

OIR: 2324/915

4 June 2024

[REDACTED]
[REDACTED]

Tēnā koe [REDACTED],

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

Thank you for your email of **6 May 2024** to Darren Edwards, Council's Chief Executive Officer, in which you request the following information. I am responding on his behalf.

I note that you have advised that there are no adverse entries on LIMs could you please clarify for me:

- 1. Have there ever been any such entries placed on LIMs? If so, the date this was instigated.***

In Mr Edwards' email dated 30 April 2024, he confirmed that Coastal Adaptation Areas "are not mentioned on LIMs and Council has no intention of mentioning in future".

I can confirm that 'Coastal Adaptation Areas' have never featured on LIMs issued by Kāpiti Coast District Council.

There is, however, mention of the Jacob's Report. I can confirm that since February 2022 all newly issued LIMs have contained the following wording:

"Coastal Erosion and Inundation Hazards

Council holds a set of reports prepared by environmental engineering consultancy Jacobs NZ Ltd covering susceptibility and vulnerability assessments of the coastal areas of the District based on a range of sea level rise scenarios over periods of 30, 50 and 100 years. The Council intends using these reports to inform future district plan work which will consider any necessary changes to land use and subdivision controls in areas which may be affected. Various parties have raised concerns regarding the approach taken in those reports. Those concerns will be addressed during consideration of the submissions received during the plan change process. The information on coastal hazards that the Council holds is available on the following link: www.kapiticoast.govt.nz/coastal-science"

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

2. If these have now been removed the date of such removal?

Please see the answer to question 1 above.

3. Under what power did the KCDC administration instigate this process? If by authority of a Council Meeting, please could you supply a copy of the Agenda paper and the minute of the decision? If it was an Executive action, the authority allowing this and the process followed to ratify, if any.

Please see the answer to question 1 above.

4. The same information as in 3 for any removal?

Please see the answer to question 1 above.

5. Are you trying to obfuscate by advising me of the CAA's or CAP's not being present on LIM's when I mentioned the Jacobs Report, which you do not? Or can you confirm that the Jacobs Report is not referenced on the LIMs please so I can put my mind to rest.

Please see the answer to question 1 above regarding the Jacob's Report.

To clarify regarding Coastal Adaptation Areas, the Jacob's Report doesn't set out coastal risk hazard lines for the Kāpiti Coast District. Work will be progressed to spatially identify areas of land subject to coastal erosion risk, and to propose appropriate limitations on land use, development, and subdivision of that land, via a future plan change to the District Plan.

6. Since my initial information came from CALM and I have been at a couple of public meetings after sending my email, my question to you is. "If there has never been anything placed on LIM's why would KCDC or the KCDC Councillors present at those meetings or indeed the CAP committee members not say this – rather than saying things along the lines of "we had to do something "?" As an aside, of course an informed decision to do nothing (i.e. not to do a blanket napalm strike of 2km) is still doing something . Could you please explain.

Regarding your query around why a comment was placed on LIMs:

- Council includes the aforementioned note (as referred to in Q1) on all LIMs to ensure compliance with statutory obligations for LIMs in the Local Government Official Information and Meetings Act 1987 (LGOIMA).
- Section 44A of this Act outlines requirements for Land Information Memorandum (LIMs) including that:

(1) *A person may apply to a territorial authority for the issue, within 10 working days of a land information memorandum in relation to matters affecting any land in the district of the authority.*

(2) *The matters which shall be included in that memorandum are—*

(a) Information identifying each (if any) special feature or characteristic of the land concerned, including but not limited to potential erosion, avulsion, falling debris, subsidence, slippage, alluvion, or inundation, or likely presence of hazardous contaminants, being a feature or characteristic that—

i) is known to the territorial authority; but

ii) is not apparent from the district scheme under the Town and Country Planning Act 1977 or a district plan under the Resource Management Act 1991:

(3) In addition to the information provided for under subsection (2), a territorial authority may provide in the memorandum such other information concerning the land as the authority considers, at its discretion, to be relevant.

- The specific wording of this note was carefully prepared to align with relevant case law. It was also informed by useful feedback from the group: Coastal Ratepayers United.

