



A Guide to Subdivision in the Rural Zone

The purpose of this brochure is to provide an overview of the types of rural subdivision that the Operative Waipa District Plan ('District Plan') provides for. It is recommended that this brochure be read in conjunction with that titled 'A Guide to Subdivisions' which includes information on how applications are processed, timeframes for decisions and possible costs.

Is my parcel large enough to subdivide?

25 Hectare Minimum Lot Size (excluding access)

Waipa District Council places restrictions on subdivision in the Rural Zone to ensure that there is an appropriate land base for rural activities to occur. A minimum allotment size of 25 hectares is considered appropriate for this purpose. In terms of subdivision, this means that at least 50 hectares is required to create two 25 hectare blocks of land.

Are there special cases for subdivision in the Rural Zone?

YES. While the District Plan in general seeks to restrict subdivision there are certain circumstances in the Rural Zone under which subdivision can be considered. These are detailed below.

Boundary Adjustments & Relocations

Sometimes, an owner of a property is interested in changing the boundary of their property, relative to a neighbouring property. No additional allotments are created. Depending on the degree of the changes involved, this type of subdivision is called a *Boundary Adjustment* (minor change) or a *Boundary Relocation* (larger change). Refer to the District Plan definitions to be certain of which type applies.

Where a person owns more than one title, the *Boundary Relocation* rule is sometimes used to decrease the size of one title relative to another. This is achieved by amalgamating the balance of one title with the other. (Refer to Rules 10.3.1, 10.3.3 and 10.6.1(d) of the District Plan for further details).

Lot for Dwelling for a Person with a Long Association with a Holding

This rule provides for the subdivision of an existing holding for an existing or proposed dwelling for a person who has lived on the holding continuously for not less than 15 years, and who intends to remain residing on the holding after subdivision. In addition:

- This provision can only be used once by the subdivider (and cannot be used if a subdivision for a Retired Person was previously granted for the holding) and for the creation of only one additional allotment;
- Evidence that the applicant is entitled to create such a lot is required;
- This rule does not apply to property in the Deferred Residential Zone;
- Minimum and maximum lot sizes, frontage and access requirements apply; and
- See Rule 10.6.4 a) of the District Plan for further details.

Surplus Dwellings

This rule allows for the subdivision of a lot or lots for existing surplus dwellings. In addition:

- This rule does not apply to surplus dwellings with a floor area of less than 70m² exclusive of garaging and decking or any bonded dwellinghouse for removal;
- The balance land must have an existing dwellinghouse that is greater than 70m² exclusive of garaging and decking;
- All existing dwellings shall have been located on the site for a period of no less than 5 years at the date of application for subdivision and have a useful life expectancy without substantial repairs and/or reconstruction of at least 25 years;
- Minimum and maximum lot sizes, frontage and access requirements apply; and
- See Rule 10.6.4 b) of the District Plan for further details.

Maori Dwellings

This rule provides for the creation of a lot or lots for people who claim ancestral tangata whenua and hapu status to the area. In addition:

- Minimum and maximum lot sizes, frontage and access requirements apply; and
- See Rule 10.6.4 c) of the District Plan for further details.

Dwelling on Land with Little or No Productive Value and Topographical Restraints

To qualify for a subdivision under this rule, it must be shown that the proposal complies with both of the following:

- The land could not be usefully amalgamated with adjoining property and has little or no productive value for normal farming use because physical characteristics (topography, soils, drainage, etc) render it unsuitable; **and**
- The allotment created and the balance area will remain totally separated and inaccessible from other land within the subdivision by a permanent watercourse of not less than 3m in width, or a formed road, or a railway or a severe or substantial landform feature such as a cliff, ravine or the like.

In addition:

- Only one allotment can be created under this rule from any one title from the operative date of the District Plan (1 December 1997);
- The allotment and balance area cannot be further subdivided under this rule for a period of 10 years from the date the resource consent is granted;
- Minimum lot area applies; and
- See Rule 10.6.4 d) of the District Plan for further details.

