

5. **PROPOSED VARIATION 58: AMENDMENT TO LIVING ZONE RULES  
RELATING TO SITES CREATED PRIOR TO 8 MAY 1999**

**Officer responsible**  
Environmental Services Manager

**Author**  
Bob Nixon, DDI 371-1669

The purpose of this report is to recommend that Council initiate a variation.

This proposed variation and the urgency associated with it has arisen from strong representations made to the Planning Administration team regarding Living zones site densities and corresponding subdivision rules.

It is intended that a list of minor “tidy up” variations be presented to the Committee in April to seek approval for notification. This matter was to be included with them but has been brought forward because of potential difficulties for a number of landowners.

The variation is essentially technical in nature and does not alter the application of the Plan’s density requirements, except to the extent that lots created between June 1995 and May 1999 have been caught by the removal of the 30m<sup>2</sup> “access exemption” that originally applied in conjunction with the subdivision standards. People who subdivided land in good faith between those dates now find they cannot build on affected lots without a resource consent. It was not the Council’s intention to retrospectively penalise people who had not yet built on these section.

The details of the variation are addressed in the attached explanation to Variation 58, along with the Section 32 analysis.

**Recommendation:** That, subject to officers confirming the issues raised and resolved at this meeting, the Council initiate Variation 58.