



GUIDE TO SUBDIVISION & LAND DEVELOPMENT



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The Fraser Thomas Difference:

Fraser Thomas Ltd is an engineering and surveying consulting firm based in Highbrook, and has been providing Surveying, Engineering, Planning and Resource Management services in the greater Auckland area for over 50 years.

Fraser Thomas Ltd has additional offices in Central Auckland, Hawke's Bay, Blenheim, Nelson and Christchurch, which ensures that we can offer services throughout the wider Auckland area as well as the whole of New Zealand.

Subdividing or developing land normally involves inputs from many different professionals such as Surveyors, Civil and Geotechnical Engineers as well as other disciplines who may need to address specific issues.

Fraser Thomas Ltd provides a full range of these services and has built relationships with other consultants, local Councils, utility providers and contractors to ensure a cost effective and efficient service is provided to our clients.

Engineering



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Subdivisions &
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International



Contaminated Land



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This guide on subdivision and land development aims to provide you with information on important steps in the process, from initial feasibility investigations, the resource consent process, right through to obtaining new titles for your subdivision to allow new sites to be created and sold.

1. What is Subdividing?

Subdividing involves dividing land or buildings into separate parts, to enable them to be sold or split into separate ownership. There are various reasons why you might want to subdivide your property. It may be that your section is too big for your needs, or that your section may have been re-zoned so that you are now permitted to subdivide, in a manner that was prohibited before.

A particular type of resource consent, called a “subdivision consent”, is required from the local Council to do this. A subdivision consent is also required to alter a boundary between two properties. A number of legislative provisions govern the subdivision of land, the most prominent being the Resource Management Act 1991. This Act enables Councils, through District Plans and resource consents, to control all subdivisions, therefore controlling any adverse effects on the community and environment that the subdivision may have.

Before deciding to subdivide property, whether it be in a rural or urban area, it is important to appreciate the length of time involved in the process. The length of time will differ depending on the size and complexity of your project.



2. Can I Subdivide?

To enable you to subdivide your property you must meet the requirements of the Council's Unitary or District Plan.

These include various planning controls and development standards such as provision of suitable building platforms, minimum lot sizes, building height in relation to boundary, minimum yard sizes, private open space, vehicle access, parking and manoeuvring. These requirements vary according to the zoning of your property.

You must also show that adequate provision can be provided for utility servicing to all the lots created. This includes provision for disposal of waste water, stormwater and supply of power, telephone and water.

If your property is located on an overland flowpath or in an area affected by flooding, you must be able to demonstrate that your project will adequately provide for overland flow and not worsen the flood risk on neighbouring properties.



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3. Types of Subdivision

The three most common types of subdivisions are:
Fee simple, Unit title, and Cross-Lease

Fee simple

A fee simple subdivision creates one or more additional sections from an existing parcel of land. New records of titles are created for each parcel. A fee simple subdivision is the most common type of subdivision

Unit title

A unit title subdivision creates individual titles to units, apartments or semi-detached dwellings over an existing fee simple parcel of land. The unit title plan identifies each dwelling as a “principal unit”. In some instances, the unit plan may also show accessory units associated with each principal unit. The units usually have a share in the common property such as vehicle access, manoeuvring areas, lifts, stairs and gardens. A body corporate must be formed to manage the common facilities, insurance and maintenance.

Cross-lease

A cross-lease (or flat plan) subdivision is generally less desirable in today’s market. In this instance, a lease is created over the household unit and is identified as a “flat”. The remainder of the section. e.g. gardens, or vehicle access is usually held in covenant area and common ownership.

4. What is a Consent?

A “consent” gives you, as the developer, the right to carry out specific work in accordance with various legislation and associated regulations. You will need to obtain the required resource consents from Council before any subdivision work starts on the property you own.

