industry.**

Yes

CARRIED

MOVED (Holborow/Gurunathan)

- 46 Remit 9 – call on central government to take action as recommended by the Law Commission in its 2014 report on “Liability of Multiple Defendants” to introduce a cap on the liability of councils in New Zealand in relation to building defects claims whilst joint and several liability applies.**

- 46.1 Note that Council’s preference is for proportionate liability.
However, if this is not achievable then a cap on liability is acceptable.**

Yes

CARRIED

MOVED (Vining/Cardiff)

- 47 Remit 13 – pursue an amendment to the Local Government Act 2002 to address issues in relation to councils undertaking works on infrastructure assets located on private land.**

Yes

CARRIED

MOVED (M Scott/Elliott)

- 48 Remit 22 – that the selection of all independent commissioners for Resource Management Act hearings be centralised.**

No

CARRIED

MOVED (M Scott/Buswell)

- 49 Remit 23 – request the Government to amend S41A of the Local Government Act 2002 to give Mayors the same powers to appoint a deputy mayor as held by the Mayor of Auckland.**

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No

CARRIED

Against: Elliott

MOVED (Gurunathan/Cardiff)

50 Support the proposed amendments, as per Appendix 2 of this report (Corp-19-823), to the LGNZ Rules.

Yes

CARRIED

The meeting adjourned at 11.30am and resumed at 11.42am

SPC 19/06/186

SOCIAL INVESTMENT UPDATE (PP-19-829)

Janice McDougall introduced the report.

An error was noted on Page 105 of members papers at point 27 with a replication of part of a later paragraph.

Since the agenda was published it had been agreed that Social Investment Activity presentations would take place at Committee Meetings in August and September 2019 and so the recommendation would be reworded to reflect that.

Cr Howson highlighted that Council representation continues on ASK.

Staff were commended for their work.

MOVED (M Scott/Buswell)

That the Committee notes the updates on Council's Social Investment programme with reference to:

- Council's progress on Safe Communities and working with partners to develop and implement a strategic joined up approach for community safety and crime prevention.
- Council's ongoing support for 2017/18 Council Community Contract holders who were unsuccessful in receiving 2018/19 social investment funding.
- Council's Social Investment programme support for the wider community sector.

That the Committee supports the continuation of ongoing tailored support for Kāpiti CAB, Ōtaki CAB, A Safe Kāpiti and Well-Able.

That the Committee notes that Year One progress reports from Social Investment contract holders will be presented to the Committee in August and September 2019.

CARRIED

SPC 19/06/187

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THE RE-INSERTION OF THE FOUR WELL-BEINGS BACK INTO THE LOCAL GOVERNMENT ACT (PP-19-835)

Janice McDougall introduced the report and answered members' questions.

Cr Benton left the chamber at 11.55am and returned at 12.10pm

MOVED (Holborow/Buswell)

That the Strategy and Policy Committee notes the re-insertion of the four well-beings back into the Local Government Act as attached at Appendix 1 of this report (PP-19-835).

CARRIED

SPC 19/06/188

CONFIRMATION OF MINUTES – 21 MARCH 2019

MOVED (Vining/M Scott)

That the minutes of the Strategy and Policy Committee meeting held on 21 March 2019 be adopted as a true and correct record of that meeting.

CARRIED

SPC 19/06/189

PUBLIC SPEAKING TIME (covering other items if required)

There were no public speakers on non-agenda items.

SPC 19/06/190

PUBLIC EXCLUDED RESOLUTION

MOVED (Gurunathan/Howson)

That the Strategy and Policy Committee move into a Public Excluded meeting, allowing Community Board members to remain:

PUBLIC EXCLUDED RESOLUTION

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

- Variation 3 County Road Otaki Low Density Precinct (RS-19-808)

The general subject of each matter to be considered, while the public are 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:

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General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution
Variation 3 County Road Otaki Low Density Precinct (RS-19-808)	Section 7(2)(a) – to protect the privacy of natural persons. Section 7(2)(i) – to enable the local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Section 48(1)(a): That the public conduct of the whole or 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.

CARRIED

The Strategy and Policy Committee moved into a public excluded session at 12.15 pm.

The Strategy and Policy Committee came out of the public excluded session at 12.24 pm.

The Strategy and Policy Committee meeting closed at 12.24 pm.

.....
Chairperson

.....
Date

10 PUBLIC SPEAKING TIME

- For items not on the agenda

11 PUBLIC EXCLUDED REPORTS**RESOLUTION TO EXCLUDE THE PUBLIC****PUBLIC EXCLUDED RESOLUTION**

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

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
11.1 - PDP: Omnibus Variations 4 A-H	<p>Section 7(2)(c)(i) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied</p> <p>Section 7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p>	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
11.2 - Confirmation of Public Excluded Minutes - 20 June 2019	<p>Section 7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>Section 7(2)(c)(i) - the withholding of the information is necessary to protect</p>	Section 48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

	information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied	