



SECTION 2 SUBDIVISION CONSENTS

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2.1 SCOPE

This part outlines the process for obtaining a consent to subdivide land in Auckland City, whether it be for freehold, leasehold, unit title, cross lease or company lease purposes.

*See also Chapter 13 in the Proposed Central Area District Plan or Chapter 11 in the Isthmus District Plan.

2.2 TYPES OF CONSENT

- Council controls subdivisions under the District Plan and Part X of the Resource Management Act. Before a person may subdivide land a subdivision consent is required. Rules under which the Council will issue a subdivision consent are laid down in the District Plan.



- While there is a Proposed District Plan the Council is required to have regard to both the Operative and Proposed Plans. Generally the most restrictive requirement of the provisions will be applied in assessing each application.
- Subdivisions require either a controlled or a discretionary activity application. The related rules and information requirements are detailed in Section 11.5 of the District Plan (Isthmus) and Section 13.7 of the District Plan (Central Area). This includes the additional requirements needed for cross lease and unit title applications. An extract is included as Appendix A to this section for convenience.

2.3 FEES

Council has a set scale of fees covering most application types. Applications will not be accepted without the fee being paid. For those types of application not covered by the scale of fees, a deposit will be required and the balance of the full cost of processing the application will be payable prior to release of the council decision. A fee schedule is included as Appendix B to this chapter.

2.4 DESIGN OF LOTS

- The District Plans have a variety of methods for achieving a subdivision depending on whether vacant lots are proposed or whether the subdivision is around existing or proposed buildings. Minimum sizes and shape factors for vacant lots are set out in the Plan for each zone and area.
- There is no minimum lot size for subdivisions around existing or proposed buildings provided the appropriate development control in relation to the building is achieved within the lot. Note density is not a development control. A mixture of the provisions is acceptable but this may not be used to achieve a greater density than would be allowable on the site being subdivided.
- No minimums are laid down for cross lease or unit title but with new buildings where restrictive covenants are shown on the Plan they must comply with the outdoor living area rules and the vehicle manoeuvring controls.

2.5 ROADS AND ACCESS (S.321 LGA)

- In general, new lots created by a subdivision should have frontage that can provide practical vehicle access to a road. New roading should be discussed with the Council prior to making an application. Servicing of allotments may be permitted by way of private way, access lot or right of way over other land of the subdividing owner where it is impractical or impossible to provide fully formed roads or direct access off an existing road.
- Where land contained within a subdivision is required for a future subdivisional road which cannot be formed and vested at the time of subdivision due to the inability to connect that land to an existing road, Council may require the owner to enter into an agreement to form and vest such land when called upon to do so.
- Such agreements shall be supported by a consent notice registered on the certificate of title and shall be shown on the title plan of subdivision as land required for future road.



- Where a road is to be formed and vested, or a local purpose (road) reserve is to be formed and constituted road, and that road could serve other land, a contribution towards the cost of formation will normally be sought from the owner of that other land. Alternatively, the Council may contribute towards the cost, in which case a separate lot must be shown at the end of the legal road and abutting the other land so as to deny legal access. The title to such a lot would be transferred to the Council and the lot would be constituted road once the owner of the other land had paid the appropriate financial contribution to the Council.

Where an owner's land fronts onto a local purpose (road) reserve and a subdivision is proposed, the Council may require the owner to form the road reserve and the Council will then arrange for the reserve to be constituted as legal road. Where such road reserves when legalised will give any frontage to other land, Council will ensure the other owners share in the costs of formation.

Where appropriate the Council may charge a financial contribution towards the upgrading or widening of an existing road or intersection. As an alternative the owner may be required to vest land for the purpose of road widening. A financial contribution will not exceed the cost of work directly related to that subdivision.

2.6 PRIVATE WAYS AND ACCESS LOTS

Where access to rear land cannot be obtained by the formation and vesting of legal roads the Council may approve the layout out of a private way or access lot or Right of Way. The formation requirement of such an access will vary depending on the location and number of allotments served by such an access. Alternatively, the Council may approve access by a conditional right-of-way over an adjoining lot that has frontage to a legal road.

2.7 NAMES FOR NEW ROADS OR PRIVATE WAYS

- The subdividing owner may submit to the Administration Officer: Street Naming and Numbering, Auckland City Environments, for Council approval, a list of up to three proposed road or private way names. There is no legal requirement for the Council to approve names for private ways but will do so if requested. Note that property numbers will not be allocated for properties off a private way unless the name has been approved by the Council.
- The new names will be approved by the Council after consultation with N.Z. Post, Police, Ambulance and the Fire Services to prevent duplication and possible confusion with existing names. Appendix C to this section outlines the procedure followed.