For subdivision/ land development projects, the following consents are usually required:

- Land use consent
- Subdivision consent
- Building consent

Land Use Consent

A land use consent is a written approval from Council to use or modify your land in a manner that contravenes a rule in the Unitary or District Plan. All activities, except those permitted, require a land use consent before you can carry out the activity. Under the recent Medium Density Residential Standards (MDRS), on some sites up to 3 dwellings may be defined as a permitted activity.

Subdivision Consent

A subdivision consent allows you to create new titles on a piece of land. All subdivisions require consent from Council to ensure that the land is suitable for the proposed development and is capable of being fully serviced and to address any land stability or flooding issues. A subdivision allows you to be able to sell part of your land provided you meet the relevant standards.

Building Consent

A building consent is a written approval from Council for you to carry out specific building works. A building consent ensures compliance with the Building Act 2004 and with the New Zealand Building Code. Before Council issues a building consent, they need to be satisfied on “reasonable grounds” that the proposed works will be structurally sound, that there is adequate sanitary plumbing and drainage, and that the minimum fire and other safety standards are met. Some basic work does not require building consent; however most building work will require a building consent in order to comply with current regulations.

5. How Much Will It Cost?

The cost can vary widely. Basically, the more complicated the more costly the development. However, by engaging a consultant at the start of the process you can ensure the procedure is simplified for you as much as possible and ensure all Preliminary Investigations are carried out at the appropriate time, to reduce the risk of having to duplicate trips to site and Council.

6. How Long Will It Take?

Again, this is highly subjective, but a more straightforward subdivision, ie that which comes with less conditions, will progress more quickly than a site that is required to undergo multiple preliminary investigations.

