

OIR: 2324/641

05 September 2023

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████████████████████

Tēnā koe ██████

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

Thank you for your email of **17 August 2023** requesting information relating to the Ōtaki reservoir. I need to acknowledge that you met with Peter Bollmann ██████ on **25 August 2023** in Ōtaki to clarify the questions and to provide an initial response. Your specific requests were as follows:

- 1. Can you please advise the clause in the purchase agreement you are relying on when you state the council is not able to move the site of the reservoir within the plot of land purchased.***

In fact, under Clause 56 of the Memorandum of Agreement Pursuant to the Public Works Act 1981 dated 9 March 2023, there is agreement from the Owner (Westleigh Developments Limited) that they “will not lodge any submission in opposition to the Works or participate in any objection or appeal which opposes any designation, resource consent or notice of requirement, or to take any other action which may have the effect of preventing or interfering with the Council’s future plans in relation to the Works”

If there is some other contract or agreement which includes some restrictive clause please forward me a copy of this document forthwith.

The information sought was contained in the Memorandum of Agreement provided to you previously. The relevant provision is clause 21 in Schedule A, which provides that:

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

“The Council will undertake earthworks on the Required Land and the balance of the Owner’s land as shown on the Cuttriss Earthworks Design Plan (Plan C) attached as Schedule D to this agreement.”

As discussed, we are not able to alter this provision without the agreement of the owner. We have not been able to obtain that agreement.

2. Can you please forward a copy of the corrected RMA Resource Consent Application you have presumably lodged with Wellington Regional Council for earthworks for this project in replacement of the consent you originally gained using incorrect (erroneous) information.

Thank you for clarifying the issue here. I understand that you are referring to the Application for Resource Consent, Notice of Decision dated 15 December 2022, from the Kāpiti Coast District Council, not the Greater Wellington Regional Council.

In that document, it was noted KCDC as the consent authority, requested the following:

“Please provide an assessment of the reservoir structure against the relevant rules and standards in chapter RLZ-Rural Lifestyle Zone to demonstrate that it is a permitted activity.

Please provide an assessment of the reservoir structure against the relevant rules and standards in chapter INF-Infrastructure to demonstrate that it is a permitted activity.”

I note that it was recorded in the notice of decision that:

“The applicant provided satisfactory responses to (these requests) on 16 November 2022.”

Please find attached the relevant response to this request made by Cuttriss on our behalf on 16 November 2022.

I want to reiterate the offer that was made to you to maintain direct contact with Peter Bollmann, Project Manager, Ōtaki Growth Infrastructure if you have any further queries.

Ngā mihi



Sean Mallon

Group Manager Infrastructure Services
Te Kaihautū Ratonga Pakiaka

3. Please provide an assessment of the reservoir structure against the relevant rules and standards in chapter RLZ – Rural Lifestyle Zone to demonstrate that it is a permitted activity.

An assessment has been provided against Rural Lifestyle Zone in Table 1 below, under matter (4).

4. Please provide an assessment of the reservoir structure against the relevant rules and standards in chapter INF – Infrastructure to demonstrate that it is a permitted activity.

Operative District Plan Rules and Standards

Table 1 provides an assessment of the proposal against the relevant Operative District Plan standards.

Table 1: District Plan Assessment.

Operative Plan Rule No.	Operative Plan Standard	Compliance
Rural Lifestyle Zone Permitted Activity Standards		
RLZ-R3 Buildings	2. Maximum Height for an accessory farm building or structure – 10m	Complies: The reservoir will be 7m in height.
	5. Yards Front yard – 10m Side and rear yards – 5m	Complies: The reservoir will be adequately separated from any front, side or rear boundary.
	6. Height envelope – 2.1 and 45 degrees.	Complies: The reservoir will not encroach any height envelope.
Infrastructure Permitted Activity Standards		
INF-PNF-R5 The development and installation of any new network utility, provided that they are not located the areas stipulated in the District Plan.	1. Compliance with the clearance distances specified in NZECP34:2001, and Section 6.4.4 External Interference Prevention of NNZAS 2885 Pipelines – Gas and Liquid Petroleum.	Complies: The reservoir is not situated near any gas or liquid petroleum pipelines.
INF-MENU-R27 All permitted activities in all zones, including	1. Development must be undertaken in accordance with the Council's Subdivision and Development Principles and Requirements, 2012.	Will comply: The reservoir will be constructed in accordance with the SDPR 2012.

network utilities.		
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