

23. 5. 2002

**REPORT BY THE CHAIR OF THE  
REGULATORY AND CONSENTS COMMITTEE**

**PART A - MATTERS REQUIRING A COUNCIL DECISION**

**1. WITHDRAWAL OF VARIATION 58 AND NOTIFICATION OF VARIATION 79 – EXCEPTIONS FOR SITES CREATED PRIOR TO 8 MAY 1999**

<b>Officer responsible</b> Environmental Services Manager	<b>Author</b> Peter Eman, DDI 3711-955
--	---

The purpose of this report is to withdraw the existing Variation 58 to the Proposed City Plan and replace it with an amended variation.

The Council notified Variation 58 on 24 April 2002, with the principal purpose of allowing houses to be built on the smaller sections in the Living Zones created between when the Proposed Plan was notified in 1995 and when larger minimum section sizes were introduced through the Council decisions on submissions in May 1999. The variation adds exceptions which allow houses on sections down to the size permitted in 1995, provided those sections had been created prior to the 8 May 1999. The variation also deals with some related matters and amends the structure of the rules to make them easier to understand.

The Variation intended to provide exceptions for all parts of the Living 1, Hills and 2 zones. Unfortunately Variation 58 missed including an exception to allow this to happen in that part of the Living 1 zone that is identified as Sam areas 8, 8a and 8b. There is at least one landowner in those areas that is unable to complete the sale of their section until a suitable exception has been provided in the Plan for those areas. The most expedient way of ensuring that landowners are not unnecessarily burdened by this oversight, is to withdraw the existing Variation 58 and replace it with an amended variation that includes an exception for such sections in those "Sam" areas. A new variation is the only way overcome this situation virtually immediately, as the variation will have effect on the day that it is publicly notified.

The attached proposed Variation 79 is identical to the former Variation 58, except that it allows houses on existing sections in "Sam" areas 8, 8a and 8b down to the 420m<sup>2</sup> permitted in the Plan as notified in 1995, rather than the 500m<sup>2</sup> now required (refer to page 4 of the Variation, which amends Volume 3, Part 2, Critical Standard 2.4.1 (b)). The accompanying Section 32 report is identical to that for Variation 58.

**Recommendation:** That the Council resolve to withdraw Variation 58, for the reasons listed above, pursuant to Clause 8D(3) of the First Schedule of the Resource Management Act 1991 and at the same time notify Variation 79 pursuant to Clause 16A of the First Schedule of the Resource Management Act 1991.

**Chair's**

- Recommendation:**
1. That the Section 32 report be adopted.
  2. That Variation 79 be publicly notified.

**CONSIDERED THIS 23RD DAY OF MAY 2002**

**MAYOR**