

OIR: 2223/394

14 October 2022

[REDACTED]

[REDACTED]

Request for Information under the Local Government and Official Information and Meetings Act 1987 (the Act)

Thank you for your email of 7 October 2022 requesting the following information:

I have been reviewing the evidence presented on behalf of KCDC at the resource consent hearing on Te Uruhi.

The Planner referred to the proposed plan change 1L and how it would affect Maclean Park, he referred specifically to:

"(the) anticipated changes in development rights"

He explained that these changes would be in new rules covering buildings constructed in a re-zoned Park and would enable a new:

"maximum height of 8 metres"

"maximum coverage of 5%"

"maximum floor space of 500 sq metres"

These are not insignificant effects from the proposed plan change. Could you please tell me where these anticipated effects, or new rules, are identified in the public Notification about the plan change.

Firstly I can clarify that there are no "new rules" introduced to the District Plan by Plan Change 1L. The only changes proposed by Plan Change 1L are to the District Plan maps to change the zoning of a number of Council owned sites, including the Maclean Park area.

Regarding your question about where to find information about the effects of the plan change "in the public notification", that kind of information is not provided in the public notice issued following Council's decision to publicly notify Plan Change 1L. For your information, the contents of this public notice are prescribed by the Resource Management Act (clause 5 of Schedule 1) and its format must follow Form 4 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003. Neither of these instruments directs councils to identify the effects of the plan change in this public notice.

However, under section 32 of the Resource Management Act, Council is required to prepare and make publicly available at the time of notification an evaluation report. Among other things, this report must identify the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions. This evaluation shall be at a level of detail that corresponds to the anticipated scale and significance of the effects anticipated from the anticipation of the proposal.

The effects of the plan change were specifically evaluated on pp.22-24 of the section 32 evaluation report for Plan Change 1L. This evaluation was carried out at a reasonably broad scale, as opposed to the detailed analysis of plan provisions that would be expected for a resource consent application. However, the evaluation does identify that the plan change would be more enabling of activities expected to occur in an Open Space Zone (Recreation Precinct). For instance on p.23 of the report, it states that (my emphasis):

Part of Maclean Park will be rezoned from Natural Open Space Zone to Open Space Zone. This will better reflect the active and passive recreation use by the community. It also allows for certain building structures to support these destination parks, and for organised activities, such as fairs, to be held in these areas.

Thanks again for your enquiry.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Kris Pervan', written in a cursive style.

Kris Pervan

Group Manager Strategy and Growth
Te Kaiwhakahaere Roopu Rautaki