

COMMON TERMS USED IN THE PROCESS OF SUBDIVISION

Resource Management Act: The law dealing with the use, development, and protection of NZ's natural and physical resources, including subdivision.

Resource Consent: A consent obtained under the Resource Management Act from the Local Authority authorising the subdivision of land.

District Plan: A Council document stating how properties can be used, and the type of subdivisions that can be approved. Each Council have their own unique provisions.

Section 92 request: A request by the council officer processing an application to provide additional information, within a certain timeframe

223 Certificate: A certificate drawn on the final plan of subdivision specifying that the survey plan conforms with the subdivision consent.

224 Certificate: A certificate issued by the Local Authority stating that all conditions of the subdivision consent have been complied with.

Development Contributions: A provision of the Local Government Act that allows Council to charge a fee when development occurs to assist with the costs of providing additional services generated by growth.

ABOUT OUR TEAM...

Birch has been providing professional advice and Land Surveying services to the community since 1989. Sir William Birch, our in-house consultant, first established a Survey-ing practice in Pukekohe in 1957.

With a history and a commitment to serving the community, and providing expertise in Resource Management issues and Land Development, the Company has been involved in a wide range of Urban and Rural Developments.

A thorough understanding of local Government issues and expertise in Resource Management, land development and community issues ensures our clients are provided with comprehensive advice and assistance to maximise their projects success.

We hope this pamphlet helped with your understanding of Subdividing Land, and enables you to discuss any issues with our team.

In addition to undertaking subdivisions we can also assist you with:

- Land Development design
- House setouts
- Site and Topographical Surveys
- Resource Consents
- Planning advice and advocacy

Contact us at our Head office:

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Or find our contact details for our other branches at:

www.birch.nz



SUBDIVIDING LAND

UNDERSTANDING THE PROCESS

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- LAND SURVEYORS • PLANNERS
- CIVIL ENGINEERS

This pamphlet briefly describes the process of subdividing land.

The subdivision of land includes any amendment to the boundaries of a title.

The pamphlet explains the processes involved and some of the terminology used during the process.

An understanding of these processes and some of the terminology will help you understand what is involved as we take you through the various steps required to complete your subdivision.

THE PROCESS OF LAND SUBDIVISION

There are several stages involved in completing the subdivision of a property. There is a certain amount of time involved in each stage and certain costs and fees applicable to each stage. The stages involved are as follows:

Initial Assessment

This involves investigating the site, relating the proposal to the District Plan rules for subdivision, determining the likely effects of the proposal on the environment, designing the layout of the proposed lots preparing a site plan of the proposal, preparing reports for presentation to the Council.

Obtaining Local Authority Approval

Depending on the extent of the application and the likely effects, and the degree of compliance with the District Plan, the application is either considered “permitted, controlled, discretionary or noncomplying”. In addition, the application can either be notified or non notified depending on the extent of the effects on the environment, or the effects on other people. Notified applications require a public hearing, which involves additional reports and submissions to the Council and an appearance to place the application before the Hearing panel.

Assessment of Decision

The vast majority of applications submitted to Council are approved, because they generally comply with the requirements of the plan. Where applications are submitted that do not comply with the District Plan, we ensure that you are aware of the issues and the steps required if you consider an appeal. When an approval is obtained, we review the various conditions and advise you of the requirements to meet these conditions. Some of the conditions will require no action on your part, others will require certain works to be undertaken or reports obtained, while financial conditions will require payments to Council before new titles can be issued. A copy of the approval is also normally sent to your solicitor so that they are aware of the consent, and any conditions that may affect them.

Field Survey

Once an approval has been granted and the conditions accepted, the approval is valid for a period of five years. Before the expiration of that time, the survey needs to be completed, the new boundary pegs are placed in their correct position, and a final plan of the subdivision prepared by the Surveyor and signed and sealed by Council. This is known as the approval of the 223 Certificate.

Obtaining Your New Titles

Within three years after the 223 Certificate has been signed, the new titles must be issued, or the consent will lapse. There are often certain works which are required to meet the conditions imposed by Council. These include the payment of development contributions (for additional lots), the provision of power and telephone (and water, stormwater and sewerage connections for urban sites), the construction of Right of ways or vehicle entrances. These vary according to circumstances.

Once all conditions of the Council’s Resource Consent have been completed a completion certificate is issued by Council (224 Certificate).

The final plans and survey documents are then completed by your surveyor, and lodged with Land Information NZ for approval.

Your solicitor can then lodge the necessary legal documents for the new titles to be issued.

The above information is of a general nature, and the process for any particular applicant may vary according to the circumstances.