

Subdivisions

General Information

Subdivision consent is one type of resource consent provided for under the Resource Management Act 1991. Most subdivisions cannot take place in the Buller district without receiving subdivision consent from the Council, although some types of subdivisions are permitted without Council consent.

Subdivision includes freehold and leasehold land, cross leases and unit titles.

The rules relating to subdivision consents are contained within the following parts of the district plan -

- Part 5 - Character Areas
- Part 7 - District Wide Rules

Part 5 also has rules relating to what activities are permitted in the zones. Where the subdivision is for a purpose or building which is not a permitted activity, a land use consent will also be required.

Consent process for subdivisions

1. Decide on whether you want to subdivide your land and what uses you wish to put the land to.
2. Research the relevant rules in the district plan. You are likely to require subdivision consent and may require a land use consent.
3. Find out whether you also need any separate consents such as a water permit, or a discharge permit. These may be required by the West Coast Regional Council, phone (03) 768 0466.
4. Decide on whether to proceed taking into account the chances of success.
5. Design your subdivision taking into account any requirements in the district plan. For subdivisions involving several lots, careful consideration is required regarding roading and other services and a team approach with surveyors and other resource management consultants may be necessary.
6. Prepare the subdivision consent application along with any other applications required. If the application is complicated, you may require the services of a surveyor or other resource management consultants.
7. The District Council (along with the Regional Council if necessary) will normally consider all the applications at the same time and issue you with a decision. You have 3 weeks to appeal a decision if the application is declined or a condition is unacceptable to you.
8. If you gain subdivision consent, you have five years in which to present a survey plan for Council's approval. A registered surveyor must complete the survey work and prepare survey plans in accordance with the subdivision consent. The Council will examine the plans for compliance with the resource consent application and affix its common seal. After that you have three years to complete deposit of the survey plan. In order to complete deposit, you will



need a certificate from the Council under Section 224 of the Act. This certificate states that all subdivision conditions have been complied with.

9. The survey plan then proceeds through Land Information New Zealand Land Titles checking system in accordance with Section 224 of the Act and new certificates of title are issued.

What to include in a subdivision application

- Completed application form
- Written description of the proposal (this may include how the proposal complies with the District Plan provisions)
- Assessment of Environmental Effects (this should include, but not be limited to issues such as increases in traffic, effects on vegetation and visual impacts of buildings)
- A subdivision plan (this should include the positions of existing and proposed boundaries, any features of natural or historic significance, any existing or proposed buildings, fences or landmarks, such as hills, plantation or lakes, location of existing or proposed easements etc)
- Certificate of Title
- Written affected parties approval, such as neighbours and Transit New Zealand
- Deposit fee.

Once Council has been supplied with sufficient information to assess the application, a decision will be made as to whether or not the application requires notification. In general, permitted and controlled subdivisions will not require notification. To avoid notification of discretionary and non-controlled subdivisions, the written approval of all affected parties must be obtained and Council must be satisfied that the proposal either satisfies the objectives and policies of the District Plan, and the environmental effects will be minor. If the application is notified, a hearing will usually be required to determine its outcome. If the decision is non-notified, the Council will endeavour to issue a decision within 20 working days.

Consent conditions

Conditions of the consent are imposed to ensure that developments are sound from both engineering and environmental aspects and to protect other land owners or future residents. Conditions may include financial contributions to pay for the demand subdivision places on Council services and reserves. They may also include requirements for land to be vested for reserves or roads.

For more information, please contact:

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