

OIR: 2223/388

2 November 2022



Request for Information under the Local Government and Official Information and Meetings Act 1987 (the Act)

Thank you for your email of 4 October 2022 requesting the following information:

Regarding all the tyres on the beach from Paekakariki South to the Fishermans tables foreshore.

1. Are there up to date resource consents for all the tyres that are on the beach now?

The presence of the tyres on the property boundary would only trigger a resource consent if it was linked to earthworks or if it formed a retaining structure that exceeded the boundary setback or height requirements.

None of the properties that fit the search criteria, had a resource consent linked to a retaining structure on the boundary.

a) Is any person, land owner/title owner in breach or defines of any order or direction by or from the kapiti council regarding the tyres on the beach, near the beach or on their own property. Please give numbers of people in defines of any order and numbers of people that have complied with any order or direction by or from the kapiti council?

No, Council does not have any examples to provide to you. On that basis I must decline this part of your request as the documents alleged to contain the information requested do not exist, despite reasonable efforts to locate them, they cannot be found, section 17(e) of the LGOIMA refers.

2. Is it acceptable/desirable/prudent/cost affective or environmentally sound or right thing to do in the 21st century placing tyres on the beach in this way in the mayor's Professional findings?

This question asks for the expression of opinion and does not fit the criteria of official information held by Council and on that basis cannot be answered by Council.

3. *Is it acceptable/desirable/prudent/cost effective or environmentally sound or right thing to do in the 21st century placing tyres on the beach in this way in the members of the councils Professional findings?*

This question asks for the expression of opinion and does not fit the criteria of official information held by Council and on that basis cannot be answered by Council.

4. *Do the locals/rate payers, think placing tyres on the beach in this way acceptable/desirable/prudent/cost effective or environmentally sound or right thing to do in the 21st century?*

Council does not hold information on the views of ratepayers on this matter.

5. *Have there or are there regular meetings involving the locals/rate payers about the tyres?*

Not that we are aware of, you would need to check with individual landowners.

6. *Who is responsible for the loos tyres that are going in and out with the tide?*

The individual person that left the tyre there. Greater Wellington Regional Council (GWRC) also has some jurisdictional role to play through their Proposed Natural Resources Plan that looks after that part of the environment. Occasionally Council operational staff remove tyres that have been washed along the beach. Sometimes Council staff remove them as they have been lifted up off the beach by members of the public and placed by our rubbish bins.

Under the LGOIMA section 12(b)(ii) transfer, Council transferred your request in part to GWRC on two occasions for comment or response directly to you, it was rejected by them both times.

a) *Does the kapiti council have knowledge and or information of numbers of loos tyres that are likely to be ten to twenty meters out to sea?*

Council does not hold the information you have requested.

7. *Is there a environmental impact study on loos tyres that get washed out to sea and has it been updated?*

a) *Is there a digital copy of a environmental impact study, and were can i access it?*

Our Council is not the author of any environmental impact study.

8. *What input has the local iwi had in this matter and what is there public opinion?*

Please refer to the [Greater Wellington Regional Council — Proposed Natural Resources Plan \(gw.govt.nz\)](http://gw.govt.nz)

9. *When and at what date was the kapiti council 1st aware of tyres being placed on the beach in this way?*

Please note, the tyres that can be seen in the aerial photographs we supplied to you in an email on 11 October, are from 1998. Antidotally, we have been able to establish that these tyres have been there since approx. 1970-80's. We don't hold any further information relevant to your question.

a) What official statement if any has the group Local Body New Zealand (LBNZ) have regarding to all the tyres on the beach from Paekakariki South to the Fishermans tables foreshore. That the kapiti council have knowledge of?

LBNZ is not known to Council, we have no knowledge of any statements from them. On that basis I must decline this part of your request as the documents alleged to contain the information requested does not exist or, despite reasonable efforts to locate them, they cannot be found, section 17(e) of the LGOIMA refers.

10. Are there ongoing discussions with all partys including national government on a better way of a cheatvng a better outcome without all the tyres?

Not currently involving our Council.

11. Are there plans to continue the rock wall all the way to the concrete sea wall south of the fishermens table?

Council does not have plans to extend the rock wall as there are no public assets in this area. Council does not build seawalls to protect private land.

a) what is the timeframe to continue the rock wall if any?

Please refer to our response to Q11 above.

