

OIR: 2425/1261

10 February 2025

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Tēnā koe [REDACTED]

**Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)**

Thank you for your email of **28 January 2025** requesting the following information:

***In a 20 January 2023 report by Tonkin + Taylor commissioned by KCDC, labelled Waikanae Lagoons – Stormwater Management Assessment Options Summary, 18 options were assessed by consultants T+T and their assessments reviewed by KCDC. These assessments and KCDC comments are detailed in Appendix A of that report.***

***The KCDC comments on Options 3, 6, 8, and 9 in Appendix A, with respect to feasibility, state “NO, unable to do earthworks within protected wetland” or similar.***

***1. What is the precise legislative reference that mandates this position?***

Any option that required works to be undertaken in a wetland were considered at the time of writing as not feasible. Several planning overlays from multiple agencies govern what can occur in a wetland.

Although the national environmental standard for freshwater management permits certain works within, or within 10 or 100 meters of, a natural inland wetland, the works proposed under options 3, 6, 8, and 9 do not meet the specified conditions for any of these activities.

The National Policy Statement for Freshwater defines a Natural Inland Wetland by what it is not, and although the Waimanu Lagoons and the Vicor Weggery Reserve wetland may not meet the definition of a natural inland wetland, it is often interpreted that construction merely re-establishes what would have been present so the definition holds. In addition, although man-made, once established, constructed wetlands do provide habitat for native flora and fauna.

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

Previously at other sites within the district GWRC have considered the need to offset ecological loss and extent of wetland drainage, which can be mutually exclusive of why Council is going the work in the first place.

Both wetlands are also protected in Kāpiti Coast District Council's District Plan. Vicor Weggery Reserve – Waimeha Lagoon [K112] and Waimanu Lagoons [K175] are identified in schedule 1 as ecological sites, i.e. areas of significant indigenous vegetation and significant habitats of indigenous.

Although not impossible to gain consent for works within a wetland, the planning bar is set very high.

**2. Does KCDC have any legal guidance or advice that supports use of the precise legislation for this position? If yes, please provide a copy of all such legal guidance/advice.**

Council did not seek any legal guidance or advice that supports its position.

**3. What are the boundaries of the “protected wetlands” referred to in the KCDC comments?**

The boundaries of the wetlands as protected in Kāpiti Coast District Council's District Plan can be seen on District Plan maps.

GWRC will be able to provide some guidance on mapped extents of natural inland wetlands within the District.

Ngā mihi,



**Sean Mallon**

Group Manager Infrastructure and Asset Management  
Kaiwhakahaere Rōpū Anga me te Whakahaere Rawa