


OIR: 2324/891

16 May 2024



Tēnā koe 

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

Thank you for your email of **17 April 2024** requesting the following information:

I have a few questions - NZ Searise say sea levels around NZ are rising 1.7mm per year, or 0.17m in 100 years (less than the global 3.9mm per year predicted by Nasa) because of the land rising out of water due to tectonic plate movement.

1. Does this scenario warrant the fearmongering that the KCDC is inflicting on its residents?

To clarify, I am not aware that KCDC have had any input into the NZ Searise Programme or recommendations made by the Ministry for the Environment around requirements that Councils should consider in identifying or assessing the impact of coastal hazards or risks.

In regards to the Jacobs report, which I have assumed you are referring to with your question, I can confirm that:

- Criticisms formally raised around the scenarios set out in Jacobs work were shared with the Ministry for the Environment (MfE) and Department of Conservation (DoC), who have supported the approach taken by Jacobs. You can read this correspondence on the Takutai Kāpiti Documents page (look under the heading “Kāpiti Coast District Council clarification request to Central Government”).
- Since the Jacob’s Report was released, there have been updates to international and central government guidance. The MfE and DoC have confirmed expectations around use of SSP5-8.5, and as a result of the updated advice from the Ministry an addendum to the Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment has been released. This provides the most current advice and should now be referred to.

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

2. **Were my rates increased to pay for this study and advice from CAP?**

I can confirm that KCDC did not provide any funding for the NZ Searise Programme.

In regards, to the Takutai Kapiti project, I am advised that the average percentage of Council rates levied for this project since 2019/20 is as follows:

Financial Year	Average Percentage of Rates Levied
2019/20	0.6%
2020/21	1.0%
2021/22	0.8%
2022/23	0.6%
2023/24	1.0%
2024/25	0%

3. **Will my house insurance increase as a result of the advice of CAP?**

I acknowledge that the potential impact to insurance premiums as a result of identifying potential risk hazards is a concern for many homeowners. To clarify, KCDC and the CAP do not hold insurance company modelling which underpins how insurance premiums are calculated. On this basis, as section 17(g) (ii) of the LGOIMA refers, I must decline this part of your request as the information requested is not held by the local authority and I have no grounds for believing that the information is either—

(i) held by another local authority or a department or Minister of the Crown or organisation; or

(ii) connected more closely with the functions of another local authority, or a department or Minister of the Crown or organisation.

In relation to insurance matters more generally:

- The Insurance Council of New Zealand (ICNZ) determines insurance settings. An insurance company's decision on whether or not to insure a property will be based on their own policies.
- You may be interested to know that the Coastal Advisory Panel has received a presentation from John Lucas of ICNZ, in which he states that "The work you are doing is so important for ongoing insurability." This is an important endorsement of the Takutai Kapiti process given (as mentioned above) it is ICNZ who is responsible for determining insurance settings. You can view the ICNZ presentation to the Coastal Advisory Panel (noting the above quote is from the last slide) at:
<https://www.kapiticoast.govt.nz/media/3agfd5by/icnz-takutai-kapiti-cap-presentation-11-march-2022.pptx>
- To ensure Council continues to do what it can to support our community, we will be writing to ICNZ to inform our future work post-Takutai Kapiti, including

to better understand how ICNZ perceives that any perceived increase in hazard risk (if that is confirmed as an issue) can be mitigated or reduced at a local level.

4. Will my property go down in value because of the advice of the CAP?

To clarify, KCDC and the CAP do not hold information about the approach Quotable New Zealand will follow to valuing your property because of the advice of the CAP. Section 17(g) (ii) of the LGOIMA refers, I must decline this part of your request as the information requested is not held by the local authority and I have no grounds for believing that the information is either—

(i) held by another local authority or a department or Minister of the Crown or organisation; or

(ii) connected more closely with the functions of another local authority, or a department or Minister of the Crown or organisation.

5. Will my LIM report warn future buyers that my house is in a “hazard zone”?

I can confirm that coastal ‘hazard zones’ were already set through the Operative District Plan (1999), and some property LIMs already have this stated.

More broadly, the content of LIM reports is governed by 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.*

A LIM report for any given property may make reference to one or more of a range of hazards as being a “specific feature or characteristic of the land concerned”; for example coastal erosion, flood hazard, earthquake fault trace, or contaminated sites. To understand the special features and characteristics that

relate to your land and which would appear on a LIM, you will need to apply for a LIM. The application process is set out on the Council website at: [Apply for land information memorandum \(LIM\) - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/apply-for-land-information-memorandum-lim)

In addition to the above, and specifically regarding the Jacobs Report, Council has added the following note on all LIMs since February 2022:

“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”

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.

