

Decision Report

Plan Change 44 – Boundary Adjustments to Create Independently Usable Titles

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 1: Rules 12.3.3.1 and 12.3.3.2 – additional matter of control and discretion requiring financial contributions

2.1 Decision

That the Plan Change is retained as notified except for an addition to Rule 11.3.2 (b) as follows:

“(b) Unless specified otherwise in the rule to which a particular contribution relates, financial contributions will be charged in respect of:

[\(v\) Boundary adjustments \(under Rule 12.3.3\) deemed to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.](#)

The following submission is therefore:

Accepted in Part

Submission	Point Number	Name
21	10	Federated Farmers

2.2 Reason

Specifically including “boundary adjustments that create independently usable titles” in the list of activities for which “financial contributions **will** be charged” (Rule 11.3.2 (b)) makes it clear that the exemption from

paying financial contributions where infrastructure is not available (Rule 11.3.2 (c) (ii)) also applies to these.

3.0 Whole of Plan Change 44 - Changes to the District Plan First Review

3.1 That Rules 12.3.3.1 and 12.3.3.2 are amended as follows;

12.3.3.1 Controlled Activity Boundary Adjustments

- (a) As a Controlled Activity the boundaries between any existing land titles served by an existing legal public road currently maintained by *Council* and complying with all relevant provisions of this section of the District Plan may be adjusted subject to all newly formed *lots* also complying with the relevant provisions of this section and the minimum *lot* sizes rules that apply in the respective zones, provided that the minimum *lot* size for the applicable zone shall not apply where:
- One or more of the existing land titles subject of the boundary adjustment is/are already non-complying in respect of the relevant minimum *lot* size; and
 - The number of non-complying *lots* will not be increased by the boundary adjustment.

Council shall exercise control over the following;

- (i) *The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.*

12.3.3.2 Restricted Discretionary Activity Boundary Adjustments

- (a) As a Restricted Discretionary Activity the boundaries between any existing complying land titles served by an existing legal public road currently maintained by *Council* and complying with the relevant provisions of this section of the District Plan may be adjusted in a manner which renders one or more of the newly formed *lots* non-complying in respect of the minimum *lot* size for the applicable zone subject to all newly formed *lots* also complying with the relevant provisions of this section.

Council's discretion is restricted to:

(i) An assessment of the extent to which the alignment of the existing boundary is illogical or otherwise inconsistent with:

- Existing topographical or other physical characteristics of the land concerned;
- Efficient and practical farm management.

(ii) The need to impose financial contributions where the boundary adjustment is deemed either to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.

3.2 That Rule 11.3.2 (b) is added to as follows:

b) Unless specified otherwise in the rule to which a particular contribution relates, financial contributions will be charged in respect of:

(v) Boundary adjustments (under Rule 12.3.3) deemed to create an independently usable title which did not previously exist or to significantly increase the usability of an existing title.