

TAKUTAI KĀPITI: OFFICER'S REPORT TO ACCOMPANY CO-DESIGN WORKING GROUP REPORT.

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PURPOSE OF REPORT

- 1 This report accompanies the Takutai Kāpiti Co-Design Working Group report (Appendix One).
- 2 This report supports recommendations outlined in the Co-Design Working Group report with regard to:
 - 2.1 Community Assessment Panel design;
 - 2.2 Community Assessment Panel scope;
 - 2.3 Takutai Kāpiti project governance; and
 - 2.4 Community Assessment Panel appointment process.
- 3 This report seeks:
 - 3.1 Council approval of the Community Assessment Panel composition recommended in this Officer's report.
 - 3.2 Council approval of the revised Community Assessment Panel fees recommended in this Officer's report.

DELEGATION

- 4 The Council has the delegated authority to consider this matter.

BACKGROUND

- 5 The Takutai Kāpiti Project (The Project) involves establishment of a Community Assessment Panel (CAP) consisting of iwi, community and other key stakeholder's/agency representatives to consider the Districts response to the impacts of climate change on the coast.
- 6 To provide advice to Council on the proposed make up and scope of work associated with the CAP, a Co-Design Working Group (Working Group) was established in May 2020. This group was also to participate in the evaluation and procurement of Coastal Science and Engineering Services for The Project.
- 7 The background and membership of the Working Group is set out in the accompanying Working Group report. The Working Group developed and agreed upon a Terms of Reference (Appendix Two). This outlines the key group outputs and a consensus decision making model for reaching agreement on those matters.

ISSUES

- 8 The recommendations outlined in the Working Group report were reached by consensus, with the exception of CAP composition. Further consideration of this matter is provided in the Tangata Whenua section of this Officer's report.
- 9 The Working Group report recommends payment for CAP members. However, the recommended figures do not align with the current Council fees framework for non-elected members. Consideration of this matter is outlined in the Financial section of this report.
- 10 The Working Group initially discussed a three-Panel design for the CAP. A multiple-panel model could not be delivered for The Project due to the additional cost implications and

impact on the overall timeframe. As such discussions with the Working Group proceeded on the basis of a single-panel model.

- 11 The Project will utilise the single-panel approach to provide:
- District-wide overview and consistency.
 - Scope to allow the CAP to work by sub-topic, rohe, catchment, and geographic location (as deemed appropriate), based upon the specialist advice received.
 - Flexibility to meet outcomes sought through a multi-panel approach.

CONSIDERATIONS

Policy considerations

- 12 The CAP does not have authority for making policy decisions. The CAP will provide opinion and recommendations to Council on coastal adaptation options for consideration.
- 13 The recommendations should also help guide the future development of District Plan provisions to manage coastal issues and an approach for the district dealing with coastal hazards.

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.

Financial considerations

- 18 The Working Group report recommends payment of the Chair and CAP members. Should Council approve this recommendation, Officers advise that the amounts payable be adjusted in line with the current fees framework for non-elected members.
- 19 A breakdown of these costings for the CAP process are outlined in the table below.

POSITION	WORKING GROUP RECOMMENDATIONS	OFFICER REPORT RECOMMENDATIONS
CHAIR X 2 (MEETING ATTENDANCE AND PREPARATION)	\$750	\$575
MEMBER X 12 (MEETING ATTENDANCE AND PREPARATION)	\$120	\$206
TOTAL (BASED UPON 12 MEETINGS)	\$35,280	\$43,464

- 20 Reimbursement of expenses would be paid in addition to the meeting fees.

Tāngata whenua considerations

- 21 In early- 2020 an ART Coastal Advisory Group (ARTCAG) with one representative from each of the ART Confederation iwi was established.
- 22 The ART Confederation represents the three iwi with mana whenua interests in the Kāpiti District.
- 23 The purpose of the ARTCAG was to make decisions on behalf of the ART Confederation relating to the CAP Design.
- 24 An ARTCAG representative attended the Working Group meetings until June 2020. The remaining Working Group meetings proceeded with input from Ngāti Toa representatives and Ngā Hapū o Ōtaki representatives with the exception of the October meetings, at which no iwi representatives were able to attend.
- 25 The representative of ARTCAG advocated for establishment of three-Panels and balanced iwi representation.

Number of Panels

- 26 The rationale provided for three-Panels was to allow for a rohe/ catchment approach whereby Iwi Panel members are not placed in a situation of being considered decision-makers for other iwi coastal areas.
- 27 This was considered particularly important given the Marine and Coastal Area Act (MACA) claims that each of the three iwi have made in regards to their Takutai Moana and that a single-Panel approach is inconsistent with their Rangatiratanga to their respective coastal marine area.

Iwi Panel member representation

- 28 The number of representatives suggested in the Working Group paper shows iwi as a minority number (4 alongside 6- 8).
- 29 Given the single-Panel approach, an iwi representative may find themselves as the sole mandated mana whenua representative on decisions impacting their rohe, amidst multiple representatives from Crown agencies, the community and other iwi. Increased iwi CAP member representation would address this concern.

- 30 The Resource Management Act and New Zealand Coastal Policy Statement highlight the need for recognition and provision for the relationship of Māori with their coastal and freshwater taonga.
- 31 Diversity and alignment of community, iwi/ hapū and stakeholder values as part of a public engagement process, is also an important approach identified in the Coastal Hazards and Climate Change guidance for Local Government, produced by The Ministry for the Environment.

Single-Panel approach and iwi representation

- 32 A multiple-Panel model could not be delivered for The Project due to the additional cost implications and impact on the overall timeframe. It was also considered that a single-Panel approach could be structured in a way, so as to mitigate some of the iwi concerns raised.

Te Whakaminenga of Kāpiti

- 33 Iwi representatives were unable to attend the October Working Group meetings and Council officers attended a meeting of Te Whakaminenga o Kāpiti (TWOk) to discuss next steps with regard to the The Project on 24 November 2020.
- 34 TWOk is a pan-iwi advisory group to Council and consists of mandated iwi representatives from Ngāti Toa Rangatira and Ngā Hapū o Ōtaki.
- 35 At that TWOk meeting the following Panel representation recommendation was supported:

Community Assessment Panel Composition			
CAP Members: <i>Speaking & voting rights</i>	<i>Maximum number</i>	CAP Observers: <i>No voting rights</i>	<i>Maximum number</i>
Chair	1	GWRC: Climate change portfolio holder	1
Kaumātua	1	Councillor Nash	
Residents/ Community Iwi	6	KCDC: Climate change portfolio holder	1
	6	Councillor Handford	
Department of Conservation (DOC) (Asset interests)	1	KCDC Kaumātua	1
	1	Other Community Board (CB) Members	4 (1 from each CB)
GWRC (Asset Interests)			
KCDC (Asset Interests)	1		
TOTAL	17	TOTAL	7

- 36 Council officers circulated this updated table with the Working Group following the TWOk meeting, asking for feedback and indication of approval.
- 37 As consensus was not received from all Working Group representatives, the table of CAP composition was not updated in the Working Group report.
- 38 Council officers recommend that the CAP composition model presented in this Officers report at paragraph 35 is adopted for The Project.
- 39 It is also considered a model more reflective of the status of our Kāpiti Mana Whenua as Tiriti partners.

SIGNIFICANCE AND ENGAGEMENT**Significance policy**

- 40 This matter has a moderate degree of significance under Council's Significance and Engagement Policy.

Engagement planning

- 41 A communication and engagement plan is being developed for the next phase of the The Project.
- 42 This will include promotion of the next phase of The Project, advertising and recruitment of CAP members as well as ongoing project updates and publication of CAP agendas and minutes.
- 43 It will utilise a number of approaches including the dedicated Takutai Kāpiti website, Council social media channels, local media and attendance of Officers at planned Council events.

Publicity

- 44 Council's decision will be publicised through the usual communication channels.

RECOMMENDATIONS

- 45 That Council approve the recommendations outlined in the Co-Design Working Group report with regard to:
- 45.1 Community Assessment Panel design;
 - 45.2 Community Assessment Panel scope;
 - 45.3 Takutai Kāpiti project governance; and
 - 45.4 Community Assessment Panel appointment process.
- 46 That Council approves the Community Assessment Panel composition recommended in this Officers report at paragraph 35.
- 47 That Council approves the revised Community Assessment Panel fees in line with the current Council fees framework for non-elected members.

APPENDICES

1. Appendix One: Co-Design Working Group Report
2. Appendix Two: Co-Design Working Group ToR