

3 February 2021

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**Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) (the Act) – reference: OIR 2122-152**

I refer to your information request we received on 17 November 2021 for the following:

*“In this letter ‘Council’ includes any staff member or elected member (including the Mayor).*

**1. The terms of reference (however described) for CAP.**

In December 2019, a Co-Design Working Group was formed for the coastal project. That group was made up of members of North Ōtaki Beach residents Group, Tangata Whenua representatives, Greater Wellington Council and Coastal Ratepayers United,

After a year of monthly meetings, the Co-design Working Group presented a report to Council on 10 December 2020, with recommendations on:

- I. Panel design
- II. Scoping section to inform and guide the Panel in their role
- III. Takutai Kāpiti project governance
- IV. Panel composition
- V. Panel appointment; and
- VI. Panel financial support.

Council adopted these recommendations apart from two points:

Council agreed with officers' recommendations for:

- I. An increased fee to CAP members- in line with Council current fees framework for non-elected members; and
- II. Equal representation of iwi and community representatives on the CAP.

The Terms of Reference (ToR) are in the process of being developed by the CAP. Once complete and signed off by the CAP members, it will be made publicly available on the Takutai Kāpiti website. The CAP have the Co-design Working Group report as a basis for their understanding of their roles and responsibilities. They have also been provided with a copy of the ToR developed and agreed upon by the Co-design Working Group.

**2. Any specific instructions or advice, verbal or written, given by Council to the chair of CAP.**

The Chair has not been provided with instructions or advice on his role as Chair, other than a copy of the Chair job description, the 10 December 2020 Co-design Working Group report and accompanying officers report. These have been provided to you previously as part of CRU's involvement in the Co-design wWorking Group.

**3. Any briefing(s) (including verbal briefings) provided to CAP (or to any of its members) on the background to the establishment of CAP, the legal context within which the Council is working, the historic context including the 2012-2014 process relating to the Shand report and its independent reviews, difficulties with the PDP, and the role of CRU both then and subsequently.**

The CAP has been provided with:

- Verbal briefing by Buddle Findlay. This was conducted online.
- Background context wording as agreed by the Co-design Working Group: Appendix One of the 10 December 2020 Working Group report refers.
- A copy of the Settlement Agreements between Council and CRU and NOBRG respectively; and the following Court Judgements:
  - Coastal Ratepayers United Inc v Kāpiti Coast District Council [2017] NZEnvC 31 – the interim Environment Court decision
  - Coastal Ratepayers United Inc v Kāpiti Coast District Council [2017] NZEnvC 100 – final Environment Court decision
  - Coastal Ratepayers United Inc v Kāpiti Coast District Council [2017] NZHC 2933, (2017) 20 ELRNZ 548 – the High Court decision
  - Weir v Kapiti Coast District Council [2013] NZHC 3522.

**4. The process to be followed by CAP, including specifically:**

- ***how it is to consult with the public,***

This will be agreed by the CAP members a part of the development of the terms of reference. The CAP met recently with Maven who will be conducting the Social Impact Assessment.

- ***whether it is required to notify and to keep proper records of its meetings and attendances,***

This will be agreed by the CAP members a part of the development of the terms of reference.

Current arrangements are for the Minutes of meetings and presentations will be available on the web after being signed off by CAP members at each subsequent CAP meeting. These take place on a monthly cycle.

- ***whether it will provide copies of all information or submissions given to it by Council or any outside parties on an accessible website,***

Information supplied to the CAP is made available on the Takutai Kāpiti website. The Panel is working on how it wishes to engage with the community and receive submissions and feedback. This will be agreed by the CAP members a part of the development of the terms of reference.

- ***whether members of CAP who do not attend meetings will be able to participate in making recommendations to the Council,***

This will be agreed by the CAP members a part of the development of the terms of reference.