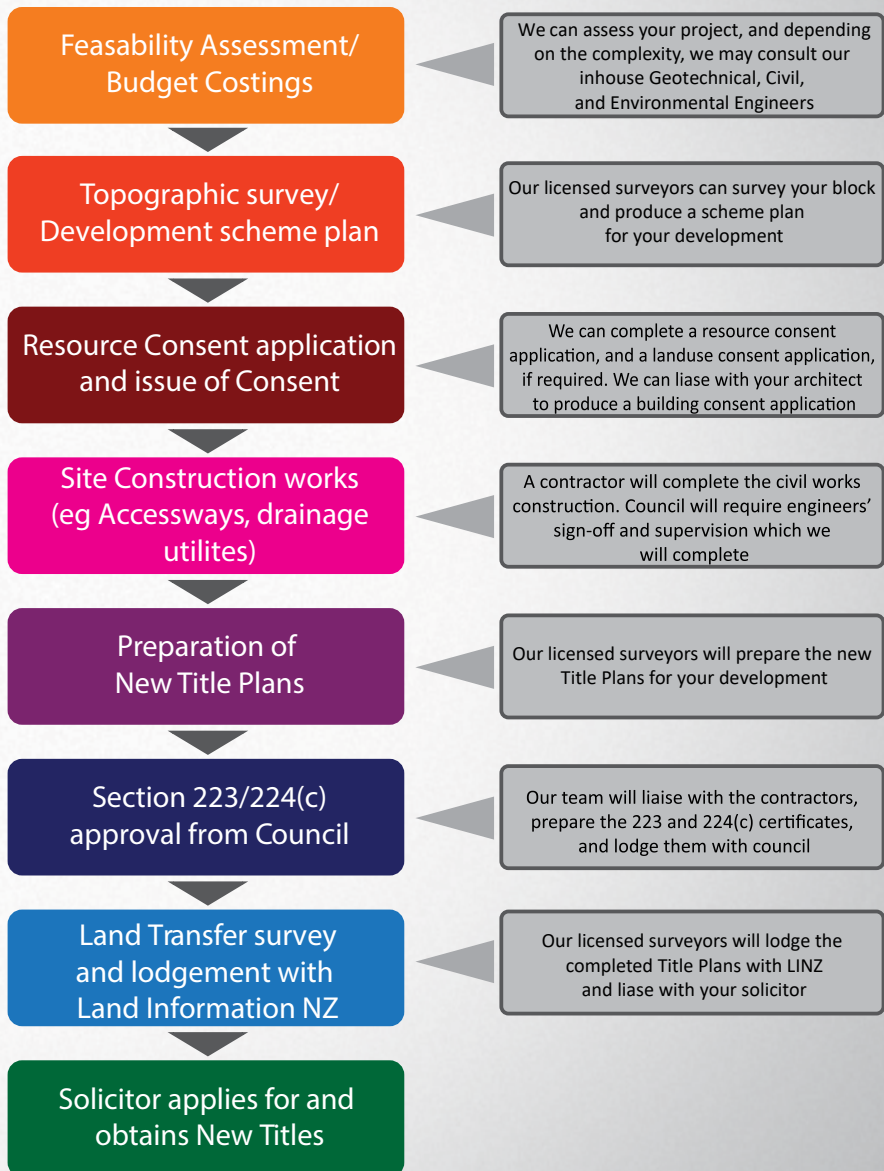




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7. Typical Subdivision Process



Auckland Unitary Plan

The Auckland Unitary Plan has opened up considerable infill land development opportunities. The Unitary Plan has simplified the residential zones throughout Auckland with six zones created to allow for different levels of housing intensity.

The residential zones which allow for infill development opportunities include the following:

- Single house zone
- Mixed housing suburban zone
- Mixed housing urban zone
- Terrace housing and apartment building zone

If your property falls within one of the above residential zones then there may be an opportunity to complete an infill development. This may only be limited to one additional dwelling depending on the zoning, area of our property and the ability to service the property.

On 18 August 2022, Auckland Council notified Plan Change 78, which delivers changes as required under the government's National Policy Statement on Urban Development 2020 (NPS-UD) and the amendments to the Resource Management Act 1991, that require Council to incorporate the Medium Density Residential Standards (MDRS) into relevant residential zones.

These new rules substantially change development possibilities over much of the urban part of Auckland, including most areas that have been zoned Single House Zone. However, they do not apply everywhere, including rural villages with a population of less than 5,000 people, or on sites zoned Large Lot. Where there are qualifying matters applicable to a site, the MDRS standards are currently not applicable.



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Fraser Thomas can complete a desktop assessment of your property to provide you with a summary of any potential infill opportunities. Should a more detailed assessment be required to assess the opportunities we can provide you with a comprehensive services offer covering the provision of planning, surveying and engineering services.

“ Fraser Thomas Ltd showed excellent co-ordination and time keeping within their team... They provided an excellent service with a reasonable price... ”
- Zainal Ali, Manurewa





6. Some Definitions...

Feasibility Assessment/ Budget Costings

Prior to commencing any subdivision it is essential to assess whether a proposed subdivision is possible in terms of the Unitary or District Plan requirements and feasible in terms of return on investment. Fraser Thomas Ltd can provide a feasibility assessment detailing the budget costs to complete a subdivision.

Topographical Survey/ Scheme Plan of Development

This is a survey of the ground levels and significant features on a site. From this field information, we produce a plan showing such things as ground levels, contours, buildings, services, legal boundaries, trees and any other features relevant to the future development of the site. This information is used for any engineering design required and the plan forms the basis of the scheme plan showing the proposed subdivision. The scheme plan is submitted to Council as part of the resource consent application. If the project includes proposed new dwellings, the topographical survey is used by the architectural designer to prepare plans.

What's Included in a Resource Consent Application?

The amount of information that needs to be in a consent application varies according to the scale and complexity of the proposed development. For subdivisions, typical information required to be submitted with an application include:

- Scheme plan of subdivision
- Detailed engineering design for access and servicing
- Details of compliance Council planning requirements
- Assessments of effects and mitigation measures.



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Sections 223/224(c) Approval from Council

A section 223 certificate is issued by Council to certify that the new Title Plan conforms to the subdivision consent.

