



## The Subdivision Process

### Step One

#### Investigation And Application

Before beginning the subdivision process, consult with Council planning staff about District Plan Rules that may apply, and ascertain the type of application that will be required. (Also see brochure titled Guide to Rules of Operative District Plan).

The next step is to employ a representative, usually a Registered Surveyor, who will advise on how to subdivide your property and draw up a proposed subdivision (scheme plan). This plan and accompanying report are submitted to the Council for subdivision consent, which takes approximately 20 working days to process. After an initial assessment, you may be asked to provide further information such as geotechnical reports or flood plain assessments.

The Council will also determine whether the application needs to be publicly notified, giving the public an opportunity to make submissions on the proposed subdivision. Please note that if submissions are made, the Council will hold a hearing before deciding whether or not to grant the application.

As well as subdivision consent you may also need to apply for land use consent. This is required for things like vegetation removal, earthworks, and if proposed sites are too small to meet density requirements. (See Council planning staff for more information)

### Step Two

#### Subdivision Consent

A subdivision consent is valid for three years. It is granted subject to certain conditions, which may include the following.

#### Reserves Contribution

All subdivisions involving the creation of a new lot will incur a Reserves Contribution. This is based on 6% (plus GST) of any new lot's value. You will be required to pay the cost of Council obtaining this valuation. On larger subdivisions the contribution could be land (of similar value) or money. Whilst the applicant can offer either, the final decision is at the Council's discretion.

#### Other Financial Contributions

The creation of new sites can impact on existing Council services in the area, which may then need upgrading to meet increased demand. Financial contributions for upgrading water supply, sewerage, storm water treatment and disposal, and roading may be required. The monetary value of upgrading most areas has already been assessed. To find out what applies contact Ecowater (Ph 835 0290) prior to lodging your application. This will assist you to cost out the proposed subdivision.

#### Engineering Conditions

To service the site you will often need to provide new reticulated services and/or connections to existing services, for example, sanitary sewer, storm water, water, electricity, telephone, and also the construction of a shared driveway. The drains have to be constructed to Council standards, either as private or public drains. Some work, such as connections to existing public drains, must be done by Council.

Council standards for public works are detailed in a document titled "Code of Practice for City Infrastructure and Land Development" which is available for inspection at the Civic Centre or you can purchase a copy for \$170.00, plus GST, and \$85.00 for yearly updates. Private drains are described in the Building Code. The subdivider is required to design for upstream development and either provide connections to the upstream boundary or easements (generally three metres wide) to allow for upstream installation.

## **Hazard Avoidance/Mitigation**

If the subdivision involves land that is known to Council to be prone to hazards, for example, flooding or land instability, you may be asked to provide a report from an expert. This must outline mitigating measures to ensure the land is safe and suitable for subdivision. Conclusions from the report such as minimum floor levels, areas in floodplains not suitable for building, or specific foundation design may be registered on the new title by way of a Consent Notice.

## **Esplanade Reserves**

The Council has an obligation under the Resource Management Act 1991 to require esplanade reserves or strips for public access along coastlines and rivers. If the property you wish to subdivide adjoins the coastline, or a river with a bed that has an average width of three metres or more (measured at the annual fullest flow), you will be required to set aside an area 20 metres from Mean High Water Springs, for the coast, or from the edge of the river, as an esplanade reserve. This will vest in Council and become part of its parks and reserves network. It cannot be included in the area of any new site, and the value of it cannot be used to reduce any reserve contribution required as part of the subdivision consent.

Please note that in some instances, the area to be set aside may be reduced or waived. Please ask Council planning staff about this.

## **Step Three**

### **Certification of Survey Plan**

Once subdivision consent is granted, you have three years in which to have the section 223 certificate on the survey plan signed by Council. The survey plan, which legally must be prepared by a Registered Surveyor, finalises the area and dimensions of the proposed lots. The section 223 certificate certifies that the plan of the subdivision is approved by Council.

The survey plan is returned to the Registered Surveyor for lodgement with Land Information New Zealand (LINZ). LINZ checks the plan to ensure correct definition of boundaries. If satisfactory, the plans are signed “approved as to survey” by the Chief Surveyor. A fast track procedure is also available at LINZ for the simultaneous lodgement of the plan and documentation.

