



# SUBDIVISION GUIDANCE

## RURAL, COASTAL AND ŌHIWA HARBOUR ZONES

2021

### Can I subdivide?

Your ability to subdivide your property depends on its size, zoning, soil classification and how well your proposal complies with the rules in the Opotiki District Plan. You can read the subdivision rules and find out the zoning of your property on Council's website:

<https://www.odc.govt.nz/our-council/plans-strategies/district-plan>

The following provides an overview of the main requirements for subdivision within the Coastal, Ōhiwa Harbour, and the Rural zones.

For further specific advice you should contact a surveyor who can help you design and prepare a subdivision application for lodgement with the Council.

### Coastal Zone

This zone is predominantly located along the coastal margin, from Ōhiwa Spit to Cape Runaway. It has been created to retain and enhance the high natural and landscape character of the coastal environment and its ecological values.

### Ōhiwa Harbour Zone

This zone is situated around Ōhiwa Harbour and has been created to manage effects on the area's outstanding natural and landscape character values, significant cultural, recreational, and ecological values.

### Rural Zone

The remaining rural land in the District is zoned Rural. This includes high quality versatile river flats and inland hill country. The District Plan aims to keep this land in rural production for the future.

### Minimum Lot Size

The minimum lot size depends on the size of your existing property and whether or not the soils are classified as "versatile". Versatile soils are those that are identified as being Classes 1 - 3 under the NZ Land Use Capability Classification System.

The land use classification is shown on the [planning map 12](#).

If the land is versatile (Class 1-3), then the average lot size is **8 hectares**.

If the land is non-versatile, or no more than 40% is classified as versatile, the minimum lot size is 4 hectares.

When a property contains a mix of versatile and non-versatile land, a detailed site-specific analysis may be required to support a subdivision proposal.

## Other Subdivision Standards

As well as lot size, there are other planning, environmental and engineering matters that must be considered when applying for a subdivision. These include:

- i. Access: The lots must have legal and physical access to a public road and be constructed to the required standard. If the land has access from a State Highway, the written consent from NZTA will need to be sought.
- ii. Building Site: Every new lot must contain a building site which is suitable for residential development. If the land is steep, prone to inundation or coastal erosion, special consideration will be given to these factors. Specialist reports will be required, for example a geotechnical assessment, to support any application.
- iii. Services: Each lot must be able to provide a potable water supply and to discharge effluent and stormwater in a complaint way.
- iv. Other factors such as proximity to the coast, archaeological features, the presence of streams, wetlands and native bush will also affect the information you are required to submit and how your subdivision proposal is assessed.
- v. Council is required to ensure that any residential building site is located within an area that is free from soil contamination. Council may require an assessment under the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

## Do I need to employ a surveyor?

Engagement of a registered surveyor is an important part of the subdivision process. Your surveyor is there to give you professional advice and help guide you through the subdivision process. They will help you identify what specialist reports are required and will prepare the subdivision application for you, including the Assessment of Environmental Effects ("AEE report") and the scheme plan.

## How long does it take the Council to process my subdivision application?

The Council has 20 working days to process a non-notified subdivision application. This time does not include any time the application is on hold awaiting further information.

Subdivisions that have more than minor effects on the environment, or involve parties that will not give their written approval have to be limited or publicly notified (advertised). Affected parties are able to lodge submissions for or against the proposal. If a submission is received and the submitters wish to be heard, a Council hearing will be required. Notified subdivisions can take 3-4 months to be processed.

## Do I need to get my neighbours permission?

Consultation with your neighbours can be very beneficial for both parties. Council planning staff will ultimately decide if written approval from your neighbours or from any other party is required.

## Will conditions be placed on my subdivision approval?

If the Council approves your subdivision, there will be certain conditions that need to be met before you can apply to Land Information New Zealand (LINZ) to get new Records of Title. These conditions may include putting in new services, upgrading or installing vehicle crossings, creating easements, and fencing of bush or wetland areas

You must complete all of the conditions before you can apply for the final certificate from Council (Section 224).

Your surveyor will also need to prepare the final Land Transfer Plan for Council's approval (Section 223 plan) and physically mark the location of the new boundaries.

## What does a subdivision consent cost?

The Council charges a deposit for subdivision consent applications. The list of fees is at:

<https://www.odc.govt.nz/repository/libraries/id:2bpcqtp1b1cxby3k9b0b/hierarchy/sitecollectiondocuments/Fees%20and%20Charges.pdf>

Additional fees may be charged depending on how long it takes to process your application. All fees are charged on a cost-recovery basis.

There are other legal costs as well, so you should discuss them with your surveyor prior to commencing the subdivision process.

## How long do I have to complete my subdivision and get new titles?

Once a subdivision application has been approved, you have a maximum of five years to have the new Land Transfer Plan certified by Council (Section 223 plan). You then have a maximum of three years to complete the conditions of consent (Section 224 certificate), complete legal requirements and to have the new Records of Title issued by LINZ.

**For more information please contact the Duty Planner at Ōpōtiki District Council through our [online form](#), on 07 315-3030, or go to the Council website <https://www.odc.govt.nz/>**