Transferable Development Rights

This Rule allows for the transfer of an entitlement to create an allotment (subdivision right) from a holding in one area to a holding in another area, according to the following criteria:

Locations for Transferable Development Rights

Locations from which an entitlement can be transferred from: (The Transferor Property)	Locations to which an entitlement can be transferred from: (The Transferee Property)
Within the Noise Outer Control Boundary at Hamilton Airport (as shown on District Plan Maps).	Within those parts of the District that are not within the areas in subclause (ii) from where the entitlement to create an additional allotment may be transferred (i.e. the Transferor Property column in this table).
Within a Special Landscape Character Area (as shown on District Plan Maps).	Onto holdings that are not within one kilometre, measured in a straight line, from the Residential or General Zones in Cambridge, Te Awamutu, Kihikihi, Ohaupo, Karapiro, Pirongia, Temple View, Ngahinapouri, Hautapu.
Adjacent to a State Highway or a 'Primary Road' (as shown on District Plan Maps).	Onto holdings that are not within one kilometre, measured in a straight line, within one kilometre from the Hamilton City Boundary.
Within 500m of a boundary of a site used for mineral extraction (as shown on Hazard Maps).	Onto holdings that are not within the Deferred Residential Zone.
Within 500m measured in a straight line, of an Industrial Zone (as shown on District Plan Maps).	
Within an Environmental Lot buffer zone created pursuant to Rule 10.3.2 (f) of the District Plan	

In addition:

- A joint application by the owners of the Transferor and Transferee Properties is required;
- The Transferor Property must be able to be subdivided into at least one additional allotment according to Rule 10.6.1.1 (25ha) or to amalgamate the land in two or more existing titles into a reduced number of titles;
- The following rules cannot be used to justify the transferable development right:
 - * Rule 10.3.2.2 (a) Lot for a Dwelling for a Person with a Long Association with a Holding
 - * Rule 10.3.2.2 (b) Surplus Dwellings
 - * Rule 10.3.2.2 (d) Dwelling on Land with Little or No Productive Value and Topographical Restraints
 - * Rule 10.6.1.2 Standards in Rural Residential Areas for Allotments
 - * Rule 10.6.1.3 Standards in Rural Residential Areas for Farm Parks
 - * Rule 10.6.1.3A Standards and Terms for Lake Karapiro Rural Residential Area

- The owner of the Transferor Property must confirm in writing:
 - * How the transferable development right has been achieved
 - * Conditions restricting rights of subdivision shall apply to the Transferor Property
 - * How the Transferee Property qualifies under this Rule (location, suitability for subdivision under the provisions of the District Plan, etc)
 - * A minimum lot size of 1 hectare for the Transferee Property
 - * That in respect of the Transferee Property, the Council may impose any conditions as to performance as will apply for any other subdivision
- This rule may only be used once in respect of a holding to which an entitlement to create an additional allotment is to be transferred (i.e. Transferee Property).
- See Rule 10.6.4 e) of the District Plan for further details.

Land Use Consent Lots

Where a land use consent for certain non-farming activities has been granted and has been given effect to, it may be possible to subdivide the land on which the activity is taking place. In addition:

- The land use consent must be one of the non-farming activities listed in District Plan rule 10.3.2.2 g);
- Minimum lot sizes, frontage and access requirements apply; and
- See Rule 10.6.4 g) of the District Plan for further details.

What if my property is in a Rural Residential Policy Area?

There are separate rules for subdivision in a Rural Residential Policy Area including:

- 2500m² minimum lot area (excluding access) where:
 - * a larger lot area is not required for satisfactory sewage and stormwater disposal
 - * a 5000m² average is created over all lots (excluding balance over 4ha)
 - * for every lot under 5000m² there is a lot over 5000m²

- Minimum frontage, access and shape factor requirements apply; and
- Separate standards apply for:
 - * Farm Parks
 - * Pirongia Rural Residential Policy Area
 - * Lake Karapiro Rural Residential Area

What else do I have to consider?

In addition to meeting the subdivision rules for the Rural Zone, you will need to be aware of the subdivision rules that apply to all proposals, regardless of which zone they are in.

Examples of general subdivision matters that might come up in the Rural Zone include:

- The suitability of the land for the construction of a dwelling (e.g. soils, topography) & the possible need for a geotechnical report
- Suitability of the site (soils, size of property) for septic tank disposal and consideration of the location of existing septic tanks and effluent fields
- Upgrading of existing vehicle entrances or construction of new entrances
- Special Landscape Character area requirements, where underground lines for power/telecommunications are required, and building locations might be limited and/or further consents might be required at the building stage of a new dwelling.

Who should I go to for advice?

Council planners are available to meet with you and discuss your proposal. Alternatively, you could speak directly to a surveyor about your proposal. Large complex subdivisions may require the assistance of a planning consultant. You might also wish to consult a lawyer and an accountant about the legal and financial/tax implications if subdividing. A real estate agent can advise you about the demand for and market value of different types of titles.

Disclaimer

This information pamphlet is a guide only and has no legal status and does not purport to be in any way a replacement of any of Council's statutory documentation.

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