



HUD2024-003994

s 9(2)(a)

Tēnā koe s 9(2)(a)

Thank you for your email of 01 March 2024 requesting further information on the land registered as LINZ Title 840307. Your email has been considered under the Official Information Act 1982 (the Act):

As part of a follow up to your reply, I note that in your reply dated the 26th July 2023, [reference number HUD2023-002627], to Question 3, you stated that 'the contractor who undertook the geotechnical investigation engaged with Kapiti Coast District Council on remediation actions'.

Within your reply dated 19th February 2024 [reference number HUD2024-003645], "the contractor is working with Kāpiti Coast District Council (KCDC) on remediation options. It has been decided that when the site is developed, the masterplan presented to KCDC for resource consent will include the replanting of damaged trees (the remediation works). Within this reply you stated 'presented to KCDC', indicating that between the 26th July 2023 and the 19th February 2024, KCDC was presented with something.

On the 28th February 2024, you have refused access to the presentation made to KCDC, stating that the refusal was made under Section 18(e) of the Act – due to the document requested does not exist. Please confirm that no document, including emails, notes, written correspondence or any other document made by the Ministry, or any contractor acting on behalf of the Ministry, does not exist.

It would appear that from your answers provided between the 26th July 2023 and 28th February 2024, there are conflicting explanations.

You have stated:

- 1. The contractor who undertook the geotechnical investigation had engaged with KCDC (26th July 2023)*
- 2. KCDC was presented with options on remediation by the contractor as a result of the geotechnical investigation (19th Feb 2024)*
- 3. That there is no document that exists relating to the presentation made to KCDC (28th Feb 2024)*

It would appear that there are inconsistencies or intentional vagueness in your replies. Please can you confirm if this is the case and further confirm that no documents have inadvertently been misplaced, forgotten or overlooked.

On 26 July 2023 and 19 February 2024, we advised you that during discussions between the contractor responsible for the geotechnical investigation and Kāpiti Coast District Council (KCDC), it was determined that remediation works on the site will be included in any possible future masterplan that is presented to KCDC as part of a resource consent process. We also advised that, in the unlikely event the site is not developed, the contractor has agreed to remediate any damage.

On 28 February 2024, you were further advised that no masterplan exists as negotiations on a development agreement for the land have not yet begun. All of our responses to you captured all documents in scope of your requests under the Act.

For this reason, I am refusing your request under section 18(d) of the Act, for the reason that the information requested has been made publicly available to you.

You have the right to seek an investigation and review of my response by the Ombudsman, in accordance with section 28(3) of the Act. The relevant details can be found on the Ombudsman's website at: www.ombudsman.parliament.nz.

As part of our ongoing commitment to openness and transparency, the Ministry proactively releases information and documents that may be of interest to the public. As such, this response, with your personal details removed, may be published on our website.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Fiona Coughlan', with a stylized, flowing script.

Fiona Coughlan
Manager Land Acquisition and Development
Te Tūāpapa Kura Kāinga – Ministry of Housing and Urban Development