

OIR: 2324/963

9 July 2024

s7(2)(a)

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Tēnā koe s7(2)(a),

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

Thank you for your email of **10 June 2024** requesting the following information:

- 1. By a simple twist of fate, I received the latest version of KCDC's publication "ARE YOU PREPARED FOR A TSUNAAMI ". I attach a copy of the front page and page 5 in case you don't have 2023 version to hand. The Tsunami risk is stated as 200-300 meters further inland from the beach. Like you, I am not a climate change expert but having a "long deep fast travelling ocean wave caused by earthquakes ,landslides, or volcanic eruptions beneath or near the ocean" (page 2) coming towards you before you get 300 metres to safety seems a bit scary. Contrasted with the possibility of a couple of millimetres ,over a long period of time I do grant you (but still a possibility) , with a 2 kms zone.***

Proportionate response? Really? Could you advise me which experts did you use for the Tsunami calculation? Surely not Jacobs.

I am advised that the article "Are you prepared for a Tsunami" was published by Greater Wellington Regional Council (GWRC), meaning that I am not able to provide further information about the 'Tsunami calculation' as it is not held by the Council.

I have forwarded your request onto GWRC who hold information relevant to your question. I understand we have transferred this request pursuant to section 12 of the Local Government Official Information and Meetings Act 1987, on the basis that the information you have requested is held by that organisation. Further correspondence on this query will come directly from GWRC.

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

Be that as it may, during one of our Mayor's replies to a question from the floor from an attendee about blighting all properties within 2 kms of the coast because of the report (it was clear that this was referring to the Jacobs Report) she indicated that " if we (i.e. KCDC) receives information then we can't ignore it"...It has taken me a while for the penny to drop and I have obtained a copy of the Tailrisk Economics report... I would like this to be placed on our Trust property's LIM or the report noted on our LIM with identical prominence that has been given to the referencing of the Jacobs report.

Council's Regulatory Group regularly considers and assesses whether information should be included on LIMs, in line with the Local Government Official Information and Meetings Act 1987.

Regarding your request for this report to be included on your LIM, I am advised this information does not meet the requirements to be included on LIMs as set out in section 44A of the Local Government Official Information and Meetings Act 1987.

Could you please add the following to the request:

- 2. A statement of account showing the money that Council has paid to Jacobs, breaking down the total paid and each payment.***

I have been advised by our Finance team that the following list of payments have been made to Jacobs for their services for Takutai Kapiti:

Contract	Invoice Ref	Invoice Date	Invoice Amount (Excl GST)
2020/ C340	15355300-005	31/03/2021	\$24,936.25
2020/ C340	15355300-023	05/10/2022	\$20,525.75
2020/ C340	1S355300-012	03/11/2021	\$13,947.50
2020/ C340	1S355300-013	30/11/2021	\$28,030.20
2020/ C340	1S355300-019	31/05/2022	\$19,683.00
2020/ C340	1S355300-025	31/10/2022	\$662.00
2020/ C340	IS355300-001	03/12/2020	\$37,603.75
2020/ C340	IS355300-002	12/01/2021	\$31,891.27
2020/ C340	IS355300-003	03/02/2021	\$11,624.65
2020/ C340	IS355300-004	05/03/2021	\$30,243.75
2020/ C340	IS355300-006	07/05/2021	\$38,418.75
2020/ C340	IS355300-007	09/06/2021	\$29,926.89
2020/ C340	IS355300-008	30/06/2021	\$9,053.69
2020/ C340	IS355300-009	30/06/2021	\$56,100.00
2020/ C340	IS355300-010	31/08/2021	\$7,295.00
2020/ C340	IS355300-011	04/10/2021	\$14,630.00
2020/ C340	IS355300-014	12/01/2022	\$26,111.24
2020/ C340	IS355300-015	16/12/2021	\$23,098.60

