

Planning Report

Plan Change 29 – Transferable Subdivision Agreements

1.0 Introduction

- 1.1 The purpose of this report is to provide recommendations on submissions to Plan Change 29 – Transferable Subdivision Agreements.
- 1.2 The purpose of the Plan Change is to clarify and specify the information required for subdivision consents that rely on transferable entitlements.
- 1.3 For a full background to the Plan Change and the proposed provisions please refer to the Section 32 Report. For a list of the proposed provisions only, please refer to the document titled 'Summary of Recommendations – All Section 32 Reports'.
- 1.4 Any recommended amendments to rules in this report will be shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.

2.0 Topic 1: Proposed new Rule 12.3.8 (q)

2.1 Background

There is a need to clarify agreements that accompany subdivision applications involving 'Transferable Subdivision Entitlements' as there has been an inconsistent approach to the provision of the information required with subdivision applications to enable Council to determine the existence of the entitlement, and the donor property, along with the right of the purchaser to use the entitlement. It is considered that this can be clarified by the addition of a paragraph detailing information requirements within an application report under Rule 12.3.8 of the Operative District Plan First Review.

Proposed Rule 12.3.8 (q) was notified as follows;

For subdivisions using Transferable Subdivision Entitlements

For all:

A copy of the sale and purchase agreement for the Transferable Subdivision Entitlement(s), dated and signed by all parties; or

Confirmation from a lawyer of the purchase of the Transferable Subdivision Entitlement(s), details of dates of purchase, and full legal description (and physical address) of donor and recipient properties.

Specifically:

Protection Lots: The ecological report detailing the feature to be protected, confirmation of the area by a surveyor, and a summary of the lots generated from the area protected.

Rural Lot Entitlements: Evidence that the donor property qualifies to obtain the Rural Lot Entitlement(s); this should include details of the title and past *development* showing a clear right to the entitlement.

Amalgamation Lots: Details of the subdivision under which the lot was approved, and a written statement from the surveyor or agent that the title will be removed from the site, either by boundary adjustment or by variation to a subdivision consent that is live.

2.2 Submission Points

One submission was received in support of Plan Change 29.

The submission point made by the submitters is as follows:

2.2.1 Federated Farmers support the transparency and clarity of the information and seek that the rule as notified be included in the Operative District Plan First Review.

2.3 Recommendation

That proposed Rule 12.3.8 (q) be retained as notified.

The following submission is therefore:

Accepted

Submission	Point Number	Name
1	1	Federated Farmers of New Zealand

2.4 Reason

4.2.1 It is recommended that the changes as put forward in the Plan Change be adopted as notified as they clarify for applicants the information requirements to accompany an application for subdivision that relies on Transferable Development Rights.

4.2.2 The submission in support accepts the plan change as notified and confirms that further clarification of the rule and requirements were required. No changes were sought to the wording or intent of the plan change as notified.

3.0 Plan Change 29 - Recommended Changes to the District Plan First Review

- 3.1** The purpose of this part of the report is to show the Proposed Plan Change in full including any recommended changes in response to the submissions and further submissions.
- 3.2** Recommended changes to the District Plan First Review are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in red, and recommendations as a result of this Planning Report in blue.
- 3.3 Add new Rule 12.3.8 (q) to read as follows;**

For subdivisions using Transferable Subdivision Entitlements

For all:

A copy of the sale and purchase agreement for the Transferable Subdivision Entitlement(s), dated and signed by all parties; or

Confirmation from a lawyer of the purchase of the Transferable Subdivision Entitlement(s), details of dates of purchase, and full legal description (and physical address) of donor and recipient properties. Specifically:

Protection Lots: The ecological report detailing the feature to be protected, confirmation of the area by a surveyor, and a summary of the *lots* generated from the area protected.

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Amalgamation Lots: Details of the subdivision under which the *lot* was approved, and a written statement from the surveyor or agent that the title will be removed from the site, either by boundary adjustment or by variation to a subdivision consent that is live.