

- ❑ Right of Way construction will often require the completion of a **1A** (design certificate); **1B** (contractor certificate) and **1C** (certificate from an engineer to confirm that the right of way has been constructed to his design specifications).
- ❑ **Before** the construction of any new vehicle crossing, the completion of an application form and payment of fees to Marlborough Roads is required. Marlborough Roads will complete an inspection for urban crossings when the vehicle crossing is boxed before concrete pour.

When the vehicle crossing construction is completed, you are required to inform Council that an inspection of the new crossing is required. This request should be made in writing.
- ❑ Payment of all financial contributions is required prior to the release of section 224 certificate approval. Reserve fund contributions require a valuation of the land by a registered valuer, which is less than 6 months old at the time of payment and is inclusive of GST.
- ❑ **Consent Notice** - If required, the document will be prepared by the Marlborough District Council and the charge for this will be included in the fees at section 224 approval. The consent notice once prepared and executed would normally go to the surveyor, who will forward it to Land Information New Zealand for registration on the new title.

Once Council has issued section 224 approval, other processes may be required to be completed by your solicitor i.e. easement document preparation and signing, covenant preparation and signing before titles are issued by Land Information New Zealand.

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Subdivision Consent

Guidelines for applying for a Subdivision Consent



The Marlborough District Council considers applications for subdivisions for allotment creation, boundary adjustment, flat plans, unit titles and rights-of-way. These guidelines are designed to familiarise applicants with the particular requirements for subdivision consents.

Introduction

Subdivision of land is a legal process, which influences the possible uses of the land. Therefore, a resource consent is required. In considering each application for a subdivision consent, the Council takes into account the Resource Management Act 1991 (RMA) and Marlborough's resource management plans, both of which address the matter of subdivision. The Council will also ensure that adverse effects on the environment are identified and dealt with, that all works and services are installed to an appropriate standard, and that new sites are suitable for the intended use.

Applications for subdivisions can be complicated and, therefore, require accurate and detailed plans. It is strongly recommended that you employ a suitably qualified surveyor to prepare your plans and submit your application. These guidelines provide some background information for subdivision consent applications.

Subdivision Process

Subdivision generally involves the division of a single block of land into smaller blocks (allotments/lots), which can be owned separately. The subdivision takes effect when a survey plan, approved by the Council, is lodged with Land Information New Zealand, and various legal requirements are met. In some cases, such as for utilities (telephone and power installations), the Council's approval is given without the need for a resource consent application, but some conditions may apply.

In the majority of cases a subdivision resource consent is required. This process is the same as for all other types of resource consent. Once a subdivision consent is granted, usually with conditions, the consent holder has five years to lodge a survey plan with the Council. If the survey plan is in accordance with the subdivision consent, the Council will grant a section 223 certificate allowing the survey plan to be lodged with Land Information New Zealand. The consent holder then has three years during which to obtain a section 224 certificate from the Council, certifying that all the conditions of the consent have been met. The surveyor or consultant may be able to assist with the co-ordination of completing conditions in order to obtain the certificate.

Council will approve section 223 and 224 certificates on line with LINZ and any consent notice/easements or esplanade strip documents are forwarded to LINZ for 'registration' when the new land titles are issued. by either an agent or solicitor.

What order should I complete conditions?

- Contact the surveyor to organise the completion of the final survey
- Contact Marlborough Lines who will provide you with a quote for the cost of installing the new service to the newly created allotments. The service will not be installed until the money has been paid up front. There may be a 6-8 week wait for the installation of the service once payment has been made.
- **New Council services:** require the completion of the appropriate connection form, showing the preferred location of the new service and the fee for the new connection is required to be paid.
 - The connection will not be installed until the payment has been made and installation by Council staff can be between 6-8 weeks after payment has been made.
 - Any change to the location of Council services after installation will incur a further charge.
 - It is generally agreed to be best practise that Council services should be installed at the boundary prior to any new sewer, stormwater or water pipe installation within the property boundary so the correct fall can be calculated/gained.

Any drainage work within the property requires a Building Consent.

- Assessment and approval of a building consent application should be no more than 20 working days.
- A drainage plan is required by Council's Building Control Section before the Code Compliance Certificate will be issued for the drainage consent and a copy of the drainage plan or an as-built is required to satisfy subdivision conditions. For the subdivision, any water pipes or power/telecom cables must also been shown on the drainage plan, showing distances from boundaries, pipe size and cover details.



What is a section 223 certificate?

²This stage involves approval by Council of the final survey (title) plan prior to deposit by Land Information New Zealand.

The plan is submitted to the Council under section 223 of the RMA, for checking that it complies with the plan of the subdivision consent already issued. The Council must ensure the subdivision layout and those relevant conditions are correct. Conditions that need to be complied with at this stage may include vesting of lands for roads and reserves, amalgamation of allotments and granting or reserving of easements.

At this stage, the Council may approve the plan under section 223 notwithstanding that some or all of the other conditions of subdivision consent have not yet been satisfied. The Council's certificate must be completed on the Land Information New Zealand or land on line database. The certificate must be signed by an authorised officer of the Council.

What is a section 224 certificate?

