

Restricted Subdivision in Rural Waipa

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Change is in the air as Waipa District Council announces consultation with surveyors on its Proposed New District Plan. It comes as no surprise to those who follow the development of policy. "Future Proof", a sub-regional growth study, set the scene for change in the greater Waikato Region. Councils have adopted the principles in their own growth strategies – such as "Waipa 2050". Therefore, we can expect change soon in Waikato and Matamata-Piako as well. Across the hill in Western Bay significant change is already underway.

We don't know what rules to expect yet but the signs point to reduced subdivision in the rural zone and a focus on expanding the towns and villages of the District. "Waipa 2050" states *'Living opportunities in the rural environment are proposed to be restricted'*. The opportunities for genuine small rural lots in Waipa are already limited, so any further restrictions will mean country living might become hard to find.

Currently the minimum rural lot size is 25ha; however there are other opportunities to subdivide smaller lots. One rule allows you to subdivide if you've had a fifteen year association with the property. You can also subdivide a surplus house from the property, or create a new lot on an unproductive area of land. Speculation is that these rules may tighten up or change completely.

Additional 'protection' lots can be created when you protect bush, wetland or heritage sites.

An interesting, if rather complex rule is the Transferable Development Rule. This rule allows you to transfer a 'development right' to another property. This can include an existing title or the right to create a 25ha block or protection lot. The receiving property can be located in another area of the district altogether and in different ownership; therefore 'rights' are tradable. The growth strategy indicates that there could be greater emphasis on this rule in the new District Plan.

With reasons given such as 'protecting high quality soils' and 'enhancing the rural amenity' you may find it hard to argue against tightening of the rules. However, if the rules change significantly, those who want the genuine rural lifestyle may miss out and those who need to sell off a little un-needed land to finance farm development may no longer be able to.

Once the new rules are notified there will be an opportunity for you to have your say. Our advice is to discuss your plans with a professional land surveying company before the rules are notified. Beyond notification the process is much more involved and you may well miss out.

By Brent Trail – Managing Director