

Progressing a subdivision

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- How to apply for a section 224 certificate

What to do once consent is granted

Once you have obtained your subdivision consent, there are several things you need to do

- Read and understand the conditions of your subdivision consent. These will specify what is required to complete the subdivision and obtain new certificates of title.
- Employ a professional who understands the subdivision process to manage your development. Most people employ a surveyor who can manage the project through to completion.
- You may need to employ other professionals, such as lawyers, landscape architects, and engineers, depending on the requirements of the consent conditions.

How to apply for a section 223 certificate

- An application for a section 223 certificate is lodged with Council. The certificate confirms that the survey plan prepared by a surveyor which will define the legal boundaries of the subdivision is the same as the subdivision plan approved by Council as part of the consent.
- You have 5 years from the date of granting of the consent to obtain section 223 certification.
- Consent conditions required to be met before section 223 certification usually relate to the planning of the subdivision. Most conditions require designs or plans of the proposed works to complete the subdivision.
- Council's environmental engineering standards document sets out minimum standards for engineering works to be constructed for any subdivision. You will need to employ a professional to help design, build, and certify the subdivision works in accordance with this document.

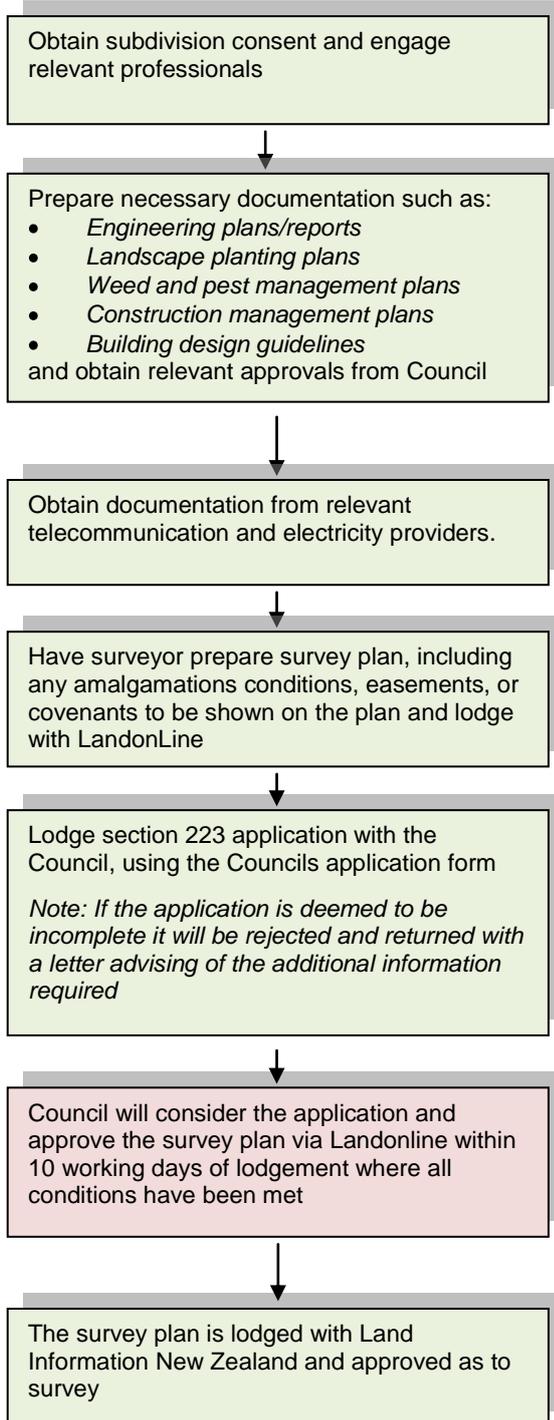
How to apply for a section 224 certificate

- An application for a section 224 certificate is lodged with Council. The certificate verifies that all the conditions of consent have been met, including payment of fees, approval of legal documents, and completion of all the physical works.
- You have 3 years from the date of section 223 approval by Council to obtain a section 224 certificate and lodge it with Land Information New Zealand.

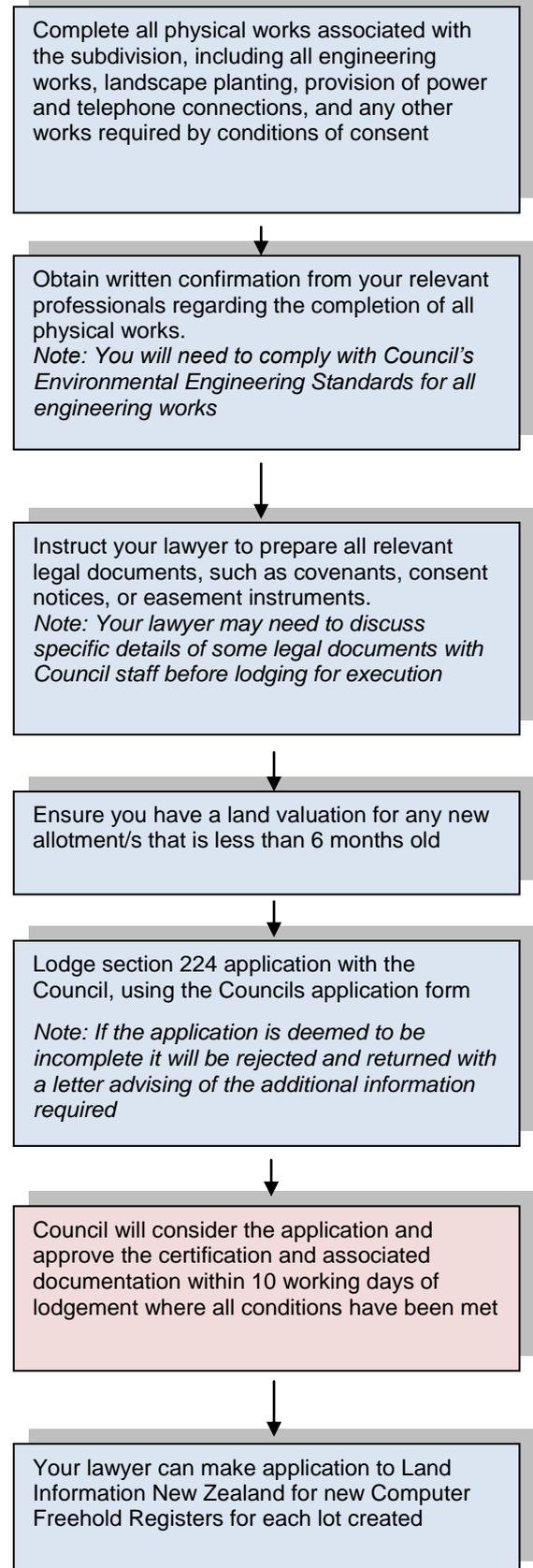
Note *The three year period to obtain a Section 224 certificate cannot be extended*

- You will need to provide suitable evidence to Council to show that all the physical engineering works have been completed in accordance with the approved engineering plans. To do this, you are required to employ a suitably professional surveyor or engineer to ensure that all works have been checked, tested, and certified to satisfy Council that works are complete.
- In many cases, you will need to pay development contributions which relate to the provision of Council

Section 223 certificate process



Section 224 certificate process



Applications for section 223 and 224 certification can be lodged with Council either by mail, over the counter, or by email to mailroom@wdc.govt.nz

Application guidelines

Information to be provided with section 223 application

The conditions required to be met prior to section 223 approval generally relate to the provision of detailed information required to complete the subdivision. This information generally relates to either details to be shown on the survey plan (*e.g. covenant areas, building line restrictions, easements, amalgamation conditions, areas to vest in Council, etc*), and/or the provision of plans and documents detailing works or actions to be undertaken to complete the subdivision. These can include:

- Engineering plans
- Landscaping plans
- Weed and pest management plans
- Construction management plans
- Building parameters and/or design guidelines.

Where engineering plans are approved, Council will consider what inspections (if any) are necessary while the works are underway. It is important to note the following:

If no assets (*e.g. roads, reticulated services, etc*) are to vest in Council:

- Council will not undertake any inspections of works being undertaken to complete the subdivision
- As developer, you will need to engage an independent qualified person or chartered professional engineer¹ to design, supervise, and certify all works as completed in accordance with the approved engineering plans.

If there are some assets to vest in Council:

- Council will only undertake inspections of the assets to vest at various stages of construction. Council will advise of these inspections at the time of approving the engineering plans
- Council will still require formal certification and associated information an independent qualified person or chartered professional engineer¹ to confirm that the development, regardless of whether items are vested or not, has been completed in accordance with the approved engineering plans.

Surveyors are required to use the Council's standard application form to lodge applications for section 223 approval. In conjunction with the application, the following information is mandatory:

- Lodgement of the survey plan for approval via Landonline
- Advice regarding any discrepancies between the approved subdivision plan referenced in the subdivision consent and the survey plan lodged for approval
- Specific relevant details addressing the means of compliance with each condition. Where necessary, information should be attached to verify compliance (such as written approval of relevant plans, approval letters from service providers, etc.)

If insufficient information is provided or is not attached, the application will be rejected and returned to the agent.

Prior to issuing section 223 certification, Council may invoice for staff costs incurred for processing the application.

¹ As defined in the Council's Environmental Engineering Standards
10/74976 August 2010

Information to be provided with section 224 application

Most section 224 conditions will follow on from the requirements specified under section 223 conditions, thereby requiring all works identified on any plans approved under section 223 to be completed. In addition to physical works, the drafting, signing and registration of legal documents may be required addressing such matters as easements, consent notices, covenants, or bonds.

All fees, including development contributions, are required to be paid prior to the issuing of the section 224 certificate.

Completing engineering works

An application for section 224 approval should not be lodged until all as-built plans, certification and supporting documentation has been provided to and approved by Council. You will need to ensure that your independent qualified person or chartered professional engineer who has overseen construction can provide all the relevant information to satisfy Council that the works have been constructed in accordance with the approved engineering plans. Where Council has identified the need for specific inspections where any assets are to vest, then these inspections should have been completed and verified in writing.

Completing landscaping works

In most cases where Council has identified the need for landscape planting and or weed and pest control work, you will need to employ someone with suitable qualifications² to review the work that has been done and provide a statement in writing to that effect.

Completing legal documents

A number of legal documents may need to be prepared and registered on any new titles that result from the subdivision. You will need to have these documents drafted by your lawyer and lodged with Council as part of the section 224 application to be reviewed and signed. It is important that your lawyer provides a specific written undertaking to Council to verify that the legal documents will be lodged with Land Information New Zealand and registered on the appropriate titles.

It should be noted that most of these legal documents will include some form of restriction or ongoing requirement to be met by any future owners of the land. It is important that you are aware of and understand these requirements.

Paying development contributions

In most cases, Council will have assessed the subdivision against its development contributions policy. You will need to pay Council the contributions before you can obtain a section 224 certificate. One item Council requires to determine the final amount for payment is a recent (*less than 6 months old*) land valuation of the lots to be created. This valuation needs to be provided as part of the section 224 application. A separate invoice will be issued for payment of any contributions.

Your agent is required to use Council's standard application form to lodge applications for section 224 approval. In conjunction with the application, the following information is mandatory:

- Specific relevant details addressing the means of compliance with each condition. Where necessary, information should be attached to verify compliance (*such as written approval of relevant plans, approval letters from service providers, necessary legal documents with supporting legal undertaking, etc.*)
- A recent (*less than 6 months old*) land valuation of the lots to be created

If insufficient information is provided or is not attached, the application will be rejected and returned to the agent.

Prior to issuing section 224 certification, the Council will invoice for staff costs incurred for processing the application.

² Generally a landscape architect or formally qualified horticulturalist for planting and ecologist for weed and pest management.
10/74976

Section 223 and 224 lodgement checklist

Note This is a general checklist only for use by the consent holder and/or their agent. It lists the usual requirements to meet conditions of subdivision consents, but is not intended to address all possible conditions that may be imposed.

Applicant name _____ RC no _____

Planning/survey requirements	Yes	No	Comments
Evidence provided to show compliance with all conditions	<input type="checkbox"/>	<input type="checkbox"/>	_____
Survey plan in accordance with approved subdivision plan and lodged via LandonLine	<input type="checkbox"/>	<input type="checkbox"/>	_____
Any/all easements provided and in correct location	<input type="checkbox"/>	<input type="checkbox"/>	_____
Any/all amalgamation conditions shown	<input type="checkbox"/>	<input type="checkbox"/>	_____
Any covenant areas shown	<input type="checkbox"/>	<input type="checkbox"/>	_____
Landscape/weed and pest management plan approved	<input type="checkbox"/>	<input type="checkbox"/>	_____
Engineering requirements			
Engineering plans approved	<input type="checkbox"/>	<input type="checkbox"/>	_____
As-built engineering plans and certification approved	<input type="checkbox"/>	<input type="checkbox"/>	_____
Assets to vest (roads, etc) inspected and approved	<input type="checkbox"/>	<input type="checkbox"/>	_____
Street name/s approved and sign/s installed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Landscape planting completed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Power/phone connections provided and approved	<input type="checkbox"/>	<input type="checkbox"/>	_____
Bonds			
Uncompleted works bond signed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Landscape/weed and pest management bond signed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Legal documentation			
Land valuation for development contribution assessment (< 6 months old)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Consent notice	<input type="checkbox"/>	<input type="checkbox"/>	_____
Reserves Act covenant(s) signed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Easement instrument(s) signed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Solicitors undertaking to register documents provided	<input type="checkbox"/>	<input type="checkbox"/>	_____