2.8 DESIGNATIONS

Applications shall take into account all designations and other limitations shown on the District Plan.

2.9 TERM OF CONSENT

- A subdivision consent lapses after 2 years unless given effect to by lodging a survey plan in respect of the subdivision to the Council. This period may be altered by the council at the time of consent. If it is considered a longer period is required a request for a suitable period should be made at the time of application. If the consent does lapse the application may be made to the Council up to 3 months after the expiry to extend the period. The Council may grant an extension if it can be shown that substantial progress or effort has



been made towards giving effect to the consent and the other requirements listed in Section 125(1)(b) of the Resource Management Act are satisfied.

- The Survey Plan must deposit within three years of the Council giving approval to the Plan under section 223 of that Act.

2.10 VARIATIONS

A subdivision consent will normally provide for the conditions to be varied pursuant to Section (127)(1)(a) of the Resource Management Act up to the time of deposit of the Survey Plan. It should be noted that the variation only applies to conditions not to the consent itself. If for example, the change is made to the subdivision layout prior to survey plan lodgement, a new consent application will be required.

2.11 PROVISION OF RESERVES

- The Council's policy rules relating to financial contributions are in parts 4B and 9.9 of the Isthmus District Plan and Part 8.7 and Part 13 of the Proposed Central Area Plan.** Financial contributions are charged on residential developments (as defined in part 4.B) and subdivisions for residential purposes and on developments in Business Zones 2 & 3. Those charged on developments are payable prior to the issue of the building consent. Those on subdivisions are payable prior to the issue of the certificate pursuant to section 224(c) of the Resource Management Act. The Council's policy is not to allow financial contributions to be bonded.
- Where the contribution is taken as land and Council wishes to create a larger reserve than could be provided by the provisions of the Plan the Council will purchase the extra area of land at fair market prices.
- Where land is required to be set aside for storm water retention areas, the Council will consider taking over ownership of this land, but unless the land meets the criteria in section 9.9.2 of the Plan it will not normally be considered part of the reserve.

**** Please note: Regarding the Proposed Central Area Plan, the financial contributions/reserve contributions are handled through the Central Area Transitional Plan until the Proposed Plan becomes operative.**

2.12 ESPLANADE RESERVES AND STRIPS

- Council's policy rules on esplanade reserves and strips are set out in sections 5B.5.3 and 5B.8 of the Isthmus District Plan.
- Generally an esplanade reserve or strip is required on subdivision or development and it is to be 20m wide unless the criteria laid down to reduce or waive the requirement can be met.
- Where an esplanade has the potential to have a high public usage or high conservation value it will be taken as a reserve. In most other cases an esplanade strip will be required to be set aside.
- The Council may negotiate access strips where it wishes to improve access to existing or potential esplanade reserves or strips.



2.13 PRESERVATION OF TREES, BUILDINGS OF HISTORIC INTEREST AND WILDLIFE HABITAT

- Application plans of subdivision shall show all trees, and all heritage, wildlife and waahi tapu sites plotted in exact location. The accompanying report shall state the effects on any scheduled heritage item, including likely pressures for the relocation of, removal, or significant modification of the item. The Council may require the preservation of natural landscape or patches of bush, buildings or sites of historic or archaeological interest or wildlife habitats.
- Where the Council requires land to be set aside or work to be done in order to preserve the trees, bush, building or wildlife habitat, any financial contribution assessable may be reduced by the value of the land set aside or the cost of the work done.

2.14 PROVISION OF SERVICES

- Section 11.5.6 of the Isthmus Plan and 13.9 of the Central Area Plan standards for the provision of services, roading, and access. This document and the associated “Development Standards and Guidelines” provide the acceptable solutions to those standards. Solutions other than those in this document may be used provided it can be shown that they meet the standards required.
- The Council's policy on financial contributions towards services is in clause 11.5.5.3 of the Isthmus District Plan and clause 13.7.1.7 of the Central Area Plan..

2.15 PEDESTRIAN ACCESSWAYS

Council may require the formation and vesting of an accessway not less than 2 metres wide linking roads and/or reserves, where this is necessary to provide linkages between public gathering places such as schools, shops, reserves and bus routes.

2.16 ROAD, PRIVATE WAY AND ACCESS LOT FORMATION

- The widths of road reserves, carriageways and footpaths will depend on the function of the road within the overall roading network.
- Engineering design and construction of earthworks, stormwater and sanitary drainage and road formation shall be in accordance with the standards in the Code and the ACC / Metrowater “Development and Connections” manual.
- Requirements for residential subdivisions for up to three lots are summarised in Section 3 of this Code.

2.17 SURVEY PLAN APPROVAL

- The surveyor may submit the Survey Plan to the Council for sealing at any time within two years of Plan approval.
- The Council may grant an extension of time if applied for in accordance with Section 125 of the Resource Management Act.
- Two copies of the land transfer title plan are required. The original transparency of the survey plan shall be endorsed with the appropriate resolution for execution.



2.17.1 Signing of Survey Plan

The Council will sign the Survey Plan once it is satisfied that the plan conforms with the subdivision consent.

2.17.2 Seal of Approval for Three Years

The survey plan must be deposited in the Land Transfer Office of the District within three years of the date shown on the certificate on the Plan or document, otherwise the approval lapses. In such cases a fresh approval commencing with the application plan will be required.

2.18 BUILDING CODE CERTIFICATE (S.224 (f) RMA)

- Where the subdivision of land is to be by the way of the granting of a cross-lease, company lease or by the deposit of a unit plan the following shall occur before the deposit of the Survey Plan:
 - The Council is required to be satisfied on reasonable grounds that every existing building which relates to a cross-lease, company lease or unit plan shall comply with the provisions of the building code. This is specified in section 46(4) of the Building Act 1991.
 - The Council is also required to be satisfied that any building under construction which related to a cross-lease, company lease or unit plan will comply with the provisions of the building code as above.
 - A certificate to this effect is required to be lodged with the Land Transfer Office.
- Where a building, at the time of deposit of the Survey Plan, does not comply with the specified building code provisions, then the Council may, if a building consent has been issued for the outstanding work, issue a certificate under section 224(f) of the Act. In the case of conversions or alterations to existing buildings where the work is valued at \$10,000 or more, a bond equal to 150% of the estimated value of the work may be required. The estimate of value must be prepared by an approved quantity surveyor.
- Bonds may be in cash or supported by a guarantee from a trading bank or other approved guarantor at the Council's option. The documentation will be prepared by the Council's solicitors, Simpson Grierson Law at the subdivider's expense. The Council reserves the right to register a bond against the title of the property although normally this would not be done.

2.19 COMPLIANCE AND COMPLETION CERTIFICATES

- No plan of subdivision can be deposited in the Land Transfer Office unless the Council has issued a certificate pursuant to section 224f of the RMA.
- Prior to the issue of a certificate, any cash financial contribution outstanding must be paid.



2.19.1 Compliance Certificate

- Where no conditions have been imposed on the approval of the application plan, the Council will endorse the survey plan to that effect.
- Where all the conditions of approval have been met, the Council will issue a compliance certificate to that effect, except for those conditions, if any, which are to be shown on or referred to on the survey plan. Such conditions, when met, will result in a completion certificate being issued for them. (Refer to S.224(c) Resource Management Act).
- Where there is a condition is of a continuing nature this will be recorded on a consent notice pursuant to section 221 RMA. Such a notice will be issued with the 224c certificate for lodgment in the Land Transfer Office and will be recorded against the appropriate title.

2.19.2 Completion Certificate

Under the following circumstances the Council may issue a completion certificate certifying that the owner has entered into a bond which binds the owner to carry out and complete outstanding works to the satisfaction of the Council within such a period as the Council may specify.

- (a) Where none of the conditions of approval imposed on the application plan are to be shown or referred to on the Survey Plan, **or**
 - (b) Where some or all the conditions of approval imposed on the application plan are to be shown on or referred to on the Survey Plan, and these have been complied with **and**;
- of the balance of the conditions of approval, if any, some or all conditions have not been met.

Such a bond shall be in the form of a cash deposit or an irrevocable letter of credit from a bank. (Refer to S.222 Resource Management Act).

20 BONDS FOR UNCOMPLETED WORKS

- The Council and the owner may agree to enter into a cash bond or an irrevocable letter of credit for uncompleted work. Such a bond shall be of the form ‘Subdivision Engineering Bond’ available at Auckland City Council.
- The following sets out the work that needs to be completed before the Council will consider an agreement for completion of works under a cash bond.

a) Formation work	Completed
b) Kerb and Channel	Completed
c) Stormwater Reticulation	Completed
d) Carriageway construction and sealing	Completed
e) Water Supply	Completed
f) Sanitary Drainage Reticulation	Completed
g) Street Name Plates	Erected
h) Landscaping	Completed
i) Street Light Standards	Erected



j) Fees and Charges Paid

Note: As a guide, the Benkelman Beam deflection of the road formation should comply with the requirements set out in the Council's Pavement Design Manual before an agreement under bond will be considered.

