Submission on behalf of United Estates Ranch Limited (UERL) - Submitter 2126

Presented at the QLDC PDP stream 14 hearing

26 July 2018

You have received planning evidence in relation to this submission by Mr Brown.

The submitter owns 5 recently subdivided lots between Rutherford Road and Mill Creek. This land is within the North Lake Hayes area that is proposed to be zoned as WBLP in the PDP.

This subdivision was consented in 2012 (RM120246) and is an example where the minimum lot size was met but the minimum average lot size was not (with lots ranging in size from approximately 4,300m² to 6,000m² and balanced by a large wildlife reserve).

The submission point[1] I wish to discuss today relates to the fact that the s 42A chapter proposes to delete the Rule (24.4.4) permitting 1 residential unit per site and replace it with a rule that would send a clear signal that building a residential unit on existing lots less than 6000m² is inappropriate. The effect of this rule would be that building a dwelling on an existing site that is smaller than the proposed minimum lot size would become non-complying. That rule is as follows:

24.5.XB	Residential Density: Wakatipu Basin Rural Lifestyle Precinct	
	Residential activity must not exceed more than one residential unit per 1 hectare minimum average, subject to rule 24.5.XB.1.	NC
	24.5.XB.1 Residential activity minimum net area less than 6000m².	D

Commented [CB44]: 2388, 2577, 2410, 2314

Mr Barr has since reconsidered this amendment in light of evidence and further amended the rule in his rebuttal evidence to revert back to allowing one unit per site and 1 unit/ 6000m² or 1 unit/ 1 ha thereafter for larger sites. Notwithstanding the fact the submitter seeks a lower minimum lot size, the general approach in his rebuttal evidence aligns with the submitter's request.

However, as I presume the s 42A recommendation remains a live option that the panel may still wish to consider, I believe it is important to highlight a) that I consider there is no scope for the s 42A amendments and b) the effect it would have if the panel were to recommend that this rule be included in the decision chapter.

---

[1] Summarised only in very broad terms under planning maps submission point 2126.2.

In my submission, the s 42A amendments cited above are beyond the scope of the submissions that Mr Barr appears to have relied on. Of note, the s 42A rule restricts development beyond that which was notified and none of the submitters relied on appear to have sought such further restrictions. I also note that the submitter's situation is not an isolated case, with a number of other undeveloped lots less than 6,000m² in area in the immediate vicinity of the submitter's land. I also note that most of those landowners have not submitted on the chapter and have only just learnt that this could be a possible outcome of the hearing process.

However, if the panel consider there is scope for the changes, I wish to make the following comments in relation to the practical application of the new s 42A rule:

- The removal of this rule would mean that after the submitter spending a considerable amount of time and money subdividing the site, it would be a non-complying activity to construct dwellings on 3 of those lots and a full discretionary activity on one of them, noting that none of the lots have approved RBPs. This is a very different proposition to the notified rule which made building on each of the lots permitted in terms of density and restricted discretionary for the design.
- Following up on discussions the panel engaged in with Mr Brown earlier this week, while the panel *may* be correct that the Council would be unlikely to decline a non-complying application to build on an existing 'under sized' site, I submit that a) if this were the case, why would the activity be afforded non complying status and b) it is entirely plausible that the Council would at least limited notify such applications and it is realistic that affected party approvals will not always be given; thus resulting in a the need for a hearing and/ or environment court proceedings.

In conclusion, I submit that the s 42A rule amendments not be accepted and that the rules continue to permit one residential unit per lot in the WBLP and thereafter permit the construction of residential units at a density that is consistent with the minimum lot size.