## **Step Four**

### **Complete conditions of subdivision consent**

You have three years from the date of section 223 certification to get the survey plan deposited by the District Land Registrar, otherwise the subdivision lapses. During this three year period you need to complete the conditions of subdivision consent as outlined in Step Two above.

If the conditions include engineering works you will need to construct these to Council standards as set out in The Code of Practice for City Infrastructure and Land Development. During the construction process, Council will inspect the works.

In subdivisions that involve the construction of public works, you will need to submit engineering plans for Council approval before commencing work. This will incur plan approval fees and work supervision charges. You will also have to engage a survey or engineering consultant to supervise the construction and certify to Council that the works are completed in accordance with the Council’s standards.

Once all public engineering works are completed, “as-built” plans must be submitted to the Council which detail final levels and dimensions of construction. The plans are for Council records, and the works usually become part of the City’s infrastructure.

As an alternative to physically completing all the conditions of consent you may be able to bond for some of them, for example, the formation of a driveway. Cash bonds are assessed as 1.5 times the value of the work, and are usually based on quotes from contractors. Council holds the bond until all the works have been satisfactorily completed. Alternatively a guaranteed paper bond may be accepted at twice the value of the work. This bond is prepared by the Council’s solicitor at the applicant’s cost (along with the preparation of any other documents that are required, such as consent notices and drainage easements).

Council may also impose Maintenance Bonds to ensure that the work is free of defects. These are usually held for 6 months and returned after you request an inspection, and pay any additional fees.

## **Step Five**

### **Section 224(c) Certificate and Issue of Title**

Once you have complied with (or bonded for) all the conditions of your subdivision consent, your consultant may request that Council issue the Section 224(c) Certificate, which certifies that all conditions have been met to Council’s satisfaction.

Once all other legal matters have been attended to such as consent notices, easements, and mortgagees consents, your solicitor sends the Section 224(c) Certificate and other documentation to the District Land Registrar. If complete, the survey plan is deposited and the titles are issued for the subdivided lots. The subdivision is now complete.

**When the S.224 certificate is issued there may be conditions imposed that have an effect on the design of your building. It is therefore wise to delay submitting your application for building consent until the Section 224 certificate is issued. If you are unsure please ask our Planning staff for the Section 224 procedure.**

### **Naming Streets in a new subdivision**

When seeking subdivision consent involving the naming of new streets, the applicant must obtain the prior approval of Council to the name of any new road(s) and, after obtaining NZ Post approval in writing, include such name(s) on the survey plan. Suggested names must avoid any duplication in the Auckland Region; cul-de-sacs shall comprise single names only; and both shall include a recognised suffix (such as "Road" or "Street"). Names will not be allocated to any shared driveway.

### **Costs of subdivision**

**The costs associated with subdivision will vary from property to property.**

The cost of subdivision may include the following:

- Council fees for the
  - subdivision consent application and Section 223 and 224 certificates;
  - engineering plan approval and works supervision;
- Costs of connection to the public infrastructure network;
- Costs of extending services for upstream catchments;
- Costs for extension or improvement of the public infrastructure network necessary to serve the subdivision;
- Council fees for a notified land use consent or a non notified land use consent;
- The cost of obtaining a valuation for assessing the reserve contribution;
- Financial contributions (including road and reserve contributions and public services upgrading contributions);

- Fees of your consultants;
- Fees of solicitors (including Council's solicitor for preparing consent notices, drainage easements, and bond documents) and applicant's solicitor for obtaining the deposit of the survey plan and issue of the new titles;
- Construction costs of engineering works (such as driveways, roads, services, etc); and
- Fees charged by Land Information New Zealand.

The process to complete a subdivision can take many months to complete, depending upon the complexity of the particular proposal.

This information is only a **guide** to the Subdivision Rules. The complete Subdivision Rules are found in Volume Two of the Rules Section of the Operative District Plan.

If you have any queries, or require further information, please ask the Civic Centre Counter Staff or telephone the Council's Call Centre on (09) 839 0400.