

23 September 2025

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[REDACTED]

Tēnā koe [REDACTED]

LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987: REQUEST FOR INFORMATION

Thank you for your email requesting information under the Local Government Official Information and Meetings Act 1987 (LGOIMA). A decision has now been made on your request pursuant to section 13 of the LGOIMA, and to provide the information requested.

On 19 September 2025 we sent you a letter advising that we had transferred part of your request to the Bay of Plenty Regional Council (BOPRC). This was because we believe that the information you were seeking about wastewater consents and monitoring required under the On-Site Effluent Treatment Plan (OSET Plan) is held by the Regional Council. For this reason, it is likely that BOPRC will have information that we do not have.

The balance of the information you requested is as follows:

*1. Identification of 95 Non-Compliant Properties*

- *A list or map of the 95 properties assessed as non-compliant with AS/NZS 1547:2012.*

I am refusing this part of your request pursuant to section 17(g) because the information requested is not held by this local authority and we have no grounds for believing that the information is held by another local authority. The Council does not have a list or a map of the 95 properties assessed as being non-compliant. I have attached a copy of The Wastewater Specialists report dated 17 April 2024, which forms the basis for the reference to this number of properties. The author used the criteria in NZS1547 to determine the 95 properties. It was a desktop exercise intended to provide an indication of the number of properties that may be affected by a Maintenance Zone, and the potential implications if one were to be imposed by the BOPRC.

- *The specific criteria used to determine each property's non-compliance (e.g. proximity to stream, water table depth, lot size).*

The attached report indicates that the criteria used for this desktop exercise was:

- Sections that are located in close proximity (<15m) to watercourses, and/or
- Are unlikely to be able to upgrade existing septic tanks and disposal fields to aerated wastewater systems with new irrigation fields.
- *Any internal memos, correspondence, or technical assessments referencing the 95 properties, systems with new irrigation fields..."including any GIS mapping or geospatial overlays.*

I refer you to the attached report in answer to this question.

## 2. Consented Buildings Near Streams

- *Copies of building consents for dwellings located within 15 m of any permanent or intermittent watercourse in Matatā.*

Pursuant to Section 17(f) of the Local Government Official Information and Meetings Act 1987, the Council refuses to provide this information on the basis that it cannot be made available without substantial collation and research. Our consenting system does not have the capability to generate reports for specific areas (such as defined) and to do this manually would be many hours of work. In addition, I am reluctant to suggest staff could research all files (at a cost) as it would first require us to initially ask GIS staff to spatially map the dwellings that are located within 15m of a waterway, and then require a manual search of our database to find building consent information. Our files typically contain all information associated with the property and so it can be time consuming to identify and check information for each file. In order to assess this request, a sample of a building consent for a dwelling next to a waterway was made. We found a building permit for the dwelling but no information on the septic tank system at all – this was a consent from the 1980's. While we have not looked further, we believe that a comprehensive search of building consent or permit information for older homes in Matatā will result in the same conclusion.

In order to progress this matter, you could be specific about certain property addresses (perhaps a sample of half a dozen) from Google maps that you could identify yourself, and then we could look at those as a sample exercise to show what information is likely to be contained on file.

## 3. Role of WDC and BOPRC in Historic Consents

- *Any risk assessments, legal advice, or internal reviews relating to potential liability for having consented installations within non-compliant setbacks.*

The District Council has not specifically made any risk assessment, taken legal advice (which is legally privileged and would be withheld) or internal reviews about liability. The reason for

that is that the District Council has a role when a building or resource consent application is made, which signals change in a building profile or a change in land use on the property. The OSET Plan manages existing septic tank systems on individual properties, and the administration of that plan lies with the BOPRC. In considering new building (or resource) consents for dwellings or other uses in Matatā, the Council requests information from the applicant that they have satisfied the criteria as a permitted activity under the OSET Plan or that a resource consent has been obtained from the BOPRC.

The District Council may have a role in terms of the Health Act 1956 and under our *Dangerous, Affected and Insanitary Building Policy*, but this policy would generally be used as a last resort. We have not been asked to or needed to use this Policy in relation to an insanitary septic tank system in Matatā.

#### 4. Matatā Hotel Wastewater System

- *A copy of the building consent(s) for the Matatā Hotel wastewater system upgrade around May 2023.*

I am refusing this part of your request pursuant to section 17(g) because the information requested is not held by this local authority. There was no building consent received and therefore issued for the Matatā Hotel wastewater system upgrade.

If you are not satisfied with my response, you are entitled to request a review by the Ombudsman. Further information can be obtained from the following website [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that this response may be published on our website. All personal information will be removed.

Nāku noa, nā



Steven Perdia  
CHIEF EXECUTIVE