



Understanding Planning

Seven Steps to Subdivision

Introduction

The process of subdivision is fairly complex. All applications must go through a resource consent process – i.e. there are no “as of right” situations. The Council has to determine compliance with its planning and engineering rules and especially the environmental effects of the proposed subdivision.

For this reason Council recommends that you obtain appropriate technical and legal advice. Such advisers will normally consult with Council staff on your behalf. This will greatly assist in facilitating the approval process.

Step 1 – Investigation

You will need to check the provisions of the Nelson Resource Management Plan.

These checks will include:

- the zoning of the property to see which rules apply; and
- the minimum allotment size for your zone.

In the **Residential Zone** the net area (exclusive of access legs) for every allotment (including the balance area of the property being subdivided is at least:

Lower Density Area – 600m²

Lower Density Area (Stoke) – 1000m² average with a min. of 850m²

Higher Density Area – 300m²

Reminder of Zone – 400m²

In the **Rural Zone** the net area (exclusive of access legs) for every allotment (including the balance area of the property being subdivided is at least:

Lower Density Small Holdings Area - 3ha minimum lot size

Higher Density Small Holdings Area – 1ha average size with a 5000m² minimum size (only if complying with Appendix 14 of the NRMP)

Rural Area – 15ha

The proposed allotments must be of regular shape that will maximise the range and efficiency of potential uses of the land. Each allotment must also contain a suitable building site, which includes adequate provision for effluent disposal.

Other matters that you will need to investigate include:

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- Engineering performance standards (as applicable) including earthworks, roads, access and parking, stormwater drainage, sewerage, water supply and other utilities (e.g. street lighting, phone and electricity);
 - Overlays (as applicable) regarding conservation, environment, landscape, heritage, natural hazards and esplanade reserves or strips as indicated in the riparian overlay;
 - Encumbrances such as easements, building line restrictions or road widening lines.

Step 2 – The Application

From examination of the Resource Management Plan you should be able to determine which standards are relevant to your proposed subdivision.

If you comply with all of the standards you will be able to have the application dealt with as a Controlled Activity which means Council will approve it but reserves control over issues such as design, hazard mitigation, riparian management, reserve fund, development levies and other financial contributions, public access, stormwater management and general control over adverse effects.

If your subdivision contravenes any of the controlled standards then your application will be dealt with as a Discretionary Activity. Council may or may not approve an application for a Discretionary Activity and makes its decision in reference to the Resource Management Act 1991 and the Assessment Criteria for subdivision contained in the rules table of the Nelson Resource Management Plan.

However if you cannot comply with the standards for stormwater and sewage and connection to Council water supply (for the residential zone), then your application will be dealt with as a Non-Complying Activity. This means Council must refuse the application if the effects are more than minor and the proposal contravenes the policies of the Plan.

In the Tahunanui Slump Core Overlay, subdivision, (except for boundary adjustments, network utilities or open spaces), is a Prohibited Activity which means no resource consent will be granted.

Subdivision in the Tahunanui Slump Fringe Slope Risk Overlay is discretionary if the application is accompanied by a geotechnical assessment from a suitably qualified engineer or geologist that addresses issues raised in Section 106 of the Act. If this issue cannot be satisfactorily addressed, subdivision is prohibited.

The title plan undergoes further checks at the Land Information New Zealand (LINZ) and is held there until the 224 Certificate, issued by the Council, is received.

When making your application it is essential that you take care in getting all the relevant information together.

Remember to get professional advice.

Step 3 - The Consent

The consent, if granted, will almost certainly be subject to conditions. These conditions must be satisfactorily completed before final approval is given and title issued.

The consent is valid for five years unless otherwise stated.

The conditions of the consent may be appealed to the Environment Court or may be varied by making a further application to the Council.

Step 4 – Title Plan 223 Certificate

You must use a Registered Surveyor to survey the land and prepare a title plan for the Council to approve by fixing its seal to it.

Sealing of the plan (under S223 of the Resource Management Act) is subject to it being in accordance with the original consent plan submitted.

Once sealed the plan is returned to your Surveyor for lodgement at Land Information New Zealand (LINZ).

Step 5 – Works

During the period following the consent approval and whilst the processing of the subdivision plan continues you and your surveyor will undertake the works that are required as the condition of the consent.

In a minor subdivision or a boundary adjustment very little work may be needed whereas in a major subdivision excavation, roading, sewerage and water supplies, footpaths and street lighting are some of the major works involved.

Step 6 – Completion 224 Certificate

When the works have been completed the surveyor applies to the Council for a Certificate (**224 Certificate**) under the Resource Management Act 1991. This Certificate confirms that all the conditions of the consent have been completed.

Step 7 – Issue of Title

Land Information New Zealand (LINZ) checks the survey plan for correctness. If satisfactory the plans are ‘approved as to survey’.

When everything is satisfied the District Land Registrar signs the plan and it is now said to be ‘deposited’.

A certificate of title for the land can now be issued.

If you need any further information please do not hesitate to contact the Nelson City Council’s Planning and Consents Division and ask to talk to the Resource Officer (Subdivisions).

Direct Dial Duty Planning Phone: (03) 546 0357