

## **600% Rise in Subdivision Minimum Size**

*Published November 2009*

Hauraki District Council is proposing a rise of over 600% in the minimum rural lot size for subdivisions on the Plains. The minimum area is proposed to rise from 6ha to 40ha under a draft District Plan released recently. There are still opportunities for public input, so this proposal is not law yet and you have time to carry out subdivisions under the old rules until the submission process is complete.

Council is proposing to leave the minimum size at 6ha in the Waihi Basin to allow for diversification in that area, however they claim that climate change is a reason for increasing the size of farms on the Plains.

Further changes to the rules will see the removal of the right to cut off a single lifestyle lot on good quality agricultural land. Previously you could have subdivided a lifestyle lot off a farm that was over 8ha so long as the title existed at 26 September 2000. This option is currently available both on the Plains and around Waihi, however it looks like disappearing under the new regime in all areas.

The rule allowing the subdivision of a block containing a surplus dwelling is also set to become history. This will be really missed by those amalgamating farms and needing to dispose of dwellings surplus to their new operation.

In keeping with the current rules the Proposed District Plan sticks with lifestyle lots on the poorer quality land. An attempt is being made to lift the size of some of these lots by setting a minimum size of 2 hectares for the majority of lots in the subdivision – currently they only need to be 5000 square metres. I feel that this is an attempt to create more visual separation and space around the dwellings whilst giving the occupants more privacy.

It is rather ironic, given the recent changes to the Resource Management Act, that we are seeing a rash of District Plan changes. The new Act takes away the mandatory requirement to review the District Plan every 10 years. Currently several rural districts have announced proposed changes, including Western Bay of Plenty, Hauraki and Waipa. However the RMA now states clearly that any new rule cannot be enforced until the new Plan has been through the public submission process and is beyond appeal. For that reason we can continue to gain approval for any current proposals to subdivide.

If you need to take action to avoid losing your subdivision potential, talk to an experienced rural subdivision company now.

By Brent Trail – Managing Director