12. If there are plans to continue the rock wall when that happens will the title owners/land owners be responsible for the removal of all the tyres they have placed on or near the beach?

Please refer to Q11 above, there are no plans for any wall, therefore any responsibility for any existing wall on private land will reside with the landowner.

a) what are the projected costs to the rate payers and national government to remove all the tyres?

Council has no plans to remove the tyres and therefore we have no projected costs. Occasionally Council staff have removed tyres that have moved up the beach from storms. Sometimes this is a result of tyres being lifted off the beach my members of the public and placed beside rubbish bins.

13. Is it lawful for the title owners/land owners to continue to place tyres on the beach,near the beach or on there own propertys next to the beach?

No, however, please refer to the following documents for more information:

- [Council's Beach Bylaw](#) (section 9)
- Greater Wellington Regional Council — [Proposed Natural Resources Plan](#) (gw.govt.nz)
- [Litter Act 1979 No 41 \(as at 28 October 2021\)](#).

14. Has there ever been a prosecution of a person title owner/land owner for placing,dumping,desposing of tyres on the beach,near the beach or on there own property's next to the beach?

a) please show copy of judgement of prosecution(s).

No, not by our Council – no examples were found. On that basis I must decline this part of your request as the documents alleged to contain the information requested do not exist, despite reasonable efforts to locate them, they cannot be found, section 17(e) of the LGOIMA refers.

15. What are the reasons for using tyres on the beach in this way?

It would appear that these tyres were placed on the posts in order to try and mitigate coastal erosion. As they are placed on private land this question would be best answered by the various landowners. However our Council does not use tyres for coastal erosion mitigation.

Please note - there is a chance that in the distant past people may have used them for this purpose, it is likely that it would have been done with or without Council's knowledge.

16. Is the kapiti council in defiance and or in breach of any national government act or statute order or direction regarding all the tyres on the beach or near the beach?

a) Please give examples to question 16.

No examples have been found.

17. Does the kapiti council stand under any order or dictate from the minister for the environment office or David Parker regarding the use of tyres on the beach in this way and or the removal of the tyres from the beach?

a) Please give examples to question 17.

Please refer to the [Litter Act 1979 No 41 \(as at 28 October 2021\)](#), Public Act Contents – New Zealand Legislation and [Greater Wellington Regional Council — Proposed Natural Resources Plan \(gw.govt.nz\)](#)

18. Has the kapiti council ever shown or informed the minister for the environments office or David Parker about the tyres on the beach between paekakariki south to the fishermans table?

a) Please show any and all correspondence between the ministr of the environments office and or David Parker and the kapiti council?

No examples have been found.

19. Do any of the land owner's have title's for the land all the way to the high tide mark were the tyres are please show numbers of land owner's?

This information is available online please refer to Councils [Operative District Plan 2021](#).

20. Is the kapiti council aware of or does the kapiti council have any information about the negative affects to the environment regarding the tyres on the beach?

Any rubbish on the beach has negative impact on the environment but we are not specifically aware of any tyre issues currently on our foreshore other than collecting the odd one off the beach which is done by our operational staff.

a) And what are the negative affects to the environment?

We are not the agency that holds this information. This question asks for the expression of opinion and does not fit the criteria of official information held by Council and on that basis cannot be answered by Council. Please contact the [Ministry of the Environment](#) or [GWRC](#) as they may be able to assist.

21. What are the kapiti councils specific reasons and or explanations to let this use of the tyres in this way continue?

We don't allow this, but historically people may have used tyres as retaining walls.

22. Are there any funds specifically for the removal of the tyres that may be being, eg-held back,not spent,or in a trust? And for what reason?

There are no funds held by our Council.

23. If, when or has the (kapiti council) wood to be found libel and or responsible of damage to the environment who wood pay any penalties?

No examples have been found.

24. Is it not a contradiction a double standard a hypocrisy and or a oxy moron that the (kapiti council) wood let this continue when a member of the public wood face court action for placing,dumping,desposing of rubbish and or waste that may include tyres on a beach in a river on the road side at a regional park or reserve?


This question asks for the expression of opinion and does not fit the criteria of official information held by Council and on that basis cannot be answered by Council.

25. Are there any other factual comments that you the (kapiti council) wood like to make that are relevant to the questions above?

Council has no further comments to make.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, by fax to (04) 471 2254, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



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