³The Council is further required under section 224(c) of the RMA to provide a certificate (on land on line) stating that all or some of the conditions of the subdivision consent have been complied with to the satisfaction of the Council and that in respect of such conditions that have not been complied with, any necessary consent notices (section 221 of the RMA) has been issued by the Council, or any bond (section 108(2)(b) of the RMA) has been entered into by the subdividing owner in compliance with the relevant condition. The two certificates may also be combined into one statement and duly signed.

The plan and appropriate documentation, provided by the surveyor or the developers solicitor is then ready for lodgement with Land Information New Zealand (via land on line) for approval, deposit, registration and issue of new titles.

The responsibility for the completion of the subdivision conditions lies solely with the applicant or their agent.

²Quality Planning www.qualityplanning.co.nz April 2008

³Quality Planning www.qualityplanning.co.nz April 2008

Information Requirements

An application for subdivision should include:

- a completed resource consent application form and the application lodgement fee. A schedule of Marlborough District Council Fees—Resource Consents can be found on Council's website <http://www.marlborough.govt.nz/fees/index>
- an assessment of environmental effects (refer to the Fourth Schedule of the Resource Management Act 1991) and next page
- a subdivision plan which should be
 - to an appropriate scale
 - show the position of all new boundaries
 - show the net area of all new allotments
 - show the location and areas of new reserves to be created
 - show the location of areas of any land below mean high water springs etc...

Your application and plan should also include information on:

- any other consents required e.g. land use (particularly land disturbance), water and discharge permits etc
- zone boundaries, designations, roads and service lanes
- the location of any rivers or streams
- the location of any existing buildings that may be affected by the proposed boundaries
- the proposed status of all land to be vested
- the provision of services to each lot, including vehicle access
- a stable and accessible building site
- a description of any hazards the land may be subject to e.g. flooding.
- copies of all relevant titles and consent notices (no older than three months)

It is recommended that you refer to the Standard Requirements for Subdivision and Development and other relevant rules in Marlborough's resource management plans along with the Council's Code of Practice for Subdivision and Land Development.



Environmental Effects

An assessment of the environmental effects of the proposed subdivision is a very important part of your application. Include details of any consultation.

Points to consider in the AEE section:

- describe the potential effects from residential infill
- effects on the character of the area
- neighbouring views and neighbouring privacy
- effects on traffic and pedestrian safety
- do not use word 'amenity' but the attributes of amenity - e.g. effects in terms of sunlight, noise etc...
- is there a built feature or significant trees or native vegetation that are compromised by the proposal?
- Is there a conflict between residential and rural expectations?
- the effect on your neighbours during any construction process? Will they be affected by noise, dust etc?
- the effect on the ecosystem? Is vegetation being cleared? Is this vegetation habitat for wildlife? Will vegetation clearance impact on the landscape? Will the new boundaries cut through any significant natural area?
- any possible effects of significance to iwi?
- stability of the site?
- threats from surrounding land - e.g. potential slips, forestry harvesting, fire?
- traffic issues, including road safety? Have you provided safe access points and on site turning? Will there be an increase in traffic etc?
- any ways you can avoid, minimise or reduce the adverse effects on the environment?

Conditions of Consent

The Council may impose conditions on a subdivision consent to ensure a positive environmental outcome, to make certain that subsequent developments are properly serviced and to protect the rights of the surrounding landowners and future residents.

Common conditions that may be imposed on subdivisions include:

- engineering requirements - e.g. provision for roads, vehicle crossings/entrances, sewers, water supply and stormwater
- connections to other utilities, such as street lighting, power and telephone
- provisions for future use of the site
- financial contributions to help fund the costs borne by the public - e.g. roads, services, parks and community facilities
- protection of waterways, notable trees, heritage items, natural vegetation, wetlands and the coastal marine area
 - creation of esplanade reserves and/or esplanade strips
 - landscaping requirements
 - matters relating to titles - e.g. easement conditions.

Note: As at October 2011

Information about Council's invoicing policy is given to Clients when their application is acknowledged as accepted (or otherwise). Applicants should also refer to the Marlborough District Council Charging Policy - Resource Management Act, for an explanation as to the structure of costs for a resource consent application.

Council will charge interest on overdue invoices at 15% per annum.

** Engineering Charges are additional to the base charge - Refer to "Marlborough District Council Charging Policy - Resource Management Act"

Important Note: * denotes areas where development and upgrades levies also apply to all new water connections.

Development Contributions

Previously Council has levied financial contributions in accordance with the Resource Management Act 1991. On 1 July 2009 Council decided to adopt a Development Contributions Policy under the Local Government Act 2002.

It should be noted that migration to a Development Contributions policy does not signal any diminution in environmental protection, or undermine the environmental outcomes espoused in the District Plan. Developers will still be compelled to complete works on site to avoid, remedy, or mitigate adverse effects as a condition of consent, or in accordance with rules in the District Plan. The Financial Contributions Policy still applies for the North West zone, parking contributions and where the new policy is silent on issues in the Resource Management Plans. Financial contributions may also be required for infrastructure that will solely benefit the proposed development or is needed to deal with its impacts.

With regard to road contributions, specific development contributions for each subdivision are likely to be assessed, especially those in rural locations.