

OIR: 2526/80

6 October 2025

[REDACTED]
[REDACTED]

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 **24 August 2025** requesting the following information:

I wish to get all info you hold about a possible housing development on Kainga Ora land at 59-69 Raumati Rd that has been created in the last year. So from 1 august last year to todays date. This should include comms from emails, phone calls, written records or in any other form between the staff of council and kainga ora or any other developer who may be involved in creating a housing development on the land. This should include info if it exists at council in full or in part re:

- 1. What infrastructure upgrades are required and the cost and any development contributions required of any developer of the property?***
- 2. What housing plans are proposed or have been explored with council by email, meetings or any other means, including detail such as numbers of units and placements of them on the land.***
- 3. What road accesses, or new roads are contemplated or approved and the assessment of impact on traffic flow, safety and congestion.***
- 4. Whether infrastructure such as storm drains would require easement over or access within neighbouring properties and which ones.***
- 5. What activities of this project that are not permitted have resulted in the developers of this land seeking resource consents?***
- 6. any records about councils view on if this development should be notified***
- 7. any records about how regulatory or legal changes in resource management law may alter the requirements put on kainga ora or any other involved developer as regards getting consents to build on this property.***
- 8. Also am I correctly informed that the proposed development is not restricted to the flat southern part of the block now? And if so is there any proposal to transfer the northern dunes to become a reserve?***

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

I can clarify that, although Council is aware that Kainga Ora owns this site and has potential development intentions for housing, we have not received an approved development proposal for the site; nor are we aware of a final housing placement or numbers of units proposed. This means we are not able to confirm:

- Infrastructure upgrades that may be required, or associated easements for roading or stormwater requirements that may be requested or proposed. I expect finalisation of a development plan will clarify options that would be discussed with neighbours and/or Council.
- Development contributions required, as these are assessed when an application is lodged for either resource consent and building consent formally progresses. I expect the timing of lodging will be dependent on the finalisation of a development plan.

In regard to your query around potential issues for the site which may require resource consent, you can access the [Councils e-District Plan](#) to see the identified natural hazard issues and other matters that are likely relevant to determining the requirement for a resource consent application. I can confirm that Council is not able to provide a position on the need for notification, or to make a notification decision, until an application is received and assessed in alignment to the Resource Management Act requirements.

In regard to discussing or receiving a resource consent application, I can confirm that Council has:

- Not had a pre-application meeting for a resource consent; nor have we received a resource consent application. I expect that if required this will be dependent on the finalisation of a development plan.
- Received correspondence related to this site. However, the information relates to an agreement between parties which I understand is commercially sensitive. We consulted Kainga Ora about your request to release this information.

On balance, Council has determined we are not in a position to release information relevant to your request. This information is withheld under two sections of the Act:

- Section 7(2)(c)(i): The information was provided to Council under an obligation of confidence arising from an agreement between the parties. Disclosure of that information would be likely to prejudice the supply of similar information, or information from the same source and it is in the public interest that such information should continue to be supplied.
- Section 7(2)(b)(ii): The information is also considered commercially sensitive. Council may withhold information in order to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied it, or who is the subject of the information.

I am satisfied that the withholding of this information is not outweighed by public interest considerations in section 7(1) favouring release.

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

Ngā mihi,

A handwritten signature in black ink, appearing to read 'Kris Pervan', written in a cursive style.

Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu

OIR: 2526/152

23 October 2025

[REDACTED]
[REDACTED]

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 **7 October 2025**. We provided an initial response to you on 8 October 2025, given the urgency noted about the upcoming local election, addressing the concerns related to:

- Clarification of the original delay in response: in summary, we sought extension to consult, as is required, with another party because of the commercial sensitivity of information.
- Query around Council's financial support of Kainga Ora: in summary, Council has not discussed or approved any financial support of Kainga Ora, nor is it in any of our budgeted or forecasted plans in the Long-Term Plan 2024-34.

We now respond to your other questions which were not addressed in the 8 October 2025 correspondence.

1. *The type of agreement you have withheld (e.g. memorandum of understanding, conditional sale, infrastructure servicing agreement, etc.);*

To clarify, as I understand there may be some confusion resulting from the response provided on 6 and 8 October 2025:

- The “agreement” referred to in this Response referred to an understanding of the parties that: in receiving the information, Council would not share that information as it is commercially sensitive and was provided under an obligation of confidence.
- Council consulted with Kāinga Ora about the release of the information you requested; and Kāinga Ora confirmed their ongoing understanding that the information provided was commercially sensitive and had been provided in confidence under section 7(2)(b)(ii) and section 7(2)(c)(i) of LGOIMA.

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

- Council considered these views and determined it was appropriate to withhold the information on these grounds.

I can therefore confirm that:

- Council holds information falling within the scope of your original request.
- However, that information was provided to Council by Kāinga Ora under an obligation of confidence and it had been agreed by the parties that the information would be shared on a confidential basis.
- Any information created by Council for the purposes of corresponding with Kāinga Ora on this matter was created for the sole purpose of these supporting these conversations with Kāinga Ora, therefore, we consider are also subject to an obligation of confidence.

We have considered whether we can provide a summary of the information provided to Council and as a result provide the following additional information:

- Council staff met with Kāinga Ora in July 2025 to discuss Kāinga Ora's *potential* development plans for 56-59 Raumati Road, the site as noted earlier, already owned by Kāinga Ora.
- Key elements discussed, relative to future areas of assessment by Council, included planning requirements, financial contributions, open space, transport and water requirements.
- These discussions were on a confidential basis due to the commercial sensitivity of this matter to Kāinga Ora and were prior to any formal regulatory approvals or input were sought from Council.

2. *The date and if practical before this Friday the details too of non council parties to the agreement;*

Please refer to Response to Question 1 above.

3. *A summary or redacted copy of the agreement omitting only genuinely commercially sensitive details, as required under section 17 of the Act; and*

Please refer to Response to Question 1 above.

4. *Confirmation of the specific factors considered in determining that the public interest did not outweigh withholding.*

I can confirm that our decision to withhold information on the grounds provided in our 6 October 2025 letter considered requirements related to:

- Withholding information that is commercially sensitive or provided under an obligation of confidence.
- Public interest in the matter, and release of information on that basis.

While there is a public interest in knowing this information, the competing requirements were weighed up, and in this instance, it was concluded that the

public interest in release did not outweigh the prejudice that would likely occur to the supply of future similar information if it was released. Similarly, it was considered that the prejudice to the commercial position of Kāinga Ora was not outweighed by the public interest favouring release. The prevailing consideration in making the decision to withhold the information is that commercially sensitive information was provided under an obligation of confidence.

Council's position on this matter remains unchanged.

We consider that we have provided a full and complete response to the concerns you have raised, and additional information you sought.

However, as you note, you have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

As the land in question is owned by Kāinga Ora, I suggest that if you have questions in the future about their intentions for the land, it would be best to direct those questions to Kāinga Ora or their respective Minister.

Ngā mihi,



Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu