


OIR: 2425/1340

13 May 2025



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 13 April 2025 explaining the principles guiding the Fairway Oaks Drive Residents' Partnership, and your concerns regarding the **use and care of the vacant land situated at 100 to 110 Te Moana Road, Waikanae - Lot 1 DP 71916 – GAZ 95/2247 and Part Lot 2 DP 71916 C/T 44C/426.**

You have requested the following information regarding the above land:

1. *When did the KCDC change the zoning of the land to General Rural Zone?*

While council has not made any substantive change to the zoning of the land in recent times, Council made a number of amendments across the District Plan in 2021 to give effect to the National Planning Standard 2019. Those changes included changes to the naming of some zones.

Prior to this amendment, this land was zoned "Rural Dunes". Following the National Planning Standards amendments, the land is now part of the General Rural Zone, but it still retains the Rural Dunes Precinct overlay.

Aside from other superficial changes required to align with the National Planning Standards, the planning rules that apply to the property were therefore unchanged by those amendments.

I understand that as required by S58(1) (2) and (3) of the Resource Management Act 1991, these amendments were made without public consultation. However, a public notice was issued titled "Operative Kapiti Coast District Plan 2021 - Recognition of National Planning Standards 2019" on 30 June 2021 to reflect the amendments made to the district plan.

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

2. *When did the KCDC remove the 100-year flood zone designation from the land?*

Council has not made any recent changes to the flood hazard classification or mapped flood hazard extent that applies to this land. The land is still subject to flood hazards as per the Operative District Plan 2021.

Historically:

- The last significant district plan change addressing flood hazards was Plan Change 50, which was made operative in March 2010.
- The maps and associated plan provisions were the foundation of the flood hazard content of Council's second-generation District Plan which was publicly notified for submissions in November 2012, and following submissions, hearings and appeals made operative in 2021.
- These planning processes followed the requirements set out in Schedule 1 to the Resource Management Act 1991, including public notification of the opportunity to make submissions.

For avoidance of doubt, the flood hazard district plan overlay co-exists with the "General Rural" zoning referred to in the answer to question 1 (i.e. both apply to the land).

3. *How did the KCDC inform residents of Fairway Oaks Drive, Waikanae about the legal changes to the zoning of the land?*

Please see answers to questions 1 and 2.

4. *How did the actions taken by the KCDC in re-zoning the land comply with its District Plan and the legal requirements of its District Plan?*

Please see answers to questions 1 and 2.

5. *In line with the requirements set out in the KCDC District Plan, how is the Council monitoring the changes being made to the contour of the land?*

I have been advised by our compliance team that Council is currently actively monitoring the site, as it was made aware that vegetation removal and earthworks activities were occurring. Compliance Officers proactively monitor the site to ensure that the activities on the site meet the permitted activity standards of rules in the Operative District Plan 2021.

6. *In line with the requirements set out in the KCDC District Plan, how is the Council monitoring the changes to the wetlands, swamp, and stream?*

To clarify, given legislative settings under the Resource Management Act 1991:

- Section 30 places the management and monitoring of wetlands, swamps, and streams fall under the jurisdiction of the Greater Wellington Regional Council.

- Section 31 provides for territorial authorities, such as Kapiti Coast District Council (KCDC), to oversee and regulate land use activities within the district including the effects of earthworks on landform and the assessment of natural hazards in relation to a proposed activity.

On this basis, this request would need to be transferred to Greater Wellington Regional Council for response. Please let us know if you would like us to do so.

7. *What are the metrics being used to monitor the changes and impacts to the land?*

I have been advised by Compliance Officers that proactive monitoring of the site is underway to ensure that the activities on the site meet the permitted activity standards (metrics) of relevant rules in the Operative District Plan 2021.

Regarding earthworks:

- There are a number of factors that determine which rule is relevant, such as the purpose of the earthworks (any purpose listed in rule EW-R3 is subject to the standards of that rule); and whether the earthworks are in an area defined by the District Plan maps as featuring: flood hazards; outstanding natural features and landscapes; ecological sites; geological features; or areas of outstanding or high natural character
- Except for where earthworks are covered by the above factors, the relevant permitted activity rule is **EW-R2**. That rule and its standards can be found at <https://eplan.kapiticoast.govt.nz/eplan/rules/0/200/0/11564/0/234>
- Earthworks on land subject to District Plan mapped flood hazards are subject to permitted activity rule **NH-FLOOD-R4** (except for the listed exemptions). That rule and its standards can be found at: <https://eplan.kapiticoast.govt.nz/eplan/rules/0/186/0/10653/0/234>
- Earthworks within an ecological site cannot be a permitted activity and require resource consent under rule **EW-R8**.

