

## **Significant Changes to Western Bay Subdivision Rules**

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After four months deliberating over public submissions Western Bay of Plenty Councillors have given little reprieve to landowners wishing to subdivide. Despite hundreds of submissions, Councillors have supported their planners' original proposals to halt rural subdivision on many properties and limit houses to one per block. Anyone not happy with Council's ruling on their submission can appeal them until 15 March.

Western Bay's focus has been to only allow subdivision based on productive capacity with a minimum 8 hectare size for horticulture. If you have over 16ha you may have the opportunity to create a small lifestyle block. Whilst that helps owners of larger properties it doesn't compensate those with smaller production blocks that would like to subdivide off an unused portion. Some may have qualified for subdivision under past rules but now their only option is to transfer that subdivision potential into a specific 'Lifestyle Zone' under complex rules that offer limited compensation. If your land doesn't qualify as horticultural productive land the minimum subdivision size will be 40ha.

Many rural blocks that qualified for subdivision under the Operative District Plan will now only be subdividable if they contain or can establish wetland, regenerating bush or planted stream banks. On properties with these attributes we can subdivide up to five 1ha lifestyle blocks.

Rural property owners who saw it as their right to build more than one house on their property gained nothing for their many submissions and will be limited to one dwelling compared to three previously. They can still build a granny flat but this can only be 60m<sup>2</sup> including garage and must be built adjacent to the main house. I'm picking a few will appeal these rules.

An area of conjecture in Western Bay has long been the inability to subdivide an existing surplus house from your farm. This situation often arises out of changing land use. Council has fallen into line with other Councils in recognising this difficulty. Unfortunately, in my opinion, the rule will not work as written. They propose to require the amalgamation of two existing titles elsewhere in the District to enable this. Considering the minimum developed value of a title is around \$200,000, who is going to forgo a title unless compensated by that amount? On top of this, the surplus house site has to be surveyed and the usual Development Impact Fees paid.

If you own land in Western Bay of Plenty and may need to subdivide, you should seek advice from a professional surveying company very familiar with these rule changes without delay. It might not be too late.

By Brent Trail – Managing Director