2.20.1 Conditions of Accepting Construction Bonds

- The Council may accept a cash bond or an irrevocable letter of credit from a bank where:
 - The work cannot be completed due to weather conditions
 - Inability to lay services due to lack of supply
 - Where the Council itself cannot complete its works, thus delaying the completion by the owner or in the case of a small subdivision where the owner wishes to complete the construction of housing prior to the completion of right-of-way formation.
- A condition of accepting any bond is that the applicant will cover all costs associated with the bond including but not limited to: administration, processing, site inspection, project management etc.

2.20.2 Application for Bonding

- Any application to enter into a bond pursuant to the issue of a completion certificate (except a bond for financial contribution), shall be made on the appropriate application form to the "Team Leader" Development Engineering at Auckland City Environments, setting out the reasons why works cannot be completed.
- The application shall be accompanied by;
 - Two quotes from independent contractors on their company letterhead
 - A complete copy of the engineering conditions from the relevant subdivision consent
 - Two copies of approved engineering plans detailing the location, dimensions and materials of the proposed bonded works
 - Written consent from all affected land owners stating that they allow the required works to be undertaken and a written statement that they will pass on this obligation to any future owners of the affected property
 - The date by which the work will be completed

2.20.3 Calculation of Amount of Bond

- Where any application for a construction bond has been approved by the Team Leader, Development Engineering, the amount of the cash bond shall be at least 50% greater than the Team Leader's estimate of the cost of the work.
- The amount added shall depend upon the stated date by which time the applicant's Surveyor considers the work will be completed.

2.20.4 Period of Bond

- The applicant shall give the date when the uncompleted work will be finished which should not normally exceed six months. The length of time permitted may dictate the amount of the bond. The Council may extend the period of the bond but unless there are special circumstances, not beyond two years.



- Extensions of time will require a revision in the amount of the bond.

2.20.5 Condition for Construction Bonds for Works

The Surveyor shall forward a letter to the Team Leader, Development Engineering from the owner accepting the following conditions:

The owner shall:

- a. Undertake to complete the bonded works within the period stipulated by the Council.
- b. Maintain all works until the uncompleted works have been accepted or passed by Team Leader Development Engineering or the Assets Manager.
- c. Indemnify the Council against any claim up to \$1,000,000 that might arise from any accident occurring on the land until the uncompleted works are completed, by way of an acceptable public liability insurance policy.
- d. Inform any purchaser of any allotment that the Council is not responsible for the uncompleted works and occupation of any dwelling erected on the allotments may not be permitted until the works are completed
- e. Give right of entry for Council staff or contractors to enter on the land to complete the work, should this be necessary.

2.20.6 Completion by Council

Where the owner fails to complete the work to the satisfaction of Council within the prescribed period, the Council may enter on the land and complete the works and recover the costs from the money held by the Council by way of cash bond or letter of credit. Once the work is completed to the satisfaction of the Council, the balance of a cash bond, if any, will be refunded.

If there is a shortfall of funds the applicant is to pay the balance to Council and the applicant is to meet all cost involved.

2.20.7 Financial contribution Fund

Unless the Council is satisfied that exceptional circumstances exist, no bonds for the payment of cash in lieu of land for reserves, will be entered into by the Council for subdivisions.

2.21 STREET NUMBERS

Street Numbers are issued by the council as soon as possible after a subdivision application or application for a building consent. To assist this process surveyors are asked to show street numbers on their subdivision plans. Numbering should include the units on a unit title plan in accordance with this section of the Code.

When allocating street numbers all property addresses should be unique with even numbers on the left hand side of the street and odd numbers on the right hand side of the street, with numbering starting from the end of the street nearest to the former CPO. Letter box numbers should be in a sequential order along the street frontage and numbers should be allocated according primarily to 1) the letter box location, 2) then driveway access, 3) then main street frontage. Superstition and beliefs cannot be taken into account when allocating numbers (i.e. the numbers 4 and 13 should be used).



