

OIR: 2324/964

1 July 2024

[REDACTED]
[REDACTED]

Kia ora [REDACTED]

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

Thank you for your email of 11 June 2024 requesting the following information:

1. *What decisions has KCDC made to date on Coastal Adaptation, either to accept, adopt or reject suggestions presented through this process?*

Council has not made any decisions to accept, adopt or reject the Takutai Kapiti Coastal Advisory Panel's recommendations. At its latest meeting on 20 June 2024, Council resolved to:

- Receive the report and recommendations from the Takutai Kapiti Coastal Advisory Panel.
- Thank this Panel for their work and confirm their work is complete.
- Follow-up with the Insurance Council of New Zealand and Department of Conservation about issues raised by some community members.
- Note that further analysis will be carried out before Council makes any decisions regarding next steps including recommendations.

The Panel's report, and associated report to Council from staff, is available at:

https://kapiticoast.infocouncil.biz/RedirectToDoc.aspx?URL=Open/2024/06/CO_20240620_AGN_2689_AT_WEB.htm

2. *What decisions is KCDC currently considering with response to Coastal Adaptation?*

Council is not currently considering any decisions related to the work progressed by the Coastal Advisory Panel regarding next steps for coastal adaptation. This is because, as noted in response to Question 1, Council wishes to firstly receive

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

and consider further analysis of the Panel's recommendations before it considers what decisions it may wish to make.

However, Council does have work in its LTP 2024-34 capital works programme related to maintenance of seawalls at Paekākāriki and Raumati, and we also have an existing sand dune restoration programme.

3. *What timeline can I pass to concerned residents for future decision points and any further consultation if applicable?*

Council has yet to make any decisions regarding a timeline for next steps. However, we expect Council will consider further analysis of the Panel's recommendations between September and December 2024. To clarify, this does not mean that decisions on the recommendations will be made at this time.

4. *Has KCDC added notations to LIM reports, and if so, what was the basis for this decision, and where can I point residents to for reference?*

I can confirm that Council adds notations to LIM reports on the basis of statutory direction from the Local Government Official Information and Meetings Act 1987. The relevant reference in that Act is section 44A which is set out in full below. As this Act is administered by the Department of Internal Affairs, you may wish to point residents to that department for general guidance on LIM matters.

44A Land information memorandum

(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:

(b) information on private and public stormwater and sewerage drains as shown in the territorial authority's records:

(ba)[Repealed]

(bb) information on—

(i) whether the land is supplied with drinking water and if so, whether the supplier is the owner of the land or a drinking water supplier:

(ii) if the land is supplied with drinking water by a drinking water supplier, any conditions that are applicable to that supply:

(iii) if the land is supplied with water by the owner of the land, any information the territorial authority has about the supply:

(iv) any exemption that has been notified by Taumata Arowai to the territorial authority under section 57 of the Water Services Act 2021:

(c) information relating to any rates owing in relation to the land:

(ca) if the land concerned is located in a levy area that is subject to a levy order under the Infrastructure Funding and Financing Act 2020, information about—

(i) the levy period:

(ii) how liability for a levy on the land is assessed:

(iii) amounts of any unpaid levy:

(cb) if the land concerned is located in a project area that is subject to a targeted rates order under the Urban Development Act 2020, information about—

(i) the financial years to which the order applies; and

(ii) how liability for targeted rates under that Act on the land is calculated; and

(iii) amounts of any unpaid targeted rates under that Act:

(d) information concerning any consent, certificate, notice, order, or requisition affecting the land or any building on the land previously issued by the territorial authority (whether under the Building Act 1991, the Building Act 2004, or any other Act):

(da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:

(e) information concerning any certificate issued by a building certifier pursuant to the Building Act 1991 or the Building Act 2004:

(ea) information notified to the territorial authority under section 124 of the Weathertight Homes Resolution Services Act 2006:

(f) information relating to the use to which that land may be put and conditions attached to that use:

(g) information which, in terms of any other Act, has been notified to the territorial authority by any statutory organisation having the power to classify land or buildings for any purpose:

(h) any information which has been notified to the territorial authority by any network utility operator pursuant to the Building Act 1991 or the Building Act 2004.

(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.

(4) An application for a land information memorandum shall be in writing and shall be accompanied by any charge fixed by the territorial authority in relation thereto.

(5) In the absence of proof to the contrary, a land information memorandum shall be sufficient evidence of the correctness, as at the date of its issue, of any information included in it pursuant to subsection (2).

(6) Notwithstanding anything to the contrary in this Act, there shall be no grounds for the territorial authority to withhold information specified in terms of subsection (2) or to refuse to provide a land information memorandum where this has been requested.

More specifically, since February 2022, Council has added an identical notation to all LIMs issued throughout the district referring to the Jacob's Report (also known as the 'Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment'). Information on this notation was shared with all ratepayers via email in 2023 and through a letter to all ratepayers earlier this year. Council has prepared a "FAQ" on this matter which is available at:

[Takutai Kāpiti FAQs | Have Your Say | Kāpiti Coast \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/takutai-ka-piti-faqs-have-your-say-ka-piti-coast)

5. *If applicable, what is the appeal process with respect to LIM notations that I can convey to concerned residents?*

I am not aware of any specific appeals process with respect to LIM notations under the Local Government Official Information and Meetings Act 1987. However, you may wish to seek further advice from the Department of Internal Affairs, and to discuss opportunities to amend this Act with your Ministerial colleagues.

6. *Are there any long-term assurances I can pass to concerned residents that give them certainty about their ability to reside at their current address?*

I can confirm that:

- Council does not have a managed retreat work programme.
- Council's Long-Term Plan 2024 – 2034 includes actions which aim to 'support their ability to reside at their current address' such as incorporating funding for replacement of public seawalls at Raumati and Paekākāriki.
- Any future steps regarding coastal adaptation will include multiple opportunities for community involvement before Council makes any decisions.

You may also wish to forward concerns raised by residents to the Minister for the Environment, to convey the negative impact of existing legislative settings and supporting guidance set for coastal matters by the Ministry for the Environment and Department of Conservation. This could follow on from the letters that Council has already sent to the Ministry (available [here](#) and [here](#)) advising of issues raised by residents about the validity of science local government is asked to follow. You may be interested in their respective responses, and to discuss further with your Ministerial colleagues, which are available at [Takutai Kāpiti - Documents | Have Your Say | Kāpiti Coast \(kapiticoast.govt.nz\)](#) (or [here](#) and [here](#))

7. Can I assure residents that council are considering housing values, insurance costs, regional economic growth, and the resultant impact on cost of living in our region through this process?

Yes. As a visible first step, Council has already committed to seeking feedback from the Insurance Council of New Zealand on the Panel's recommendations to hear directly from them about what action, information, and decisions they are using and/or making about coastal risk hazards and any influence on insurance and premiums.

Please let me know if you have any further concerns or questions.

Ngā mihi,



Kris Pervan
Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu