

OIR: 2526/299

16 March 2026

[REDACTED]  
[REDACTED]

Tēnā koe [REDACTED],

**Request for review - RM240142 (Te Kahu Tiu, 170 and 188 Ngatiawa Road)**

Thank you for your email of 16 February 2026 requesting a formal review of the Council's decision and supporting planning report for application RM240142 (Te Kahu Tiu, 170 and 188 Ngatiawa Road) under section 139 of the Resource Management Act 1991 (RMA).

You have requested the review on the grounds that the Certificate of Compliance issued by Council and the accompanying planning report contain material legal and evidential deficiencies.

**Certificate of Compliance**

We acknowledge your request for a review, however once a certificate of compliance is issued under section 139 of the RMA, the Council has completed its role in relation to that certificate and cannot revisit the decision. The certificate confirms that, at the time it was issued, the activity described in the application was permitted under the District Plan and did not require resource consent.

If you consider that the basis on which the certificate was issued was incorrect, the proper way to challenge it is by applying to the High Court for judicial review.

**Te Kahu Tiu's ongoing compliance with the District Plan**

If the Council receives complaints that activities are being carried out beyond what is permitted by the District Plan, those complaints will be assessed and acted on by Council's Environmental Standards team. This may include requiring Te Kahu Tiu to apply for resource consent or other enforcement action in line with Council's Compliance and Enforcement Policy.

I note that the Environmental Standards team has been in contact with you regarding your concerns.

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

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

You have also requested information about what was considered as part of the Certificate of Compliance application. This has been dealt with under the LGOIMA. Responses to your specific requests are set out below.

- 1. A copy of the final Certificate of Compliance (if issued) and the full planning file for RM240142, including all application materials, responses to requests for further information, internal memoranda and peer review notes.***

Please see attached. We also note that much of this has already been provided to you in response to your previous requests numbered OIR 2425-1325 and OIR 2425-1232. I trust that you still have a copy of the information previously provided to you in response to those requests.

Internal legal advice has been withheld under section 7(2)(g) of the Act in order to maintain legal professional privilege. I am satisfied that the withholding of this information is not outweighed by public interest considerations in section 7(1) favouring release.

- 2. A clause by clause mapping that compares the Operative District Plan definition of “Educational Facility” and the Plan’s assessment matters to the actual operational practices of Te Kāhu Tiu (including security, supervision, overnight stays, staff/student ratios, transport movements and event management).***

Please see information provided in question 1 above. To the extent that any part of your request seeks information that is not included in that response, it is declined under s 17(e) of the Act on the basis that the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

- 3. Copies of any NZQA registration, TEO recognition, Ministry of Education or other formal registration/recognition for the applicant or the proposed programme; if none exists, a reasoned legal explanation why lack of registration does not alter activity character.***

Please see information provided in question 1 above. To the extent that any part of your request seeks information that is not included in that response, it is declined under s 17(e) of the Act on the basis that the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

- 4. Detailed operational documents: security protocols, student movement controls, overnight stay policy (including frequency and nature of noho marae), staff rosters and ratios, intake and discharge procedures, and any contractual arrangements with justice or social services agencies.***

This request is declined under s 17(e) of the Act on the basis that the information requested does not exist or cannot be found.

**5. *Vehicle trip generation estimates and modelling, traffic management plan, noise assessment (with predicted levels at nearest residential boundaries), and any mitigation measures.***

Please see information provided in question 1 above. To the extent that any part of your request seeks information that is not included in that response, it is declined under s 17(e) of the Act on the basis that the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

**6. *Details of event management and maximum onsite numbers by activity type, and confirmation whether any events will exceed the 100 person cap stated in the report.***

Please see information provided in question 1 above. To the extent that any part of your request seeks information that is not included in that response, it is declined under s 17(e) of the Act on the basis that the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

**7. *Proposed measurable limits and a monitoring/enforcement regime the Council will apply to ensure ongoing compliance with permitted standards.***

Council's approach to monitoring and enforcement is outlined in its Compliance and Enforcement Policy, available on the Council website. Enforcement action under this Policy is taken on a risk-based approach.

Council follows Ministry for Environment best practice guidelines for Compliance Monitoring and Enforcement activities and also reports its monitoring activities via internal and external reporting systems (e.g. MFE National Monitoring systems report).

**8. *Records of any iwi notification or consultation undertaken, copies of responses received, and an explicit Part 2 analysis (s5–s8) demonstrating how the decision gives effect to the RMA and relevant Plan objectives/policies.***

Officers have confirmed the application was not circulated to iwi. This part of your request is therefore declined under s 17(e) of the Act on the basis that the information requested does not exist.

**9. *An assessment of whether any excluded services (therapy, health, community facility use) are likely to be required to deliver the programme and, if so, how that affects activity status.***

Officers confirmed that this assessment was not undertaken, as it would go beyond the scope of what would be considered for an application of this type. This

part of your request is therefore declined under s 17(e) of the Act on the basis that the information requested does not exist.

**10. Confirmation of any implications arising from Designation WRC002 (Metropolitan Water Supply and Conservation Area) and the Water Collection Area overlay for the proposed activity.**

Officers advised these obligations usually apply to activities such as intensive farming and in this case, it was not considered to apply. This part of your request is therefore declined under s 17(e) on the basis that the information requested does not exist.

We note that Council is not required to create new information, provide opinions, or undertake analysis for the purpose of responding to a request.

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz), or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi,



**Steve Cody**  
Acting Group Manager Strategy and Growth  
Te Kaihautū Rautaki me te Tupu

If you are interested in the attachments which accompany this response, please contact us at: [informationrequest@kapiticoast.govt.nz](mailto:informationrequest@kapiticoast.govt.nz).