Contract	Invoice Ref	Invoice Date	Invoice Amount (Excl GST)
2020/ C340	IS355300-016	28/02/2022	\$15,150.00
2020/ C340	IS355300-017	31/03/2022	\$14,128.65
2020/ C340	IS355300-018	03/05/2022	\$15,238.86
2020/ C340	IS355300-020	30/06/2022	\$79,672.04
2020/ C340	IS355300-021	29/07/2022	\$25,403.67
2020/ C340	IS355300-022	07/09/2022	\$35,124.00
2020/ C340	IS355300-024	20/10/2022	\$9,736.25
2020/ C340	IS355300-026	11/01/2023	\$9,926.75
2023-C025			
2023-C025	16355300-027	21/02/2023	\$9,926.75
2023-C025	IS355300-028	12/04/2023	\$24,450.13
2023-C025	IS355300-029	05/05/2023	\$24,151.37
2023-C025	IS355300-030	31/05/2023	\$24,994.38
2023-C025	IS355300-031	03/07/2023	\$28,997.06
2023-C025	IS355300-032	31/07/2023	\$15,408.88
2023-C025	IS355300-033	31/08/2023	\$14,350.50
2023-C025	15355300-034	06/10/2023	\$16,618.73
2023-C025	IS355300-035	31/10/2023	\$13,181.26
2023-C025	IS355300-036	15/12/2023	\$21,474.00
2023-C025	IS355300-039	10/01/2024	\$6,152.88
2023-C025	IS355300-042	20/02/2024	\$7,819.15
2023-C025	IS355300-045	29/02/2024	\$540.45
2023-C025	IS355300-055	13/06/2024	\$11,668.50
2023-C091			
2023-C091	IS355300-037	15/12/2023	\$39,561.38
2023-C091	IS355300-040	10/01/2024	\$12,159.50
2023-C091	IS355300-043	20/02/2024	\$12,192.95
2023-C091	IS355300-046	29/02/2024	\$10,182.65
2023-C091	IS355300-049	16/12/2023	\$26,876.78
2023-C091	IS355300-052	30/04/2024	\$5,009.65
2023-C091	IS355300-056	13/06/2024	\$13,835.42
Phase 3 Part A			
Phase 3 Part A	1S355300-038	15/12/2023	\$22,670.13
Phase 3 Part A	IS355300-041	10/01/2024	\$708.33
Phase 3 Part A	IS355300-044	20/02/2024	\$917.72
Phase 3 Part A	IS355300-047	29/02/2024	\$722.68
Phase 3 Part A	IS355300-050	16/12/2023	\$10,849.00
Phase 3 Part A	IS355300-053	30/04/2024	\$1,032.44
Phase 3 Part A	IS355300-057	13/06/2024	\$2,292.69
Economic Analysis			
Economic Analysis	IS355300-048	29/02/2024	\$23,952.12
Economic Analysis	IS355300-051	16/12/2023	\$68,742.19
Economic Analysis	IS355300-054	30/04/2024	\$6,144.52

3. All communication between Council , CAP , Jacobs and any other individual or organisation instructed or participating in the provision of the advice given by Jacobs.

On 1 July 2024, I understand that an email was sent to you asking for you to refine this question due to its broad scope. You clarified that the information you were seeking included:

3.1 I would like to see the communication (emails, letters, other documents – referred to later as “documents”) between KCDC and Jacobs that includes the scoping documents and all subsequent correspondence between KCDC and Jacobs prior to the formal Contract

I can confirm that prior to the establishment of the initial contract for Jacobs’s services for the Takutai Kāpiti project, Council followed an open procurement approach and released the tender on GETS.

I understand that our records contain the following documents and letters, between Council and Jacobs, regarding the scoping and establishment of the contract:

- Jacobs’s Response Form for Coastal Science and Engineering RFP
- Letter to Bruce Clarke (Jacobs) from Lyndsey Craig (Council) notifying receipt of proposal – 20/07/2020
- Completed further clarification template (completed by Jacobs) as requested by Council on 7/07/2020
- Letter to Bruce Clarke (Jacobs) from Lyndsey Craig (Council) notifying shortlisted for next steps – 29/09/2020
- Letter to Bruce Clarke (Jacobs) from Lyndsey Craig (Council) notifying evaluation and shortlisting of proposal on 2/09/2020.

Some information, including details of hourly rate, is redacted from the contracts and the RFP response form because it is commercially sensitive. This information is withheld under section 7(2)(b)(ii) of the Act which allows for Council to withhold information in order to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

The curriculum vitae of Jacobs staff has been redacted from the RFP response form. The decision to withhold this information is made under section 7(2)(a) of the Act which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons.

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

If you require emails between KCDC and Jacobs as indicated above, this will involve considerable time for Council officers to collate. We will therefore need to extend the timeframe for this aspect of the request in order to provide this to you under section 14(1)(a) of the Act. We anticipate this will require until 14 August 2024. We would appreciate your confirmation of whether you still require this information and if so, if you can please clarify exactly what emails you are seeking in order to narrow the scope of your request. This will assist with compiling the information for you and associated timeframes.

3.2 Next the Contract and all “documents” (see above) between KCDC and Jacobs dealing with variations to the Contract.

Following on from the Response to Question 1, the following contracts and contract variations, which also formed the basis of payments, for services rendered by Jacobs associated with the Takutai Kāpiti project includes:

Phase 1 of Takutai Kāpiti

- Coastal Science and Engineering Services - Takutai Kāpiti Ref: 2020/C340 (October 2020).
- Variation 1 to Coastal Science and Engineering Services - Takutai Kāpiti Ref: 2020/ C340 (November 2020).
- Variation 2 to Coastal Science and Engineering Services - Takutai Kāpiti Ref: 2020/C340 (June 2021) - *incorrectly labelled as Variation 1 on the variation document.*
- Variation 3 to Coastal Science and Engineering Services - Takutai Kāpiti Ref: 2020/C340 (March 2022).
- Variation 4 to Coastal Science and Engineering Services - Takutai Kāpiti Ref: 2020/C340 (March 2023).
- Email chain dated 2-8/7/2021 outlining agreement for further work under Coastal Science and Engineering Services - Takutai Kāpiti Ref: 2020/C340 (March 2023).

Some information, including details of hourly rate, is redacted from the contracts with Jacobs because it is commercially sensitive. This information is withheld under section 7(2)(b)(ii) of the Act which allows for Council to withhold information in order to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

The curriculum vitae of Jacobs staff has been redacted from the contract with Jacobs. The decision to withhold this information is made under section 7(2)(a) of the Act which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons.

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

Please see the Response to Question 4.1 above, in relation to your request for emails where we have requested clarification on what you require.

3.3 Finally details of the costs sought by Jacobs and paid by KCDC, including the "documents" which supported any interim payment. These would outline the work undertaken and the periods of the work.

I can confirm that Jacob's did not seek interim payments of costs. Instead, Jacobs invoiced for work once completed which Council reviewed and paid.

Please see the Response to Question 2 for further details including the dates and amounts paid.

3.4 If in the unlikely event that no contract exists then I would like to see all correspondence between KCDC and Jacobs dealing with the resolution/solution/rectification of that issue

I can confirm that a contract between Council and Jacobs was in place for the Takutai Kapiti project, as outlined in the Response to Question 1.

4. Any Contracts, Agreements or communications which form the basis of the payment of the monies claimed by Jacobs and paid by Council or outstanding to Jacobs.

In addition to the information provided in the Response to Question 3.2, the following contracts and variations were established for related but additional items of work:

Phase 2 of Takutai Kāpiti

- Phase 2 Part A: Coastal Science, Engineering Services - Takutai Kāpiti 2023-C025 (March 2023 and renamed through Variation 1, point below, to this contract).
- Variation 1, Phase 2 Part A: Coastal Science, Engineering Services and Planning Advice – Takutai Kāpiti 2023-C025 (October 2023).
- Phase 2 Part B: Coastal Science and Engineering Services – Takutai Kāpiti 2023-C091 (October 2023).

Phase 3 of Takutai Kāpiti

- Phase 3 Part A: Signals, Triggers & Thresholds and Final Community Feedback - Takutai Kāpiti (December 2023).
- Economic Analysis for Takutai Kāpiti (February 2024).

Some information, including details of hourly rate, is redacted from the contracts with Jacobs because it is commercially sensitive. This information is withheld under section 7(2)(b)(ii) of the Act which allows for Council to withhold information in order to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

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

5. Copies of all legal communication between Counsel and their legal advisors over the duties and obligations caused by the Jacobs report . Including internal as well as external.

I am advised by our Legal Team that we are unable to provide you with this information and must therefore decline this part of your request. The decision to withhold this information is made under section 7(2)(g) of the Act which allows for Council to withhold information in order to maintain legal professional privilege. In Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

6. Details of all expenses sought by the CAP and details of all monies paid. Provide a breakdown which includes the monies paid to the individual members (either as individuals or if not by roles within the CAP (e.g. chair, deputy chair, heads of subcommittees or ordinary members)) Provide details of all expenses claimed.

Details of all expenses (including mileage and independent CAP meetings) sought by CAP, and paid, are outlined in the table below. This covers the period from August 2021 until the end of the project.

Name	CAP Meetings & Community Engagements	Independent CAP Meetings	Mileage
CAP member 1	\$7,931.00	\$2,369.00	\$730.92
CAP member 2 (Resigned)	\$412.00	Nil	\$79.00
CAP member 3	\$7,725.00	\$1,236.00	\$674.70
CAP member 4	\$6,386.00	\$2,472.00	\$644.56
CAP member 5	\$7,622.00	\$2,884.00	Nil
CAP member 6	\$6,798.00	\$721.00	\$1,956.47
CAP member 7 (Resigned)	\$824.00	Nil	\$158.00
CAP member 8	\$8,240.00	\$1,133.00	\$466.68
CAP member 9	\$412.00	Nil	\$79.00
CAP member 10	Nil	Nil	Nil
CAP member 11 (Resigned)	Nil	Nil	Nil
CAP member 12	Nil	Nil	Nil

Name	CAP Meetings & Community Engagements	Independent CAP Meetings	Mileage
CAP member 13	Nil	Nil	Nil
CAP Member 14	\$12,800.00	\$292.50	Nil

Please note for privacy purposes, we have anonymised details of payments made to each CAP member. The decision to withhold this information is made under section 7(2)(a) of the Act which allows for Council to withhold information in order to protect the privacy of natural persons, including that of deceased natural persons. In Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

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

If you are interested in the attachments which accompany this response,
please contact us at: informationrequest@kapiticoast.govt.nz