

APPENDIX L

Response to question #70 – Confirm whether, when subdividing 1 lot with an existing house, there is a minimum lot size requirement for the site with the existing dwelling.

Written by Ike Kleynbos and Ian Bayliss

In summary, there is no minimum allotment size that is applied when undertaking a subdivision with an existing dwelling.

Reasoning:

Clauses 7 and 8 of Schedule 3A contain a set of parameters for subdivision controls where MDRS applies, applying within relevant residential zones, unless qualifying matters are relevant. For PC14, this applies within the MRZ and HRZ zones.

To summarise these parameters for subdivision controls under Schedule 3A:

- Any subdivision that meets density standards must be a Controlled Activity (Cl 7);
- No minimum allotment size can be prescribed when (Cl 8):
 - there are no vacant allotments created, and
 - there is an existing or proposed dwelling on the site;
- Council can only direct allotment size requirements for vacant lots (Cl 8 (a)(ii) and (b)(iii)).

These standards are proposed to be applied within Chapter 8 – Subdivision, Development and Earthworks.

Rule 8.5.1.2 C8 seeks to implement the parameters for subdivision of vacant allotments in MRZ and HRZ as a Controlled Activity, linking to the minimum allotment size table under Rule 8.6.1.

Rule 8.5.1.2 C9 seeks to apply the exclusion of minimum allotment size requirements by directing that minimum allotment size requirements do not apply when there is an existing residential unit and/or resource consent for a dwelling has been granted, and/or the allotment is subject to a concurrent resource consent application for a dwelling. This rule also links to Rules C1A and C2A, which provide for boundary adjustments and conversion of tenure, respectively.

As a result, there is no minimum allotment size that is applied when undertaking a subdivision with an existing dwelling in the MRZ or HRZ. Compliance with relevant built form standards in MRZ and HRZ is still assessed, such as building coverage, setbacks, and height in relation to boundary.

This framework allows for a development with allotment sizes that are significantly smaller than the proposed minimum sizes for vacant allotments to be consented in stages avoiding any form of notification, or any consent more onerous than a Controlled Activity. **Attachment A** to this response provides a graphic overview of how development could be staged to utilise the permissive subdivision controls of MDRS; the predominant determiner for allotment sizes would be the building coverage of each new subdivided site area.

Theoretically, if there was a desire to create very small lots, it would be possible to pursue a development whereby units were constructed that complied with the minimum unit size of 35m² (rule 14.5.2.11 and rule 14.6.2.16) and simply subdivide around this. Alternatively, a two-storey typology could theoretically be constructed for a 1 bed unit (which would be required to be 45m²) with a building base of 5m x 6m, creating a footprint of 24m² and a required minimum allotment size of 48m² at 50% building coverage. Such a development could be staged as per the attached example to retain Controlled Activity status.

In addition to MRZ and HRZ controls, no minimum allotment size also applies in the following zones:

- City Centre Zone (Rule 8.6.1 Table 2, page 49);
- Specific Purpose (Hospital) (Rule 8.6.1 Table 4, page 50);
- Specific Purpose (Airport) (Rule 8.6.1 Table 4, page 50);
- Specific Purpose (School) (Rule 8.6.1 Table 4, page 50);
- Specific Purpose (Tertiary education) (Rule 8.6.1 Table 4, page 50);
- Specific Purpose (Golf Resort) (Rule 8.6.1 Table 4, page 50);
- Specific Purpose (Ōtākaro Avon River Corridor) (Rule 8.6.1 Table 4, page 52);
- Papakāinga/Kāinga Nohoanga on Māori Land (Rule 8.6.1 Table 4, page 53).

All of the above provisions are operative controls that are not proposed to be modified through PC14.

Rule 8.6.1 Table 6 (page 55-56) details the allotment sizes required for existing or proposed dwellings. Under the following circumstances no minimum allotment size is required:

- In relation to the Enhanced Development Mechanism (14.13) or Community Housing Redevelopment Mechanism (14.14);
- Conversion into two residential units through land use consent;
- Conversion of family flat to residential through land use consent;
- Allotments for two residential units replacing one unit through land use consent;
- Allotment for an elderly person's housing unit converted to residential unit;
- Within the Future Urban Zone [proposed through PC14];
- Within any of the industrial, commercial centres zones, mixed use zones, or large format retail zones¹;
- Within Specific Purpose (Airport) and (Wigram) Zones; and
- Any zone within the Central City [defined as within the four avenues].

It is noted that for reasons of Plan consistency and clarity, it would be beneficial to also include the exemptions from minimum allotment size requirements in the MRZ and HRZ that give effect to MDRS subdivision standards within Table 6 (Rule 8.6.1). In addition, the Community Housing Redevelopment Mechanism is proposed to be removed through PC14 and should be struck out from Table 6.

¹ Full list of zones is as follows: Industrial General, Industrial Heavy, Industrial Park, Commercial Office, Neighbourhood Centre, Local Centre, Town Centre, City Centre, Commercial Banks Peninsula, Mixed Use, Central City Mixed Use and Commercial Retail Park Large Format Zones.

ATTACHMENT A – Staged development example

