

OIR: 2324/808

14 March 2024

[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 **15 February 2024** requesting the following information:

- 1. Please confirm whether Jacobs has been contracted to provide the identification of areas at high risk of being affected within the district as is required by policy 24 of the NZCPS.***

The contract for the Jacob's Report required that the methodology followed was consistent with relevant direction in the NZCPS, including Policy 24, and with relevant guidance.

I note that Policy 24 of the NZCPS states (in part) "Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected."

The identification of potential areas at risk (including any subset of that area which may be identified as "high risk") will ultimately be a matter for the Council to undertake through the preparation of planning maps as part of the future coastal plan change. While Jacobs has not been contracted to prepare these planning maps (for avoidance of doubt, nor has any other consultant), I note that the following advice from Jacobs is likely to inform this work:

- **"Kapiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment" (inclusive of subsequent addendums/updates):** this report (among other things) identifies areas susceptible to current and future coastal erosion and inundation under various potential magnitudes of sea-level rise, at various levels of probability, and over different timescales (30, 50, and 100 years).
- **Jacobs technical advice to the CAP on a risk-based planning approach to identifying low to high hazard areas:** This advice draws

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

on the Jacobs Report, and is also informed by a comprehensive assessment of statutory requirements relevant to the future coastal plan change process. This advice was commissioned to inform CAP deliberations about its recommendations to Council covering the part of its scope which is "...an approach for the district dealing with coastal hazards".¹

2. Please advise as to whether Jacobs has been instructed to provide a map of such areas and whether they have also been instructed to provide a map of areas at moderate to low risk of being affected within each of the time frames they have adopted.

Council's current contract with Jacobs does not request provision of maps fitting this description.

The Phase 2 contract, in 2023, with Jacobs instructed them to prepare a "planning approach" memo. It included the wording "to prepare a series of maps showing suggested low to high hazard zones". However, this element of the task was later removed by variation to that contract, in late 2023, as:

- It was considered premature and potentially confusing to develop such maps ahead of the coastal plan change process.
- It would not be aligned to the Terms of Reference. Specifically, that information would be too detailed given the CAP's scope on district planning matters is only to recommend "...an approach for the district dealing with coastal hazards".

3. If so, when will such maps be provided to the Council and when will they be made public?

As noted in the answer to question 2, Jacobs has not been instructed to provide maps fitting this description.

However, I acknowledge that mapping will be needed of areas at various degrees of risk from coastal hazard (in accordance with Policy 24 and other relevant direction and guidance).

While the preparation of draft planning maps has yet to commence, this work will be carried out before public release of the draft plan change for public consultation.

4. Please advise the timing of the Council process to prepare a District Plan Change addressing coastal hazard identification and management.

Council has decided it will formally progress the district plan change after it considers CAP's recommendations. This timing was set by Council's

¹ The scope for the CAP is set out in paragraph 20 of the Co-Design Working Group Report, which is Appendix One to the Council Report of 10 December 2020, available at: https://kapiticoast.infocouncil.biz/Open/2020/12/CO_20201210_AGN_2272_AT_WEB.htm.

resolution on 10 December 2020 to “*approve the recommendations outlined in the Co-Design Working Group report with regard to...Community Assessment Panel scope.*” This approved scope included that the Panel’s recommendations should “*guide development of District Plan provisions to manage coastal issues and an approach for the district dealing with coastal hazards.*”

The CAP’s recommendations will be considered by Council in June 2024, and the timing of the process to prepare this plan change will be decided by Council at this time. I anticipate that Council will wish to progress this work at pace and to publicly notify the proposed plan change as soon as possible, following robust community consultation on a draft version of the plan change. The latter obligation arises from the agreements lodged with the Environment Court.

5. *Leaving aside the CAP process, has the Council commenced preparation of such a draft plan change and, in any event, when does it intend to release a discussion draft?*

Council has not formally commenced preparation of the coastal plan change. However, staff have been in discussion with CRU about the approach that could be taken to ensure we meet the intentions of the agreement lodged with the Environment Court. We have also discussed the plan change with iwi.

The timing of releasing a discussion draft will be decided by Council as part of its resolutions made when receiving the CAP’s recommendations in June 2024.

6. *Please confirm whether the Council or legal or other consultants have provided advice or instructions to Jacobs, relating to the interpretation and application of policy 24 of the NZCPS and how that should be applied to the [Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment](#). If such advice or instructions have been provided, please provide a copy of that.*

I understand that there is no record of Council, or legal or other consultants providing advice or instructions to Jacobs relating to the interpretation and application of Policy 24 of the NZCPS in relation to this report.

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.

However, for completeness, Council formally asked the Ministry for the Environment and Department of Conservation to provide advice on whether Jacobs methodology was consistent with the NZCPS, and relevant national guidance. The response and advice from these entities was shared with Jacobs to inform the Jacobs Report Addendum, which ensures we met these requirements. The letters from both entities are available on our [website](#).

7. Please confirm whether Kapiti Coast District Council has obtained legal advice on the interpretation and application of policy 24 of the NZCPS and if so whether that advice has been provided to Jacobs and/or the CAP.

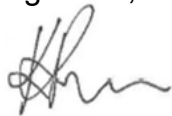
Council has sought legal advice across a range of matters relevant to the interpretation and application of Policy 24 of the NZCPS, which was introduced in 2010. However, I understand that no legal advice on the interpretation and application of Policy 24 has been provided to Jacobs or the CAP.

8. If such advice exists and it has been provided to Jacobs or CAP, please provide a copy of it and of any summary that has been provided to Jacobs or CAP

Please see response to question 7 above.

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,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu