

What else can be done to ensure the new titles are issued quickly?

While your plan is with the Council for certification – or even earlier – there are things you can do to save time.

- Ask your surveyor to arrange with the Land Titles Office pre-allocation of plan and certificate of title numbers.
- Ensure that any transfers (or other legal documents) have been drafted by your solicitor and, where relevant, submitted to the Council for certification.

What happens after the Council has issued the necessary certificates?

The plan is then returned to the surveyor, who lodges it (and related documents) with Land Information New Zealand (LINZ) for checking. When LINZ is satisfied the plan is correct, it is “approved as to survey” and moved on to enable the legal requisitions to be determined.

Requisitions may include the discharge of mortgages and the preparation of any new easement documents and resolutions. When these have been completed, the plan deposits and the new certificates of title are issued.

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SUBDIVIDING PROPERTY - THE RIGHT APPROACH -

(Information for Subdividers in Wellington City)

August 2001

This brochure deals specifically with the subdivision compliance process. For information on how to apply for a subdivision consent please refer to our booklets: **A Guide to Resource Consents in Wellington City and Subdividing in Wellington City**. These are available from our Service Request Counter, First Floor, Wellington City Council, 101 Wakefield Street/Civic Square, phone: 801-3542, City Service Centre, Ground Floor, Wellington City Council, phone: 801-3047 or from the Tawa Service Centre, 5 Cambridge Street, Tawa phone 232-5189.

The Subdivision Process – how it works

Wellington City Council is involved in two distinct parts of the subdivision process. First, the Council grants the resource consent to subdivide the site. Later, when all work is complete, Council officers test the consent for compliance and issue final certificates.

After the Council has granted the consent, the surveyor surveys the site by measuring it and placing pegs to define new boundaries. The surveyor then prepares the land transfer plan.

The work to complete the subdivision must be done – for example, the construction of drains, water services and driveway.

Application is then made to the Council for certification of the survey plan and any other certificates required.

When the plan is certified, the surveyor lodges it at the Land Titles Office, and the subdivider's solicitor arranges for titles to be obtained from the Land Titles Office.



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What certificates does the Council have to issue to allow the land transfer plan to be deposited?

This depends on the type of subdivision (which depends on the ownership structure of the subdivided property).

- If it is a **fee simple** subdivision (also known as a freehold subdivision) the purchaser of the new section possesses the land outright. The Council issues certificates under sections 223 and 224(c) of the Resource Management Act 1991 (*unless consent was granted without conditions).
- If it is a **unit title** subdivision, the purchasers own the individual units and all have a share in the common land area on the site, for example, the stairways and driveways. The Council issues certificates under sections 223, 224(c)* and 224(f) of the Resource Management Act 1991, and under section 5(1)(g) of the Unit Titles Act 1972.
- A **cross lease** subdivision is where a group of people own the land freehold (in undivided shares) and individually lease the buildings erected on it. The Council issues certificates under sections 223, 224(c)* and 224(f) of the Resource Management Act 1991.

* If a subdivision consent has been granted without conditions a section 224(c) certificate is not required.

What has to be done to get these certificates – and what do they mean?

Subdivision consents are usually granted with conditions. They may require certain physical works to be done, or specific payments to be made. For example, the consent may require the installation of services to the new section(s), or the construction of driveways and/or parking areas. This ensures that any new sections meet the requirements set out in the Council's *Code of Practice for Land Development* and the *District Plan*. The developer may also be required to pay a development impact fee (for further information please refer to our brochure *Changes to Development Impact Fees*).

Each condition of consent will be tested for compliance by Council officers – this is a legislative requirement. When all conditions of consent have been checked and signed off, the necessary certificates will be issued.

Section 223 RMA

The Council certifies that the form of the survey plan is in accordance with the subdivision consent.

Section 224(c) RMA

The Council certifies that all of the conditions of the subdivision consent have been met, or that arrangements have been made for completion of the work required.

Section 224(f) RMA (Cross Lease or Unit Title Subdivision)

The Council certifies that the building(s) comply with the fire rating and access/egress requirements referred to in section 46(4) of the Building Act 1991.

Section 5(1)(g) UTA (Unit Title Subdivision)

Issued under the Unit Titles Act 1972. The Council certifies that the units and common property can be physically measured.

By issuing these certificates, the Council signals to the Registrar-General of Land that the new title(s) can be issued.

* For details of the fees payable for these certificates, refer to the Council's current schedule of fees.

A consent notice has to be registered against the titles for the new sections. What does this mean?

A consent notice is issued under section 221 of the Resource Management Act 1991, when a condition of consent has been imposed that is to be complied with on a continuing basis. The consent notice will be issued with the section 224(c) certificate.



How long will it take for the Council to issue the certificates?

There is no statutory timeframe for processing subdivision compliance certificates. As an approximate guide, section 223 certificates are usually issued within 10 working days and section 224(c) certificates within 20 working days of the application being received. However, actual processing time can vary due to the complexity of the subdivision and the quality of information provided with the application. An application can also be suspended, which affects the processing time.

Why do some applications get suspended?

Applications are suspended because:

- Payments have not been made.
- Conditions of consent have not been complied with, or insufficient information has been provided with the application.
- Physical works have been carried out without consent (for example, if a building consent or public drainage permit was not obtained for the construction of new drains), or a consent was obtained but the work was not inspected and signed off by a Council officer.

If an application is suspended, the surveyor will be told as soon as possible, and given details of remedial work that needs to be done.

Why does it take so long for the Council to issue the certificates – isn't it just a "rubber-stamping" exercise?

During the processing period the Council undertakes the following work (depending on the conditions of consent):

- Land transfer plan check
- Vehicle access engineering inspection
- Drainage engineering check
- Roading engineering check
- Water engineering check
- Building and/or private drainage construction completion check
- Landscaping inspection
- Processing payments, or checking systems to confirm that payments have been made
- As-built plan check.

How can I get my certificates quickly?

The Council does not have a fast track system for processing subdivision plans and certificates. Applications are dealt with as they are received. However, there are ways to ensure that your application is processed quickly and your certificates are issued within the timeframes referred to above.

- Before you apply for your subdivision consent, make sure your surveyor explains the whole subdivision process to you. When considering the financial and economic viability of the project, you should be aware of the timeframes involved in each stage of the subdivision process (ie. the consent phase; the compliance phase; and the time taken for a certified plan to be processed at the Land Titles Office).
- When your subdivision consent is granted you should read through the notice of decision with your surveyor and discuss the implications of any conditions that have been imposed. This should be done before expiry of the objection period (15 working days from the date of the consent).
- In the letter of application, the surveyor should note any differences between the survey plan and approved scheme plan and include details of any variation, for example, how the variation affects site coverage, how the variation affects distances between boundaries and buildings. This helps the Council to assess any variations. The Council does exercise discretion and can certify survey plans showing minor variations between the approved scheme plan and survey plan.
- When your surveyor applies for the section 224(c) certificate s/he should include itemised details of how each condition of consent has been complied with, for example, if work has been done under a building consent, details of the consent number should be included in the letter of application; if payments (such as a water connection fee) have been made, a copy of the receipt should be attached to the application.
- The application fee and any other payments should be sent with the application. The exception to this is the payment of water connection fees – this must be made before the services are connected.

