

From: Mayor K Gurnathan <k.gurunathan@kapiticoast.govt.nz>
To: salima <spadamsey@yahoo.com>
Cc: *DEM - Councillors <kcdccouncillors@kapiticoast.govt.nz>
Sent: Monday, 31 January 2022, 18:17:04 GMT+13
Subject: RE: CRU Round Table

Dear Ms Padamsey,

Thank you for your kind invitation to a 'Round Table discussion' between councillors and CRU. In a previous response to CRU on the same matter of direct conversations with CRU on coastal matters related to the PDP and court proceedings/directions, I had said that councillors had unanimously supported a process of engagement. This included the setting up of a panel from our communities. I noted then that what your group had suggested was the creation of a separate process from the formal process set up by council which, by the way, had direct input from CRU.

The current process, set up with CRU's active participation, ensures that all interested groups and individuals have an equal opportunity to present their submissions to the panel. The panel also has access to a technical advisory group. The process that has been set will see a robust exploration and testing of technical data, expert opinions and interpretations, and views from different sectors of our communities. The job of the panel is to analyse and synthesise all these challenging aspects and deliver a report with recommendations to councillors to make decisions.

Councillors, having signed off this process, should not be made to compromise the process. If councillors accept your invitation it not only compromises the current process but politicises it so much so that other groups can equally seek similar 'Round Table discussions' with councillors. These could include inland property owners/ratepayers and iwi groups.

I suggest the issues you want to discuss with councillors is rightfully put before the panel. The pathway you are inviting councillors to commit to has the potential to compromise the ability of participating councillors to be seen as not having an open mind when it comes to making decisions on the panel recommendations. This risk could particularly be relevant if the panel's public engagement and submissions reveals individuals or groups with opposing views to CRU. Despite your best intentions to be helpful to councillors there is an element of we-don't-know-what-we-don't-know in this. Until, of course, the panel's intended process unfolds. And it's prudent that we facilitate that formal process to happen.

I'm aware that the Court had looked at CRU's argument on the timeline within which council had to look at making final decisions to 'complete' changes to the District Plan. I recall, however, that the Court accepted that there were changes happening at a national level which needed time to happen and it would be prudent to await such national directions. That position still holds. With this email I append an [article by Prof Catherine Iorns from the Law Faculty of Victoria University](#) which is an excellent summary of the position the local government sector is in as regards Climate Change adaptation. I was recently contacted by the Associate Minister of Environment the Hon. Kiri Allan about the vexed issue of legal liability councils faced and I understand an announcement is pending in the next couple of months as part of radical changes to the RMA. Prof Iorns has highlighted this "liability dilemma" in her summary.

In short, while I appreciate your good intentions to help inform councillors of CRU's position and views I think it will be imprudent for me and any of the councillors to participate in your 'Round Table discussion' when we have already signed-off a formal process that will engage openly with all parties and submitters.

Regards,

Mayor Guru

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