

From: salima <spadamsey@yahoo.com>

Sent: Monday, 11 August 2025 9:14 am

To: Mayor Janet Holborow <Janet.Holborow@kapiticoast.govt.nz>; Deputy Mayor Lawrence Kirby <Lawrence.Kirby@kapiticoast.govt.nz>; Councillor Glen Cooper <Glen.Cooper@kapiticoast.govt.nz>; Councillor Liz Koh <Liz.Koh@kapiticoast.govt.nz>; Councillor Rob Kofoed <Rob.Kofoed@kapiticoast.govt.nz>; Councillor Kathy Spiers <Kathy.Spiers@kapiticoast.govt.nz>; Councillor Martin Halliday <Martin.Halliday@kapiticoast.govt.nz>; Councillor Sophie Handford <Sophie.Handford@kapiticoast.govt.nz>; Councillor Jocelyn Prvanov <Jocelyn.Prvanov@kapiticoast.govt.nz>; Councillor Shelly Warwick <Shelly.Warwick@kapiticoast.govt.nz>; Councillor Nigel Wilson <Nigel.Wilson@kapiticoast.govt.nz>

Cc: Community Board Member Bede Laracy <Bede.Laracy@kapiticoast.govt.nz>; Community Board Member Glen Olsen <Glen.Olsen@kapiticoast.govt.nz>

Subject: A letter to the Governing Body of the Kapiti Coast District Council

To the Governing Body of the Kapiti Coast District Council,

Background

As you know, the Council commissioned a report, the final draft of which has identified some 4,000 properties in the district as being subject to flood risk.

The Council decided to consult the affected community on this 'final draft report'. It is obvious that this Council's work will potentially affect thousands of people.

CRU has supported the residents who funded an independent expert review of the report. That review has been provided to the Council. The review identifies significant shortcomings with the Council report.

Consultation

A meeting was arranged with the Council to discuss issues arising from the review and to hear how the Council responded to it.

Prior to this meeting, Mr Mallon said that the meeting would not occur if any elected members attended. He also undertook to send me a response to the review, but did not do so. He wanted the meeting to be a presentation from the Council. This was not what CRU wanted, and the meeting was cancelled.

All of these actions are inconsistent with Council legal obligations on consultation.

These obligations are set out in Section 82 of the Local Government Act. If you are unaware of them, the relevant principles are provided here, with those which have not been complied with highlighted.

Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:

(a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:

(b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:

(c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:

(d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:

(e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:

(f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

Governance and Operations

One of the key governance obligations is to exercise oversight, on behalf of communities, on the effectiveness and quality of operational activities. Where those activities involve significant impacts on large numbers of people, there should be significant oversight.

It is not for your staff to decide what can be overseen and what cannot.

They are the employees – you are not.

Under s.82, management should be welcoming, encouraging and engaging with community views, not defensively restricting them.

A recent Court of Appeal decision on a Wellington City decision has reinforced that management is not allowed to filter community input under a consultative process.

Without a credible and open process, this project will head towards costly litigation – residents will have no other option.

The Governing Body of the Kapiti Coast District Council

As the governing body of our local authority, the Kapiti Coast District Council, we ask that you direct your employee to make sure that the relevant Council staff respond to the technical feedback of the de Lange peer review.

This would significantly demonstrate your (as the governing body) commitment to a credible and open consultation process.

I look forward to your response,

Salima Padamsey

Chair - Coastal Ratepayers United Inc.