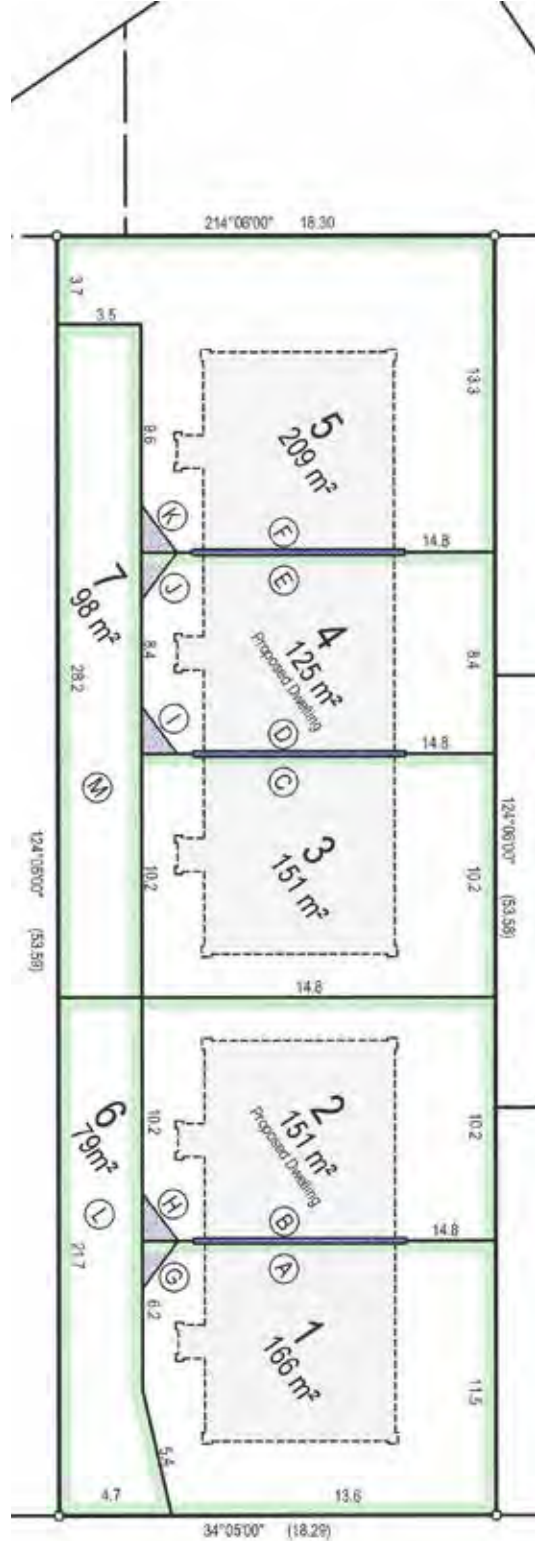
A Section 224(c) certificate is issued to certify that all of the conditions of the subdivision consent have been completed to the satisfaction of Council. Both of these certificates need to be issued before a solicitor can obtain new records of title.

Land Transfer Survey

This involves investigating old survey plans and information and performing various calculations to define the existing and new boundary positions.

These boundary positions are marked (usually with boundary pegs) on site, and a new Title Plan is prepared.

The new Title Plan, along with other reports, plans and calculations, form the Cadastral Survey Data-set which is lodged with the government agency, Land Information New Zealand (LINZ). Only Licensed Cadastral Surveyors can undertake this work.



7. Preliminary Investigations

There are a number of specific investigations that may be undertaken either at the feasibility stage, or as part of preliminary design. These include flood reports, contaminated land assessments and infrastructure assessments.

A critical question in the development process is can your site be serviced for water supply, stormwater and wastewater?

With stormwater, if your development will result in an increase in impervious area, then there may be additional requirements you need to address to ensure that stormwater can be discharged from your site without causing downstream pipe capacity issues. Fraser Thomas has considerable expertise in stormwater and is familiar with the sometimes complex Unitary Plan requirements in this area, including those sites located in Stormwater Management Area – Flow 1 and 2 areas.