6. *How is the CAP “independently recruited”?*

The CAP was independently recruited through a recruitment agency in two rounds in December 2020 and March 2021. Recruitment advertisements included a description of the roles, the outcome of the project, and the essential skills, knowledge, and experience required for the successful applicant.

7. *Who are on this panel, and have they been screened for conflicts of interest?*

The Panel members include the Rt Hon Jim Bolger as chair of the panel, along with John Barrett, Olivia Bird, Don Day, Dr Martin Manning, Lt Gen the Rt Hon Sir Jerry Mateparae, Susie Mills, Kelvin Nixon, Mark Taratoa and Moira Poutama. Members’ backgrounds include climate change research, law, community volunteering, community engagement, senior government leadership, business consultancy, education, and a university science student.

All successful applicants were required to declare any conflicts of interest.

Full profiles of each of the panel members are available on the Kāpiti Coast District Council website: [Coastal advisory panel - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/coastal-advisory-panel).

8. *Did the community workshops have restricted attendance? (I heard the Paekakariki meeting was capped at 40 and they were all vetted)*

I can confirm that community workshops for Takutai Kapiti have been a mix of open and restricted-number meetings, workshops, and pop-up engagements. In relation to the Paekākāriki workshop, attendance was capped to 60 people to ensure the efficient use of the available space for workshop purposes. To clarify, attendees were asked to RSVP for the event, so that we could determine how many workshops we needed to hold to ensure that people have a chance to be involved.

I can confirm that attendees were not “vetted” but as the workshop was for the Paekākāriki Adaptation Area priority was given to people who self-nominated Paekākāriki as their place of residence.

9. *I noted that your expert scientist in your video said there was uncertainty in the modelling, should we not be cautious about disrupting peoples lives and their property rights over such unquantified uncertainties?*

For the purposes of Takutai Kapiti, the science outlined in the video aims to look at a range of scenarios to understand what the best and worst outcomes and impacts may look like. There is inherently a degree of uncertainty around what will actually happen in real time.

To clarify, the CAP is reporting to Council recommendations to support potential climate adaptation steps which would help to reduce the risk of consequence, costs, and disruption that could emerge in the future. Council will receive the CAP Report in June 2024 but will not be asked to make decisions on the recommendations at this time. Before additional actions progress, KCDC will engage further with the community. Accordingly, I would not expect peoples lives and their property rights to be negatively impacted.

10. *Will you be actively discouraging people from moving to the Kapiti Coast due to this impending crisis?*

No.

11. *Given that there is always the chance of a large earthquake and or tsunami, why are we so concerned about sea levels rising? Can't we adapt to situations as they occur rather than bankrupting rate payers over possibilities? I would prefer to be bankrupted over certainties. When should we pack up and move to the hinterland? Will KCDC help me pack?*

I can confirm that a key reason why Council is concerned about sea level rise is because it is required by central government to factor into its work sea level rise and climate change more generally. For instance:

- [section 7 of the Resource Management Act](#) states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

...

(i) the effects of climate change

- The [New Zealand Coastal Policy Statement 2010](#) (NZCPS) must also be given effect to by Council. A key policy in that statement is Policy 24, which states (**my emphasis**):

Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunamis), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:

- (a) physical drivers and processes that cause coastal change including **sea level rise**;*
 - (b) short-term and long-term natural dynamic fluctuations of erosion and accretion;*
 - (c) geomorphological character;*
 - (d) the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;*
 - (e) cumulative effects of **sea level rise**, storm surge and wave height under storm conditions;*
 - (f) influences that humans have had or are having on the coast;*
 - (g) the extent and permanence of built development; and*
 - (h) **the effects of climate change on:***
 - (i) matters (a) to (g) above;*
 - (ii) **storm frequency, intensity and surges; and***
 - (iii) **coastal sediment dynamics;***
- taking into account national guidance and the best available information on the likely effects of climate change on the region or district.*

I agree with your point about the merits of an adaptive approach. I understand that the CAP is likely to report a range of options that could be implemented in certain situations, as outlined in the [Decision Making Framework Report](#) that has informed CAP's work.

In regards to your concerns around bankruptcy, I would anticipate that any future decisions requiring significant investment by KCDC (outside of existing services such as dune planting and public seawall replacement) would need to be supported by financial contributions from either central government or other means.

In regards to your query about support for the 'move to the hinterland', I can confirm that KCDC does not have a managed retreat function or work programme.

You have the right to request the Ombudsman to review this decision. 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