7. Unfortunately, as you ought to be aware, the opportunity for the Public Consultation that you mention will be perfunctory. I attended the last CAP public meeting, and the Committee advised the Community Board that their (i.e.CAP) report would be delayed and, if they were lucky, they may get this to Council by the end of this month, allowing a 4-5 days for public consultation “if we were lucky”. Our Mayor seemed surprised that she was due to get a report and Counsellor Pravanov, did sensibly observe that public consultation ought to be a minimum of a 4 but better 6 weeks to have any integrity. Unless of course this is not the Public Consultation that you meant, in which case please advise.

I can confirm that CAP is on-track to complete their Report to Council in June 2024.

To date, and since 2020, significant feedback has been received from the community which I expect will shape and inform the CAP's advice and recommendations to Council. This is likely to also include where further engagement would be valuable before future decisions are made.

The CAP Report is but one action in a series of requirements that Council will step through in relation to responding to coastal changes, and discussing coastal adaptation. It is Council's intention that ongoing engagement will be carried out in a genuine and meaningful manner.

Given concerns raised around engagement, Council will consider the effectiveness of the engagement approach for CAP and the Takutai Kapiti process in its 'lessons learnt' review which will be initiated in July 2024.

- 8. *I noticed that you have copied your reply to my email to all the original addressees, which is not a problem for me. I would point out that you were the only KCDC representative, elected or employed, who replied to me, and for that you have my thanks. It does occur to me that some of these individuals may have contacted you or your other paid officials, rather than me. If so, please could you send me copies of all the correspondence that you have been sent and have sent to them relating to this correspondence. Open, transparent and responsible Government should be the order of the day.***

A search of our email archive has been completed to check for any emails received in response to your correspondence. No emails have been identified from the search conducted, therefore 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.

- 9. *In my email I raised a question about the potential cost for KCDC in implementing the full consequence of the Jacobs Report. I had no specific idea but simply said that it would be an enormous burden on all ratepayers. I have now seen an article by Justin Wong of the Post April 20 2024 in which he advises that the total cost could be \$935.4 million going down to \$58.2 million or \$357.9 million depending on KCDC's decision. If you need me to send a link, just ask, but I feel sure that you can trace this internally. All his information came from KCDC and, according to him, KCDC's cost for managed retreat at Otaki and Peka Peka was \$741 million and \$90.4 million respectively. Mr. Wong's article gives other mind-numbing figures (all obtained by him through KCDC). If these figures have been given to Mr Wong by KCDC how can our Council conceal these from their ratepayers who are expected to pay them? Trying to locate information about these matters from KCDC's website is worse than "K"s endless struggle to obtain information from The Castle in Kafka's book of the same name. Can you send me (and all the other individuals when you copy your reply to me, to them) the financial information (with any other documents and an explanation) that you sent to Mr. Wong please, in order that I, can try to comprehend what frankly currently seems incomprehensible.***

The Coastal Advisory Panel received some draft economic costings of adaptation pathway options to inform its deliberations. I understand this draft information is what was cited in the [article by Mr Wong](#).

To clarify, this information provides 3 scenarios of potential pathways, for each area considered, and seeks feedback on a preferred pathway from the community. I can confirm that no decision has been made by the Council to undertake further work or to incorporate these cost scenarios into the LTP budget.

Regarding your request for information sent to Mr Wong, it is my understanding that Mr Wong approached Council with questions of clarification after he found this information in the public domain. I attach the resulting email correspondence between staff and Mr Wong relevant to your request.

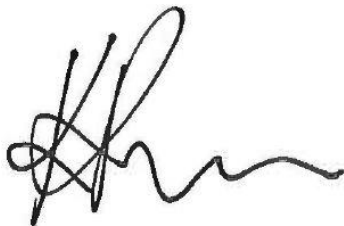
The draft economic costings are publicly available as follows:

- Preferred pathways information for each of the Adaptation Areas: [Northern](#), [Central](#), [Raumati](#), and [Paekakariki](#).
- Further information can be found at [Takutai Kapiti Have Your Say page](#) around the community feedback sought on the CAP's draft recommendations between 15 April – 9 May 2024.
- You may also be interested in the draft [Economic Analysis of Takutai Kapiti Short-listed Coastal Adaptation Pathways](#) report which is publicly available on the [Documents page of the Takutai website](#). Also, a presentation that was used at the final CAP meeting (also listed on the [Takutai Kapiti website](#) under *Final CAP Meeting – 10 April 2024* heading) provides further contextual information on the CAPs decisions.