With wastewater, if you are adding living space, your wastewater generation will increase and may cause capacity problems in the downstream wastewater system. Council may require the capacity of this system to be assessed as part of your application. If you are located in a “red area” with confirmed wastewater system capacity constraints, then you will either need to delay your development, or install temporary wastewater storage and pump at night into the wastewater network. Fraser Thomas is familiar with this process, having designed a number of private wastewater pump stations, and obtaining the necessary Watercare approvals.



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Flood Reports

Fraser Thomas produce Flood Assessment Reports. Council may will require these reports if you wish to develop your property and if your property is located within a flood hazard area, or an overland flowpath. As part of this process, we will establish the required finished floor level for any new buildings, assess any associated resource consenting requirements, and investigate mitigation measures that may be taken to facilitate your development.

Asbestos

If your development project involves the demolition or refurbishment of existing buildings, structures or plant on-site, you are required to undertake an asbestos survey, prior to undertaking these works, under the Health and Safety at Work (Asbestos) Regulations 2016. This typically involves a desktop study of historical building records, site buildings inspection, collection and testing of potential Asbestos Containing Material (ACM) and preparation of an Asbestos Management Plan, which will list all suspect and confirmed ACM sources and set out appropriate management measures.

Fraser Thomas has accredited Asbestos Buildings Inspectors and is also familiar with testing soil for potential ACM associated with uncontrolled demolition.

Contaminated Land Assessment

When subdividing land, changing land use or undertaking soil disturbance, you are required to demonstrate whether or not HAIL activities (Hazardous Activities or Industries List) have “more likely than not” taken place in the past or present on the land (or part of the land) subject to development.

Fraser Thomas cover all facets of contaminated land work including: Preliminary site investigations (PSI): desktop study, site walkover and reporting; and Detailed site investigations (DSI): PSI + soil/water sampling, analysis and interpretation. Our team is led by a Certified Environmental Practitioner in Contaminated Land (CEngP-CL).

8. Council Application Process

Most resource consents can be processed without being publicly notified, in which case Council is required to complete the processing within 20 working days. Publicly notified applications have longer timeframes, with the processing time varying depending on the complexity of the application.

The length of time to gain consents can be minimised if the consent application is prepared by people with experience in both the consents process and with council requirements.

9. Affected Person's Approval

If there are persons or property that may be assessed as being adversely affected by the proposal, their written approval will be required before we lodge the application with Council. This involves approaching both the landowners and occupiers with information and plans of the proposal for their consideration. If an affected person does not give approval to the proposal, this may impact on the way that the application is processed by Council.

A right of entry approval is required from adjoining landowners if any work is to be undertaken on their property, such as connections to existing drainage lines.



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10. Duration of Consent

Once your subdivision or land-use consent is granted, you have a specific time frame within which to build or establish what has been approved.

A subdivision or land-use consent typically lapses five years after the date on which it was granted, unless you have given effect to your consent (see explanation below).

For a land use consent, “given effect” means that all works have been completed such that, the activity is established or the buildings built. For a subdivision consent, “given effect” has been defined by the Act as the time when your survey plan has been submitted to Council and they have issued their Section 223 certificate.

Once your survey plan has a Section 223 approval, you have three years from that date to deposit your plan with LINZ to allow your new titles to be issued, thus giving a maximum total development time of up to eight years.



Disclaimer

The information contained in this guide is intended to be of a general nature, to provide guidance in the area of subdivision and land development. While we have endeavoured to provide accurate information at the time of publication, due to changing regulatory requirements, Council processes and the peculiarities of particular sites, we cannot guarantee the information contained herein.

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Contact Us

If you wish to discuss your proposed project with us, then please contact our Survey Department today and we can arrange a free 30 minute initial consultation with a senior member of our staff to explain what your options are and how we can help you achieve your goals.

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