

Draft Nelson Plan – Frequently asked questions

Subdivision

What is subdivision?

Subdivision is when new land or property parcels are created. It involves changes to property boundaries becoming legally defined. Subdivision is most commonly undertaken to create additional land parcels, but it is also the term used when boundaries are moved between properties. This is called a 'boundary adjustment'. Subdivisions also relate to unit title property, such as apartment buildings, where legal boundaries are defined within buildings with a shared interest in the land beneath.

When the subdivision process is completed, a Certificate of Title is issued by Land Information New Zealand (LINZ). The new title defines the new property boundaries and records key legal information such as ownership. More information about the subdivision process leading to the issue of the certificate of title is outlined in the following FAQs.

How is Council involved in subdivision?

Council is the main authority involved in managing subdivision, and a District Plan is the 'rule book' that determines whether or not, where, how and when land might be subdivided. The plan that does this currently is the Nelson Resource Management Plan. The Draft Nelson Plan will eventually replace this.

The Draft Nelson Plan proposes provisions that identify what Council is aiming for in managing subdivision (policies and objectives) as well as the way in which it will be achieved (i.e. by rules and other methods). Applications can be made to the Council seeking permission to subdivide land in the form of a resource consent. Resource consent may or may not be granted by Council officers and decision-makers, depending on how well the proposed subdivision aligns with the rules, policies and objectives of the Plan.

Can I subdivide my property?

All subdivisions require a resource consent, and many factors will determine whether the consent is approved

- The zone you are in will be a determining factor. Zones are areas of land that have been identified for certain activities and uses, and a particular kind of character and amenity. Subdivision rules for any zone will align with Council's goals (objectives and policies) of that zone.
- Zone subdivision rules state the conditions and standards that will determine whether or not a resource consent application to subdivide will be acceptable to Council. A minimum land area for a new section is a key condition. Adequate access, servicing such as wastewater disposal and water supply, and a section shape that will fit any buildings or structures of its intended end use, are other key standards that must be met.

If all of the key minimum standards for subdivision of the relevant zone can be met, then Council must grant consent where the subdivision is a 'controlled activity'. Council may impose conditions as part of that approval. If one or more of the standards cannot be met, then Council

would consider the proposal based on its merits at its discretion (a 'restricted or full discretionary activity'), and may or may not grant consent with conditions.

More information about the subdivision provisions of the Draft Nelson Plan can be found on the Key Information Sheet – Subdivision.

What are the proposed minimum allotment sizes in the Draft Nelson Plan?

The following minimum allotment sizes (for controlled activities) apply to subdivision in key zones currently, and as proposed in the Draft Nelson Plan:

Draft Nelson Plan (proposed DRAFT new minimum standards)	Nelson Resource Management Plan (current minimum standards)
General residential zone: General residential zone – 300m ² Port/airport noise effects overlay – 600m ²	Residential zone: General – 400m ² Lower density area – 600m ² Stoke lower density - 1000m (average) with 850m ² minimum Port/airport noise effects overlay – 600m ²
Medium density residential zone – 200m ²	Higher density area – 300m ²
General rural zone - 15ha except: Where a site is greater than 200ha, a maximum of 8 allotments is allowable, and each allotment may be 5000m ² if clustered	Rural zone – 15ha
Rural lifestyle zone, High density precinct - 1ha (average) with a 5000m ² minimum	Rural higher density precinct - 1ha (average) with a 5000m ² minimum
Rural lifestyle, zone Low density precinct – 3ha	Lower density small-holdings – 3ha
Other Zones – no minimum	Other Zones – no minimum

Links to the Draft Nelson Plan

This 'frequently asked questions' sheet addresses a few of the key provisions in the Draft Nelson Plan. It should not be used as a definitive representation of content. To view actual Draft Nelson Plan content, please go to shape.nelson.govt.nz.