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**Sent:** Friday, 19 November 2021, 10:31:09 GMT+13

**Subject:** CRU Update November 2021

Dear Mayor and Councillors,

Having had our AGM on the 13th of November, I’m sending you an update on various matters.

 1. C**RU/KCDC MEETINGS**

I’m told that you’ve been briefed by the CEO about meetings between staff and CRU – if so, I’m surprised because there haven’t been any.

To date, as Chair of CRU, I have only had one meeting with KCDC - on 9 December 2020 - but should note that I had an impromptu discussion with Sean Mallon on 26 October in the parking lot of Coastlands.  In that conversation, Sean was primarily concerned about an email from our lawyer (Chris Mitchell) which he thought ‘harsh’.  CRU has approved the email (a copy of the short email chain is included at the bottom of this email).

 At the beginning of March this year, I had requested a meeting with the CEO. On 11 March, I received a written response from Amanda Yannetta stating that on the advice of Sean Mallon, who was "*...not aware of any issues requiring escalation to the Chief Executive.*" As a result, my request for a meeting was denied.

Since then, I have made several requests for a meeting with the Council's Coastal Team (July 7, 13, 19, August 31, September 21), all of which were rejected.

You may all recall that I had requested a meeting with Council on 27 July to discuss CRU's position and issues relating to Council, which the Mayor also rejected using the Council's default position of the CAP process.

This is an extraordinary position for Council to take on any resident, let alone a group that represents several hundred residents.  We will be naming the people within Council who think that this is an appropriate way for a Council to behave – more on this below.

**To date, there is no meeting planned between KCDC and CRU.**

 2. **SCIENCE**

On 5 October, Jacobs submitted a document entitled, "**Response to CRU comments on Volume 1 Methodology Report**" to Council.  CRU received this document on 13 October.  If you are interested it *may*be on Council’s website.

I would like to bring to your attention to Jacobs' statement on page 1, "It is further noted that the primary purpose of the Jacobs work is to assess the nature and extent of the coastal hazards facing the Kapiti Coast District currently and in the future with *sea-level rise for use in guiding community adaptation planning*.  Any use of the assessment results in a District planning context is the responsibility of Council..."

**The inference of this statement is that the Jacobs reports are not intended for the purposes of the district plan and if the Council wants to use it for that purpose, then this is up to Counci**l.  I should note, the approach that Jacobs has used is contrary to the NZCPS, which is a requirement for district planning (ie Council must comply with NZCPS).  Consequently, the approach that they are taking could very well capture more than the1800 homes in the discredited 2012 Shand Report.

**3.  MEETING WITH JACOBS**

On 18 November, CRU confirmed our availability to meet with Jacobs on 23 November at 1:30 pm.  The processes that have been agreed to regarding this meeting are:

• The meeting will not be recorded

• A summary of outcomes (feedback) will be prepared.

• No KCDC officers will be at the meeting – but I understand that either there will be an agreed report, and if not, Jacobs will report to Council.

**4.  LIMs**

On 19 October, CRU sent Council a letter regarding the issue of LIMs with a reminder of the 2013 Judicial Review (Weir Case) where the Judge set a clear expectation around the process.  **The public advice from the Mayor and others seemed to be unaware of this process**

We received a response from Tim Power on 21 October.  In his email, Tim states:

*"We are happy to meet with CRU to discuss the proposed wording to be included on LIMs once Council receives the second Jacobs report.  We agree that the wording to be included on LIMs has nothing to do with the CAP process.*

*We will not include any reference to the report on LIMs until such time as we have met with CRU (and potentially other interested parties).  Note, we have not yet received the second Jacobs report."*

**No meeting has occurred.**

However, a LIM report issued on 26 October obtained by CRU states on page 7:

"The Council has commissioned a coastal hazard report titled "Kapiti Coast Coastal Hazard Susceptibility and Vulnerable Assessment" from consultancy firm Jacobs.  Volume 1:  Methodology report, developed to provide technical information on the methods of how the areas susceptible to present and future coastal hazards are being calculated, is now available.  LIM information will be updated with Volume 2:  The results report, once it becomes available."

We have raised this issue with Tim Power.

Yesterday we received his response in which he stated, ·*"We are currently clarifying the LIM position with the CAP, so once we resolve that I will come back to you with the proposed approach."*

This kind of floundering - **"LIMs has nothing to do with the CAP process"** to now, **"...clarifying the LIM position with CAP"** is very unhelpful.

**5.  CAP**

You should be aware that CAP members, and the technical experts that they are working with, need to understand the distinction between **"coastal risk assessment"** (relating to the requirement under the NZCPS policy 24) and **"coastal risk management"** (relating the requirement under the NZCPS policy 25 and 27).

Each has very different and separate knowledge requirements.

**In 2015, CRU members and technical experts met with Dr Jan Wright, the then Parliamentary Commissioner for the Environment.**

 She too recognised this critical differentiation between risk assessment and risk management and outlined her ideas on the different roles and expectations of technical analysts (who prepare scientific assessments) versus communities and decision-makers, who consider and determine management options to take in light of the identified hazard risk assessments.

 The Commissioner’s output report titled, *Preparing New Zealand for rising seas: Certainty and Uncertainty,*represents this distinction as part of the good planning we desire.  That practice must first be backed by good science – which will lead the community to the implementation of good law in relation to coastal hazards identification and mitigation in the district.

**6.  CRU AGM**

On 13 November, **CRU held its 9th AGM.**  This year, taking into consideration the formation of the Council's Takutai Kapiti initiative and the appointment of 6 Community panel members, we invited CAP's Chair, Mr Jim Bolger to be our keynote speaker.  We were delighted that Mr Bolger accepted our invitation and he brought along Mr Martin Manning and Ms Susie Mills.

 Mr Bolger's presentation and the Q&A that followed gave our members insight into the process and science that CAP will be using. Of particular interest was CAP's engagement with Mr James Renwick.  We also now have a better understanding regarding public participation in the process, the limited submission process and the reliance on Council staff.  It is clear that Mr Bolger does not envisage a public process – at least in terms of information sharing, dialogue with the community including formal meetings and hearings, and records of CAP’s deliberations.  There is a range of issues on which Mr Bolger has clearly made up his mind.

This is the process that you (the elected members) and management have told us to follow.  To say that the 60 or so members who attended the meeting were disappointed in this approach would be an understatement.

As a result, our members requested clarity regarding the CAP process.  To that effect, we have submitted an official information request to the Council.  I have attached it for your reference.  The information should be readily available in Council and we have asked for a prompt reply.  Sadly, on past experience, we do not expect one.

Our intention is to brief the wider community in December on the CAP process, whether or not the information is provided in time.  At this time CRU will repeat its concern that not only management, but a number of named elected members have declined to meet with the largest residents group in the District (representing a community that contributes over 10% of its rates) on the basis that they would prefer that we participate in the secretive and muddled exercise that is currently CAP.

I hope that this gives you, our elected officials an understanding of CRU's current position on matters relating to Coastal Hazards.

Regards,

Salima Padamsey

Chair - Coastal Ratepayers United