Regarding vegetation removal:

- There are also a number of factors that determine what rule applies, such as whether the vegetation is considered to be forestry or indigenous, and whether it is protected in the District Plan.
- The removal of plantation forestry is managed by the [National Environmental Standards for Commercial Forestry](#).
- The relevant permitted activity rule for trimming or modification of indigenous vegetation in an ecological site listed in the District Plan and which is within the Rural Dunes Precinct is rule **ECO-R4**. That rule and its standards can be found at: <https://eplan.kapiticoast.govt.nz/eplan/rules/0/192/0/11520/0/234>

8. *What are the metrics being used to monitor the changes and impacts to the wetlands, swamp, and stream?*

Please see the answer to question 6.

9. *When did monitoring start?*

I have been advised by the compliance team that Council have maintained a current knowledge of the site since the initial expressway works were started in 2013. Under the current landowner, Council started monitoring in March 2024 when we were made aware that vegetation removal was occurring at the property.

10. *How often does monitoring occur?*

I have been advised by the compliance team that Council have responded proactively to notifications received about activities occurring at the site on at least 4 times within the last 12 months.

11. *What does the KCDC do with the information that is gathered?*

[Council's Compliance and Enforcement Policy](#) describes our approach to monitoring any activities within the District. When information is received that an activity is occurring we assess the activity against the requirements of the legislation and regulations within our jurisdiction. That information is then collated and stored in Council files, and if a more formal investigation is needed then a specific investigation file is established to ensure that good records are kept.

12. *When KCDC sold the land back to Osborne, what conditions were imposed?*

I understand that we do not hold information on this matter. This aspect of your request is therefore refused under section 17(e) of the LGOIMA as the information you seek does not exist or cannot be found. You may wish to undertake a title search to establish the trail of ownerships.

13. *What resources, over the next five years, have been allocated by the KCDC to remediate the traffic issues being experienced by rate payers who use the roading system from the expressway to the beach to Peka Peka?*

I have been advised by our transport team that resources to remediate traffic issues in this area have been allocated by Council for the following projects:

Rauparaha Street (Funding allocated: \$1.2 million)

- **Speed Humps:**

Two (2) speed humps are scheduled to be installed between Tutere Street and Ono Street. *Planned construction timeframe: 2027–2030*

- **Shared Path (Te Moana Road to Tutere Street):**

A new shared path is planned along this route to improve pedestrian and cycling access.

Te Moana Road (Funding allocation: no funding has been allocated at this stage)

- **Road Widening (near Waikanae Golf Club):**
The road will be widened opposite the golf club's main entrance to allow for a right-turn bay, improving traffic flow and safety.
- **Cycling and Pedestrian Improvements:**
Plans include upgrading the shared path, improving crossing facilities, and extending on-road cycle lanes from Te Ara Kawakahia to Rauparaha Street.

14. *How does the KCDC communicate with its rate payers in the absence of a community newspaper?*

Council engages a variety of mechanisms to communicate information about Council's community facilities, services and activities, and feedback opportunities. This includes radio, print, and digital channels, and making information accessible in our libraries and service centres. Kāpiti Coast residents and ratepayers are encouraged to subscribe to Council's weekly e-newsletter Everything Kāpiti and supporting digital channels via the [Council's website](#) to stay-up-to-date with Council news.

15. *How will the KCDC notify the residents of Fairway Oaks Drive, Waikanae, if a PPC is lodged?*

When processing a private plan change request Council must follow the requirements set out in Part 2 of [Schedule 1 of the Resource Management Act 1991](#) (RMA).

For your information, prior to public notification, the RMA process following lodgement of a private plan change includes (but is not limited to):

- Council considering whether any further information may be required
- Council deciding whether to:
 - adopt the private plan change request as its own plan change; or
 - accept the private plan change for further processing; or
 - reject the private plan change (the limited grounds for this are set out in clause 25(4); or
 - convert the plan change to a resource consent application.

If Council chooses to accept the plan change, it must then publicly notify the private plan change within four months via:

- placing the public notice on the Council website
- placing the public notice and in the Dominion Post newspaper (given the loss of local newspapers)\
- serving notice on all directly affected parties (typically via mailed letter).

Public notification will provide the opportunity to lodge submissions, followed by further submissions, and the opportunity to be heard at a hearing.

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 be 'Kris Pervan', written in a cursive style.

Kris Pervan

Group Manager Strategy and Growth
Te Kaihautū Rautaki me te Tupu