

OIR: 2324/832

2 April 2024

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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 **4 March 2024** requesting the following information:

Regarding the feedback received on the Takutai Kapiti Paekakariki workshop (pdf file). Specifically, the response to question 15 has raised concerns, and I wanted to flag this issue with you. (see below)

Could you please provide the documentation that the Takutai Kapiti project relied upon to make the statement:

"The Takutai Kapiti process was established as an agreed mediation action from the Environment Court case 2012 -2014..."

The statement "*The Takutai Kapiti process was established as an agreed mediation action from the Environment Court case 2012 -2014...*" was based on information from the following documentation:

1. Agreement between Kāpiti Coast District Council (KCDC) and Coastal Ratepayers United Incorporated (CRU).
2. Agreement between Kāpiti Coast District Council (KCDC) and North Otaki Beach Residents Group Incorporated (NOBRG).
3. Takutai Kapiti: Officer's Report to Accompany Co-Design Working Group Report, 10 December 2020.

For completeness, I note that the following paragraphs of relevance from these documents included:

1. KCDC and CRU Agreement

The following is an excerpt from the agreement:

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

“Engagement with the community

- Clause 10: KCDC will engage with and involve the community, including CRU, early in the process of addressing coastal hazards, including:
- a. Considering how to respond to central and regional government legislative and policy initiatives in relation to coastal hazard management;
 - b. Considering the nature and extent of the coastal hazard science that may be required;
 - c. Identifying the coastal hazards problem definition; and
 - d. Commencing the policy development process, including the alternative responses to the identified coastal hazards problem(s)”.

2. KCDC and NOBRG Agreement

The following is an excerpt from the agreement:

“Engagement with the community

- Clause 2: KCDC will engage with and involve the community, including NOBRG, early in the process of addressing coastal hazards, including:
- a. Considering how to respond to central and regional government legislative and policy initiatives in relation to coastal hazard management;
 - b. Considering the nature and extent of the coastal hazard science that may be required;
 - c. Identifying the coastal hazards problem definition; and
 - d. Commencing the policy development process, including the alternative responses to the identified coastal hazards problem(s)”.

3. Officer’s Report to Accompany Co-Design Working Group Report

The following is an excerpt from this report, including paragraphs:

“Legal considerations

14. Council has signed agreements between Coastal Ratepayers United (CRU) and North Ōtaki Beach Residents Group (NOBRG), in settlement of both groups’ claims, with regard to coastal hazard provisions in the District Plan.
15. These agreements both contain obligations by Council to:
 - 15.1. Engage with and involve the community early (including the two parties to the agreements) in the process of addressing coastal hazards;
 - 15.2. Evaluation of a range of options for coastal hazard management;
 - 15.3. Consultation with the community in relation to proposed management responses to the coastal hazard problem(s) identified; and

- 15.4. Prior to formally notifying a coastal hazards plan under Schedule 1 of the Resource Management Act, release a draft for public consultation.
16. It isn't possible to eliminate completely the risk of further legal challenge being sought, however, the Council's legal advice is that there is very low prospect of either party being able to successfully challenge the current process.
17. The current process has allowed for:
- 17.1. Working to establish iwi involvement and partnership;
 - 17.2. Establishing a work programme to meet the objectives of a community-led coastal adaptation project (in line with central government guidance);
 - 17.3. To ensure robust and comprehensive community engagement in line with commitments made in the agreements with NOBRG and CRU (as outlined above); and
 - 17.4. The pre-planning phase, involving NOBRG and CRU, which has culminated in the Working Group report and recommendations which this paper accompanies".

The Co-Design Working Group, which was accompanied the Council Officer Report, set out the design and scope of Takutai Kāpiti. Within the Co-Design Working Group Report, paragraph 12 and 42 respectively outlined that CRU and NOBRG were a part of the Co-Design Working Group.

The Kāpiti Coast District Council and Coastal Ratepayers United Incorporated agreement has been attached to this response and the Officer's Report and Co-Design Working Group Report can be found online at the following links:

- <https://www.kapiticoast.govt.nz/media/qaea3m34/appendix-one-takutai-kapiti-co-design-working-group-report-1.pdf>
- <https://www.kapiticoast.govt.nz/media/0vnonre2/officer-report-to-accompany-co-design-working-group-report.pdf>

I hope this addresses your concerns.

Ngā mihi,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu