

OIR: 2223/482

15 March 2023

[REDACTED]

[REDACTED]

[REDACTED]

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

Thank you for your email of 6 March 2023 requesting the following information:

While perusing the new resource consent applications for 240 Kapiti Road I noticed with interest a photograph captioned: "Photo 2: Pond towards centre of site (to be filled in)." This photograph appears in both applications - at clause 3.1. (Visual Observations) of Appendix C (Geotechnical Report) of resource consent application RM230006 on page 46, and resource consent application RM230008 on page 79.

- 1. Is this not the pond that [REDACTED] Senior Resource Consents Planner, KCDC and [REDACTED] Senior Planner, Cuttriss Consultants Ltd denied any knowledge of before the commissioner's resource consent hearing for the RM220070 application - when we, The Horse Paddock Action Group were trying to establish why a continuously existing pond/wetland had been filled in without resource consent?***

When the query was investigated in August 2022, Council could not locate the pond that was claimed to have been filled without a Resource Consent.

- 2. That the unconsented infilling of a wetland area brings into question the integrity of the S42A report submitted to the Resource Consent Hearing, prepared by [REDACTED] and reviewed by Eloise Carstens, Team Leader Resource Consents. We believe that it also brings into question the validity of expert reports presented by Cuttriss, the mana whenua assessment of the proposal and ENGEO regarding groundwater management and Te Mana O Te Wai issues associated with any proposed development." This matter was never addressed by KCDC.***

The s42A report states that the District Plan does not contain an ecological site or protected feature in respect of this site. This is correct as per the planning maps.

- 3. As these new resource consent applications are still 'non-complying' and possibly 'out-of-zone', I request the council reject them forthwith, and then turn their attention to overturning the consent given to the original application, RM220070. At the moment we don't know what truths and what falsehoods have been presented by KCDC or Cuttriss to the resource consent hearing - it is not good enough to assume that the hearing commissioner had all the facts before him when making his decision?**

Council is obliged to consider all applications on their merits and submitted information is objectively tested to determine if there are any effects on the surrounding properties to a degree that is minor or more than minor as is required under the Resource Management Act 2009 (RMA).

- 4. The council and neighbourhood can then look at a new application, should the applicant still wish to pursue one, on a 'level playing field' without favour, affection, malice or ill-will from any of the interested parties.**

We do not favour any applicant or interested party. Council is a neutral party and will objectively test all resource consent applications submitted as required by the RMA.

Yours sincerely,



James Jefferson

Group Manager Regulatory Services
Te Kaihautū Ratonga Whakaritenga