

OIR: 2324/821

26 April 2024

[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 **26 February 2024** requesting the following information:

***The information sought in this LGOMIA request is:***

- 1. Was the bed of the Ngarara Stream [which flows through the subdivided lots identified in A) and B) above] vested in the territorial authority as required by s237A of the RMA?***

The bed of the Ngarara Stream that flows through these lots was not vested in the Council.

- 2. If the answer to question 1 is no, what is the explanation for this not having occurred?***

Section 237A of the RMA did not require the stream bed to vest in the Council because neither of the situations set out in section 237A(1)(a) apply in this instance. I have set out section 237A below with the explanation shown in red text alongside the relevant parts of the provision:

- (1) Where a survey plan is submitted to a territorial authority in accordance with section 223, and any part of the allotment being subdivided is the bed of a river or lake or is within the coastal marine area, the survey plan shall—
  - (a) show as vesting in the territorial authority—
    - (i) such part of the allotment as forms part of the bed of a river or lake and adjoins an esplanade reserve shown as vesting in the territorial authority; or **[The parts of the allotments that form part of the bed of the Ngarara Stream do not adjoin an esplanade reserve.]**

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

- (ii) such part of the allotment as forms part of the bed of a river or lake and is required to be so vested as a condition of a resource consent: **[The Ngarara Stream was not required to be vested as a condition of resource consent.]**
  - (b) show any part of the allotment that is in the coastal marine area as part of the common marine and coastal area.
- (2) Any requirement to vest the bed under subsection (1)(a)(i) shall be subject to any rule in a district plan or any resource consent which provides otherwise.

If you require any further information please contact Sarah Wattie, Governance and Legal Services Manager on [sarah.wattie@kapiticoast.govt.nz](mailto:sarah.wattie@kapiticoast.govt.nz).

Ngā mihi,



**James Jefferson**  
Group Manager Regulatory and Environment  
Kaiwhakahaere Rōpū Ture me te Taiao