I hope that we have answered your queries but please let me know if you have further concerns or information needs.

Further you have the right to request the Ombudsman to review decisions in this response. Complaints can be sent by email to info@ombudsman.parliament.nz, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu

[REDACTED]

From: Jason Holland
Sent: Friday, 19 April 2024 4:43 pm
To: Chrissie Blake; Justin Wong
Subject: RE: CAP

Hi Justin, thanks for your interest. In response to your questions:

- Please see slide 5 of the following presentation for an explanation of “cost + loss”
- Please see slide 6 for an explanation of “damages avoided” and “number of properties still exposed in 2130”

<https://www.kapiticoast.govt.nz/media/hmlk0et/economics-analysis-of-short-listed-pathways-presentation-10-april-2024.pdf>

Let me know if you strike any difficulties.

cheers

Jason Holland
Manager District Planning
Te Kaiwhakahaere Whakamahere Rohe

Kāpiti Coast District Council
Tel 04 296 7792
Mobile 027 555 5792

www.kapiticoast.govt.nz

From: Chrissie Blake [REDACTED]
Sent: Friday, April 19, 2024 4:31 PM
To: Justin Wong [REDACTED]; Jason Holland <Jason.Holland@kapiticoast.govt.nz>
Subject: FW: CAP

Thanks Justin

I have copied in Jason who might be able to help with this.

Ngā mihi

Chrissie Blake
Team Leader Communications and Engagement
Te Kaiārahi Rōpū Whakawhiti Kōrero me te Paheko

Kāpiti Coast District Council
[REDACTED]
[REDACTED]

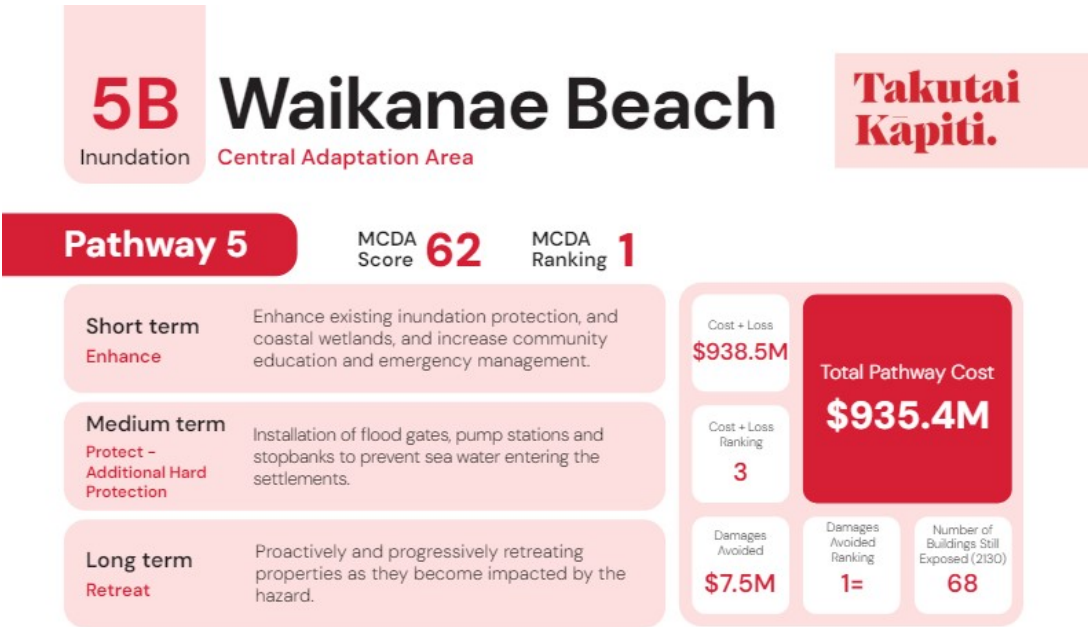
www.kapiticoast.govt.nz

From: Justin Wong [REDACTED]
Sent: Friday, April 19, 2024 4:26 PM
To: Chrissie Blake [REDACTED]
Subject: CAP

Kia ora Chrissie,

Just want to make sure that I'm on the right track: for those having a MCDA ranking 1, that's CAP draft recommended option?

And also want to know what is cost+loss (\$938.5m below),"damages avoided" and "number of buildings still exposed (2130)"?



Justin Wong 王曉亮
Reporter

Wellington 6011



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