- ***whether it is entitled to commission its own advice (and if so whether this advice must be shared with interested parties),***

This will be agreed by the CAP members a part of the development of the terms of reference. Noting that at Paragraph 10 of the Co-design Working Group report:

*” The Working Group proposes the following Panel scope:*

*I. The Panel is to recommend coastal adaptation options for Council’s consideration. The recommendations, including any potential cost associated with those options, should also guide development of District Plan provisions to manage coastal issues and an approach for the district dealing with coastal hazards.*

*II. The Panel will have access to cultural, technical, social and economic advice to inform their report.*

*III. The Panel will actively seek wider community feedback and input as part of the process.*

*IV. The Panel will have wider engagement with the Kāpiti community about the impacts of climate change and sea-level rise and potential responses by Council and community.*

*V. The Panel will have the ability (at the discretion of the Chair) to invite others to attend and participate in Panel activities.*

*VI. The Panel will need to be aware of and informed by other related processes and projects underway at the same time.”*

CRU were a part of this group and involved in making those recommendations.

- ***whether its membership is now complete, and if not, why CAP is meeting without that full membership,***

All community representatives and the CAP Chair have been appointed. Iwi representatives from Ngā Hapū o Ōtaki have been appointed and consult with the relevant members of Ngāti Toa and Te Atiawa whilst they work through their mandating process.

- ***and whether Council regards CAP as being within the LGOIMA obligations for meetings and information.***

The CAP is subject to the official information provisions of LGOIMA. It is not subject to the meeting requirement provisions of LGOIMA.

**5. In relation to the membership of CAP, how many live within the coastal hazard areas identified by the Council in the 2012 PDP?**

This information is withheld under Section 7(2)(a) of the Act in order to protect the privacy of natural persons, including that of deceased natural persons.

In the Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

**6. Are members of CAP paid by Council, and if so on what basis?**

CAP members are paid by the Council on the basis of the agreed recommendations of the Co-design Group Working Group report. At Paragraph 29 it states:

*'The Working Group recommends that all members of the Panel be offered some compensation for their contribution to this project.'*

CRU were a part of this group and involved in making those recommendations.

**7. In relation to the membership of CAP, how many have relevant qualifications and experience in science, planning, law, or economics?**

Biographies of each of the members of CAP are publicly available [on our website](http://www.kapiticoast.govt.nz/coastal-adaptation-panel) at [www.kapiticoast.govt.nz/coastal-adaptation-panel](http://www.kapiticoast.govt.nz/coastal-adaptation-panel) .

The Job Description for CAP members was based upon the recommendations of the Co-design Working Group report. At paragraph 25 the report states:

*"The Working Group also agreed that the selection process for Panel members will have regard to the need to ensure the Panel is representative of the diversity of the Kāpiti Coast community and brings together a mix of knowledge, skills and experience relevant to the project and including:*

*I. People with a special relationship and commitment to the Kāpiti Coast community, such as - long term residents, people active in local environmental work, and from different interest and user groups.*

*II. People with analytic and technical skills to evaluate information and make decisions.*

*III. People with an understanding of Māori language, tikanga, history and cultural values (such as in cases where Māori heritage, tāonga, or ancestral relationships could be affected).*

*IV. People with experience in group or committee decision-making."*

CRU were a part of this group and involved in making those recommendations.

**8. In relation to the selection of CAP members, how many of the members appointed applied for selection and how many were asked to be members by Council?**

All shortlisting was independently undertaken by recruitment agency Jackson Stone. We are aware that it was suggested to Rt Hon Jim Bolger, given his experience as ex-Prime Minister of New Zealand and as a local resident, to apply to the role of Chair.

**9. In relation to the selection of CAP members, were applicants known, or thought, by Council to be associated with CRU automatically rejected? The request should be specifically considered by the panel(s) which shortlisted and/or interviewed applicants (in this regard note that individuals will be entitled to request personal information relating to their own applications).**

All shortlisting was undertaken by Jackson Stone based upon individual merit and the quality of applicants, assessed against the Job Description for CAP members. This Job Description was based upon the recommendations of the Co-design Working Group report as outlined above.

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

Ngā mihi

A handwritten signature in blue ink, appearing to read 'Sean Mallon', enclosed in a thin black rectangular border.

**Sean Mallon**

Group Manager Infrastructure Services  
Te Kaihautū Ratonga Pakiaka