

17 March 2022

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Request for Official Information responded to under the Local Government and Official Information and Meetings Act 1987 (LGOIMA) (the Act) – reference: OIR 2122-208

I refer to your information request we received on 1 March 2022 for the following:

Thank you for your response to my information request. There is one matter on which I am seeking clarification.

You will be fully aware of the Cuttriss findings that led to my question- noncompliance with coverage [35% excess], exceeding gross allowable floor area, and excess over allowable retail space (p).

You state that it is standard practice "in this type of scenario" to not comply with the District plan and or get dispensation.

- 1. Please explain what "Type of scenario" means. Does it mean that every application for resource consent when it relates to noncompliance with coverage [35% excess], exceeding gross allowable floor area, and excess over allowable retail space it is standard KCDC practice to allow such non-compliance.**

The reference to this 'type of scenario' was with respect to any applicant being able to apply to not comply with the District Plan.

Any non-compliances with the permitted activity standards require resource consent and will be assessed through the consent process.

- 2. Please list all the instances of similar waiver in the past 5 years.**

The following resource consents have been issued for buildings within the open space zone that do not meet the permitted activity standards for site coverage or floor area.

Consent No.	Proposal Description	Date Granted
RM170234	To construct a pole shed which exceeds the maximum site coverage, floor area, and height for buildings located within the Open Space Zone	17 Nov 2017
RM160120	Redevelop the Otaki pool complex that will encroach the maximum area and height of buildings in the Open Space zone and reduce the number of car parks required	12 Jul 2016
RM160011	Construct steel framed building as a clubhouse	21 Mar 2016
RM150214	Additions to provide shelter for the main entrance to the existing building	1 Dec 2015

3. With regard to the floor area maximum of 350m² being exceeded, what is the floor area of the boat club.

The approximate floor area of the boating club and the dive club (the buildings are joined) is 470m² (measured from GIS).

4. Could you please provide a copy of the request for non-compliance you refer to and the grounds KCDC raised to justify waiver and the legal precedents KCDC relied upon.

The request and justification for non-compliance states the following:

“The overall site coverage for Maclean Park, including the proposed Te Uruhi, will be approximately 2.7%, thus exceeding the maximum by 0.7%. Nonetheless, the proposal provides an appropriate space for an activity that is an existing operation without a dedicated building. Presently, the tours to Kāpiti Island utilise the Kapiti Boating Club for the meeting and biosecurity requirements for tour parties. This additional 0.7% of site coverage does not detract from the useable outdoor space for the public to use, with additional space provided between the buildings via decks. In fact, the proposed building will enhance the public's use of this space for all weather conditions and due to the slight elevation of the building's floor above the flood level will improve the view of the beach and Kapiti Island for users of the park. The site coverage for the property is spaced out over Maclean Park and is formed by the proposed Te Uruhi, Kapiti Boating Clubhouse and outdoor structures throughout the park. Due to the size of the park and the spread-out nature of activities this non-compliance will be indiscernible to any users of the park or neighbouring properties.”

No legal precedents were relied on, as explained previously this is standard practice for applying to not comply with the District Plan.

Ngā mihi



Sean Mallon

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Te Kaihautū Ratonga Pakiaka