

ADDENDUM TO REPORTING OFFICER'S REPLY REPORT VARIATION 2, 29 SEPTEMBER 2021

Change B6 – Exemption to minimum site size for existing development

Providing for concurrent land use and subdivision applications

1. I have undertaken some additional work on drafting an option to more clearly provide for concurrent applications for multi-unit development and fee simple subdivision as a restricted discretionary activity, in response to submissions from TGC Holdings Ltd and Ōtākou Health Ltd.
2. Instead of making further amendments to the proposed exception to the minimum site size performance standard for existing development at Rule 15.7.4.1.j.X, the option set out below makes amendments within Rule 15.7.4.2 to make the contravention of the minimum site size performance standard for multi-unit development a restricted discretionary activity (rather than non-complying), when certain conditions are met.
3. This option includes the following amendments:
 - Add a new clause Y to Rule 15.7.4.2 to apply restricted discretionary activity status for contravention of the minimum site size performance standard for fee simple subdivision of a proposed multi-unit development that is applied for concurrently with the subdivision application, where it meets the applicable performance standards;
 - Amend the assessment rule for restricted discretionary contravention of performance standards for subdivision at Rule 15.10.5.4 to include assessment guidance for the contravention, including conditions of consent that may be imposed; and
 - Retain Rule 15.7.4.1.j.X as recommended in the Section 42A Report for Change B6 (to address the fee simple subdivision of existing or permitted land use and associated development, such as duplexes).
4. This option will continue to require that the land use and development performance standards are complied with for the exception to apply. This will avoid enabling fee simple subdivision when unit title subdivision would be more appropriate in terms of providing for ongoing management of shared property (for large, comprehensive developments). However, it would still be practical to design simple 'side-by-side' multi-unit developments in accordance with this option. Most applications that are received for multi-unit development appear to be of this nature.
5. I recognise that this option may not go as far as the submitters would wish (by requiring compliance with the applicable performance standards) but I consider this is as far as the changes can reasonably go as part of Change B6 and Variation 2. Consideration of other options to better provide for comprehensive development (for example, as a discretionary activity where the performance standards do not apply) could be undertaken as part of a future plan change process.

Recommended amendments

6. Amend Rule 15.7.4.2 by adding clause Y as follows (amendments in double underline):

General subdivision that contravenes the standard for minimum site size is non-complying, except in the following circumstances where the subdivision is restricted discretionary:

...

Y. a subdivision of a proposed multi-unit development for which land use consent is sought under Rule 15.3.4.5 concurrently with the subdivision application, and where the proposed development and

associated standard residential activity comply with all relevant land use and development performance standards; and

...

7. Amend Rule 15.10.5.4 as follows (amendments in double strikethrough and underline):

Table 15.10.5 Assessment of subdivision performance standard contraventions		
Performance standard	Matters of discretion	Guidance on the assessment of resource consents
...		
4. Minimum site size – (Rule 15.7.4.2)	a. Effects on neighbourhood residential character and amenity	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> i. Objective 2.4.1 ii. Resultant sites are of a size: <ul style="list-style-type: none"> 1. that provides for compliance of all relevant land use and development performance standards; and 2. where in a structure plan mapped area, reflects the requirements of the structure plan mapped area performance standards (Policy 2.4.1.8). <p><u><i>General assessment guidance:</i></u> <u>X. For subdivision concurrent with an application for multi-unit development, Council will generally only grant subdivision consent where the land use consent is also granted.</u></p> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> iii. The adjustment of site boundaries is necessary to achieve: <ul style="list-style-type: none"> 1. a more balanced division of site sizes relative to an existing residential buildings size, location or access requirements; 2. better alignment with topographical or other site development constraints; or 3. the protection of heritage items, significant trees, indigenous vegetation, or waterways on a site. <p><u><i>Conditions of consent that may be imposed:</i></u> <u>Y. For subdivision concurrent with an application for multi-unit development, a condition requiring that the development is established in accordance with the approved land use consent prior to certification of the survey plan pursuant to section 223 of the RMA.</u></p>

8. Any consequential changes to be determined.