

9 October 2023

Barry Murphy  
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Tēnā koe Barry

Thank you for your request to Kāinga Ora – Homes and Communities, dated 11 September 2023, regarding the proposed development at Teitei Drive, Ohakune, which you made through the [www.fyi.org.nz](http://www.fyi.org.nz) website. You requested the following information under the Official Information Act 1982 (the Act):

1. *Please provide an updated copy [of the Access Licence (Preliminary and Infrastructure) Land at Teitei Drive, Ohakune, previously released in OI 23 426] with all signatories.*
2. *Please provide the Licence Commencement Date and the Licence Expiry Date*
3. *Please advise and confirm that all Local Government Acts have been followed, such as but not limited to (and)*
  - a. *Section 76(3)(b) - Decision-making. Considering the record turnout to a public meeting and the high opposition of the project's location and consultation process, do KO & RDC believe they have made the right decision and if so why?*
  - b. *Section 77(1)(a) & 78(1) of the LGA (give consideration to the views and preferences of persons likely to be affected), do RDC & KO confirm these have been followed, and if so how?*
  - c. *See examples here [https://oag.parliament.nz/2005/copy\\_of\\_2003-04/part2-3.htm](https://oag.parliament.nz/2005/copy_of_2003-04/part2-3.htm) Section 140 & 141 of the LGA - Do RDC & KO confirm these have been followed and if so how?*
  - d. *Section 80(1) inconsistent decisions - Does RDC & KO believe this provision has been adhered to, and if so why?*
  - e. *Section 82, consultation - Council advise they are at the very beginning of consultation on this project and the land disposal; however they have not had any further contact with rate-payers or the community other than on 31st August 2023. Will council be consulting on the land disposal (which is not present in the LTP and was not disclosed to Audit NZ). Will this project and contract be put on hold until proper consultation has been sought to follow the LGA obligations?*
  - f. *Section 82A Information requirements for consultation. Council has not provided adequate information for the public, all information of substance has had to be sought by OIA, taking months to receive. Does RDC & KO believe that section 82A have been followed, and if so why?*
  - g. *Section 83AA(a) fair representation of the major matters - The adoption of the "Public and Affordable Housing Asset and Tenancy Management Strategy" and the LTP asking a single question on housing, was not adequate information, nor provided any details of*

*the intentions or scale of the project. Does RDC & KO believe that section 83AAA have been followed, and if so why?*

4. *Does KO & RDC believe there is any breach to the agreements you have provided, and if so which?*
5. *Many of the design aspects of the Resource Consent submitted are non-compliant with RDC's district plan and policies, 7.1(d), 7.3(c) & 13.2(c) refer to non-compliance. Who signed off on the agreement to these non-compliant activities being planned in the resource consent?*
6. *RE2.2.2 of the RESIDENTIAL ZONE - POLICY has not been followed, who signed off on the acceptance of this?*
7. *Council has agreed (on 31st August) to hold a special meeting, to decide the fate of the project, due to 90-95% of those in attendance opposed to the project, please advise how 20.1 (COUNCIL TO SUPPORT PROJECT) and clause 21, provide for any comment from council or how it allows them to terminate this agreement. Does KO believe these sections were fair to gag the council from supporting its community?*

Your questions and our responses are set out below.

1. *Please provide an updated copy [of the Access Licence (Preliminary and Infrastructure) Land at Teitei Drive, Ohakune, previously released in OI 23 426] with all signatories.*

A signed copy of the Access License is released to you in full and provided with this letter.

2. *Please provide the Licence Commencement Date and the Licence Expiry Date*

The Access License took effect from 5 April 2023. It will lapse when the Sale and Development Agreement becomes unconditional and ownership of the Stage One land is transferred to Housing New Zealand Build Limited.

3. *Please advise and confirm that all Local Government Acts have been followed*

We consider this to be a matter for Ruapehu District Council. Note also that we are not obliged to create information or form an opinion in order to respond to a request under the Official Information Act.

4. *Does KO & RDC believe there is any breach to the agreements you have provided, and if so which?*

Kāinga Ora has not had cause to raise any breach of the agreement with Council.

5. *Many of the design aspects of the Resource Consent submitted are non-compliant with RDC's district plan and policies, 7.1(d), 7.3(c) & 13.2(c) refer to non-compliance. Who signed off on the agreement to these non-compliant activities being planned in the resource consent?*
6. *RE2.2.2 of the RESIDENTIAL ZONE - POLICY has not been followed, who signed off on the acceptance of this?*

Each aspect of the design has been considered against the District Plan and on its merits in relation to the outcomes sought for the overall scheme and broader neighbourhood. Non-compliant elements

were considered holistically on the advice of the project consultants and adopted, where relevant, by the Development Partners for inclusion in the consent. The decision-making process for the development is outlined in the Sale and Development Agreement released to you previously.

7. *Council has agreed (on 31st August) to hold a special meeting, to decide the fate of the project, due to 90-95% of those in attendance opposed to the project, please advise how 20.1 (COUNCIL TO SUPPORT PROJECT) and clause 21, provide for any comment from council or how it allows them to terminate this agreement. Does KO believe these sections were fair to gag the council from supporting its community?*

The Act does not require us to provide an opinion on the interpretation of the Sale and Development Agreement. You may wish to seek your own legal advice on this matter if you require clarification of the terms of the agreement.

I trust you find this information useful. You have the right to seek an investigation and review by the Ombudsman of my decision on your request. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or Freephone 0800 802 602.

Please note that Kāinga Ora proactively releases its responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/>, with your personal information removed.

Nāku noa, nā



Mark Fraser

**General Manager – Urban Development and Delivery**