

WBOP Subdivision Rules Appealed to Environment Court

Published May 2010

With around 40 appeals to the Environment Court on the Western Bay Proposed District Plan, uncertainty could prevail for years. A similar process in Franklin District has already taken six years and may not yet be resolved before they are split between the Super City and Waikato District.

The Environment Court may reduce the proposed minimum area to 4ha from the 8ha proposed by Council if they accept evidence provided by Horticulture New Zealand. In their appeal they say that “**lots as small as 3ha to 5ha will provide an economic return from kiwifruit growing**”, the major crop in this district.

Another appeal requests some flexibility in the rules “**so that applications can be considered on their merits.**” After all, if my memory serves me correctly, this is how we were sold the Resource Management Act back in 1991. In my opinion Council’s proposed rule that allows you one ‘lifestyle’ lot when you subdivide a 16ha block should equally apply if you have only a hectare or two of productive land. The productive land can still be retained in one block and the lifestyle block created reduces the need for lifestylers to occupy production blocks.

Many landowners out there are still struggling with the proposed removal of existing subdivision rights and the right to build additional houses on their land. Appeals request that past subdivision rules be retained, perhaps subject to some environmental protection being put in place. On the positive side, **Council have now proposed a rule allowing existing houses to be subdivided.**

Other significant appeals revolve around Transferable Subdivision Rights. Council wishes these to only apply in the Rural 3 (Lifestyle) Zone. Many ratepayers, seeing this as discriminatory, want this relaxed in favour of an economical system of transfer anywhere in the District.

Those who were involved in the original Submissions to Council should have received copies of all appeals relating to their points raised. They can join in the proceedings and provide support to the appellant by giving notice to the Environment Court now.

Right now, if you want to subdivide I would have to say that the door is not yet closed on the ‘old rules’. Now that the ‘new rules’ are all under appeal there may be one last chance to finalise your plans before facing a completely new regime.

For further advice on subdivision you should immediately contact a professional surveying company very familiar with these proposals.

By Brent Trail – Managing Director