

# Decision Report

## Plan Change 58 – Cross Lease Flat Plans – Primary Risk Coastal Protection Area

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### 1.0 Introduction

- 1.1** This report shows the decisions made on the topics in the Planning Report and then shows the whole of the Plan Change i.e. how the full notified Plan Change and subsequent decisions on topics are proposed to change the District Plan First Review.
- 1.2** For topics, any changes to rules are shown as follows; existing District Plan text in black, proposed changes as included in the Section 32 Report in [red](#), and any changes resulting from decisions in [blue](#).
- 1.3** For the whole of the Plan Change, any changes to rules are shown as follows; existing District Plan text in black, and changes (being the culmination of the notified Plan Change and subsequent decisions) in [red](#).

### 2.0 Topic: Rule 8.3.6 (a) (ii) - Exempting particular types of subdivision from being Prohibited Activities in the Coastal Protection Area – Primary Risk

#### 2.1 Decision

That Rule 8.3.6 (a) (ii) is amended as follows;

“Subdivision within the Primary Risk Area of the Coastal Protection Area, excluding;

- Minor boundary adjustments - see Rule 8.3.5(b) for definition of [minor boundary adjustment](#)
- [Updates to cross lease flat plans which incorporate consented building developments](#)
- [Conversion of lots from cross lease to freehold.”](#)

The following submissions are therefore:

#### Accepted

Submission	Point Number	Name
5	1	Stratum Consultants Ltd
2	1	Downey Survey Consultants Ltd

#### 2.2 Reasons

- 2.2.1** Cross lease to freehold subdivision does not have the potential to increase the risk to coastal hazards. The conversion of cross

lease to freehold does not create any new titles or increase the number of additional landowners. It simply changes land tenure.

- 2.2.2** Subdivision of an individual title with two dwellings will introduce additional landowners to the primary risk area which has the potential to create access issues when the time comes to relocate dwellings. This issue wouldn't exist if there was just one landowner.

### **3.0 Additional Topic: Rule 8.3.5 (b) - Exempting particular types of subdivision from being Non-Complying Activities in the Coastal Protection Area – Secondary Risk**

#### **3.1 Resolution**

That Rule 8.3.5 (b) is amended as follows;

“Coastal Protection Area – Secondary Risk

- (b) Subdivision excluding;
- Minor boundary adjustments
  - [Updates to cross lease flat plans which incorporate consented building developments.](#)

#### **3.2 Reason**

Plan Change 58 was intended to address a technicality which meant updates to cross lease flat plans were unintentionally caught as prohibited activities in the primary risk area because they fall within the RMA definition of subdivision. This is a technical rather than a substantive issue because the act of updating a cross lease flat plan is not considered to increase the hazard risk in relation to existing or future buildings, in the same way that a minor boundary adjustment does not. Following decisions on submissions on Plan Change 58, Council has been made aware that the exemption for updates to cross lease flat plans should also apply to non-complying activities in the secondary risk area, in the same way that the existing exemption for minor boundary adjustments applies both to the primary and secondary risk areas. This is an oversight which cannot be corrected through decisions on submissions given there is no scope. However, Council considers that the amendment can be made pursuant to clause 16 of the First Schedule of the RMA because Council does not consider that the rights of any member of the public will be adversely affected.

## **4.0 Additional Topic: Activity status of updates to cross lease flat plans**

### **4.1 Resolution**

That other amendments are made to the District Plan to clarify Council's intention that updates to cross lease flat plans are to be Controlled Activities within the Primary and Secondary Risk Coastal Protection Area.

### **4.2 Reason**

The exclusion of this type of subdivision from prohibited status (in the primary risk area) and non-complying status (in the secondary risk area) does not make it clear what activity status should instead apply. It is intended that a controlled activity status apply as this type of activity is not considered to increase the hazard risk in relation to existing or future buildings. Council considers that these amendments can be made pursuant to clause 16 of the First Schedule of the RMA because Council does not consider that the rights of any member of the public will be adversely affected.

## **5.0 Whole of Plan Change 58 - Changes to the District Plan First Review**

### **5.1 Amend Rule 8.3.6 (a) (ii) as follows;**

"Subdivision within the Primary Risk Area of the Coastal Protection Area, excluding;

- Minor boundary adjustments - see Rule 8.3.5(b) for definition of ~~minor boundary adjustment~~
- Updates to cross lease flat plans which incorporate consented building developments
- Conversion of lots from cross lease to freehold.

## **6.0 Edits to the District Plan First Review**

### **6.1 Amend Rule 8.3.5 (b) as follows;**

"Coastal Protection Area – Secondary Risk

(b) Subdivision excluding;

- Minor boundary adjustments
- Updates to cross lease flat plans which incorporate consented building developments."

### **6.2 Make other amendments to clarify that updates to cross lease flat plans are to be Controlled Activities within the Primary and Secondary Risk Coastal Protection Area.**