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Rural Subdivision Update

Restrictions on Rural Subdivision Notified

Waikato District Council has now notified a variation to their District Plan outlining its plans for managing future development in rural and coastal areas.

Variation 16 to the Proposed Waikato District Plan seeks to tighten many of the rural subdivision and development rules in response to the expected doubling of the district's population over the next 50 years. The variation will see a shift in policy with a much greater focus on ensuring growth occurs in existing towns, villages and defined country living areas. The outcome is that rural and coastal zones will be safeguarded for productive rural activities.

Warren Lovegrove, Director of CKL Planning | Engineering | Surveying said that farmers in the Waikato District have had the benefit of a relatively relaxed subdivision regime which has been the envy of land owners in other Districts where subdivision is much more tightly controlled. "Notification of Variation 16 is not at all unexpected; in fact we brought it to the attention of our clients over two years ago", said Warren.

Despite the economic downturn, the last two years has been a busy time for CKL as they have been assisting rural land owners who have wanted to safeguard themselves from rule changes. "A large number of our clients have realised that this may be their last opportunity to subdivide their land," said Warren. "Even if rural land owners choose not to sell the additional lots, gaining resource consent to subdivide gives them increased property value, and flexibility in terms of what they choose to do with their property in the future", he said.

The outcome of the proposed new rules is:

- » Only properties larger than 6ha will have the potential to be subdivided;
- » The number of additional lots that can potentially be created will be reduced from two additional, to only one additional;
- » The minimum size of additional lots is also set to increase to ensure that rural land uses prevail over solely rural-residential activities.



Warren Lovegrove, Director of CKL Planning | Engineering | Surveying

A summary of key subdivision rule changes are listed overleaf.

It is predicted that the proposed rule changes will reduce the potential increase in the number of titles in the Rural and Coastal Zones from approximately 9,400 to approximately 3,500. This reduction is likely to be most pronounced within 10km of Hamilton where the potential increase in the number of additional titles reduces from approximately 3,600 to approximately 900.

Recent amendments to the Resource Management Act mean that rule changes have no legal effect until a decision on submissions relating to the rule is made and publicly notified. "We

believe there is still a very small window of opportunity for rural land owners to take advantage of current rules and not be affected by these rule changes", said Warren.

CKL are offering free office consultations during November to allow farmers and rural land owners to come in and discuss how proposed rule changes might affect their property. Times for office consultations are listed overleaf.

Public submissions on Variation 16 are open until 30 November 2010 and CKL are also able to assist with the preparation of submissions.

"We believe there is still a very small window of opportunity for rural land owners to take advantage of current rules and not be affected by these rule changes"

Summary of Key Changes to Waikato District Rural Subdivision Rules

CURRENT RULE	PROPOSED RULE	WHAT DOES THIS MEAN?
Subdivision in the Rural Zone is treated as a “Controlled Activity”	Subdivision in the Rural Zone will be treated as a “Restricted Discretionary Activity”	Changing the activity status of subdivision to “Restricted Discretionary” will mean the Council can exercise discretion as whether or not to grant consent. Previously as a “Controlled Activity, the Council must grant consent.
Some properties with areas less than 6ha and a title issued prior to 6 December 1997 have the potential to create 1 additional lot and in some circumstances 2 additional lots.	No subdivision entitlement for lots less than 6ha.	Only larger rural holdings in excess of 6ha will have the potential to subdivide. Subdivision of the traditional 10 acre block (4 ha) which are common around the periphery of Hamilton will now be restricted.
Properties with areas greater than 6ha and a title issued prior to 6 December 1997 have the potential to be subdivided to create 2 additional lots.	Properties greater than 6ha with a title issued prior to 6 December 1997 will be able to be subdivided to create 1 additional lot.	Reduces the subdivision potential of larger rural holdings from 2 additional lots to 1 additional lot.
Size of additional lots to be between 5000m ² and 1.6ha	Size of additional lot to be between 1.6ha and 4ha.	Restricts the creation of small rural-residential allotments. Future subdivision will need to create larger allotments to ensure rural land uses occur.

**Talk to a CKL planner today to see if you have subdivision entitlements
- free consultations available during November**

**Drop in during the following times,
no appointment necessary:**

**Tuesdays and Thursdays:
10.30am to 12 noon**

CKL Hamilton
58 Church Road (next to Pumice restaurant)
Hamilton

Or contact **CKL’s planning team:**

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