Alphabetical Suffixes/Numerical Prefixes

When whole numbers are not available, alphabetical suffixes must be used. Numerical prefixes should always be avoided where possible. Where numerical prefixes already exist and a new street number is to be allocated within the sequence, then numerical prefixes should be used for consistency. Where there are no available alphabetical suffixes, numerical prefixes should also be used. In all other cases, numerical prefixes should not be used.

Subdivisions (Freehold Subdivisions/Cross Leases and Unit Titles)

The general principle for a subdivision is that whole numbers are allocated to address properties. When a whole number is not available an alphabetical suffix is allocated in addition to the existing street number, i.e. 24A, 24B and 24C.

The existing dwelling should always maintain the existing whole number providing it is in keeping with the guidelines, and in sequential order. If there is no existing dwelling and several dwellings are being built at the same time or several lots are being created, they will all have a suffix, i.e. 24A, 24B, 24C. However, there is some flexibility and a whole number plus a number with an alphabetical suffix can be issued. For example where a new property is replacing an old one, and the owner of the original property wishes to maintain the existing whole number for continuity the new properties may be number 24 & 24A. If more than two dwellings/lots have to be numbered, the numbering has to be in sequence away from the street.

New Dwellings

If a new dwelling is being added to a site that already has an existing house on it, the existing house would retain its existing number and the new house would be numbered in the next sequential order, e.g. existing house = 24, new house = 24A.

If more than one new dwelling is being built, the existing house can retain its number only if in keeping with the guidelines and if the numbering is in sequence away from the street.

Corner Properties

All corner properties should reserve at least two numbers, one for each road to allow for access from either road. More than two numbers should be left if possible development could occur in the future.





The number selected is dependent upon the letter box and vehicle access being sited in the appropriate street. A number should be reserved off the other street where possible to allow for any access / letter box changes in the future.

If no reserved number is available for a back property of a subdivision involving a corner site, where the entrance to the new lot is via a different street to the parent property, then use the next available alphabetical suffix with the closest property's street number.

Alternative addresses should only be set up when absolutely necessary and when access is off two roads.

Multiple Occupancy Buildings

Individual units within a multi-storey building are allocated a street number with the first **digit** identifying the floor level. The two preferred systems are:

- 1) **7E / 12** High Street (Level 7, Unit E, 12 High Street)
- 2) **705 / 12** High Street (Level 7, Unit 5, 12 High Street = "Hotel System", counting up 100 per level)

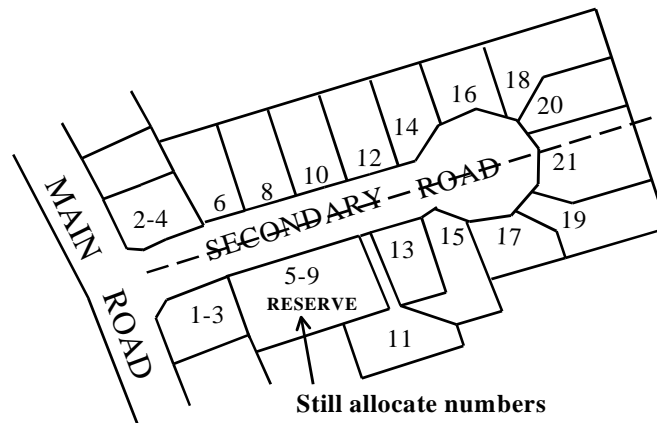
The general rules for street numbering apply. I.e. a logical sequence has to be maintained whether horizontally (e.g. for units on same level) or vertically (e.g. level 12 will be followed by level 13, not 14).

New Streets

Streets should be numbered beginning at one clearly defined end of the street, normally at the intersection with the main road. Each lot should be given a whole number. This numbering should allow for the possibility of future development, i.e. larger sites should be given a range of numbers, or numbers should be left out. If necessary, use the rule:

"Every 20m of road frontage will be allocated a number"

In numbering a cul-de-sac, properties should be numbered up to the centerline, obeying the odd/even number rule. If a property spans the centerline the number given should be the most logical number in keeping with the guidelines.





Unoccupied properties such as parks, reserves and plazas shall be allocated a street number. This rule excludes esplanades.

Private Ways

Council does not have statutory powers over the names or numbers given to private ways. However, these are recorded in the TCS system. The private way will be listed under the parent properties original road name and number, e.g. Taylor Close is listed under 20 Taylor Street.

The numbers for a new subdivision creating a new private road are allocated in the same way as any public road. However, it is difficult for council to enforce any standard of street numbering.

Post and garbage collection etc. is usually collected outside the private road on the public road that gives access to the private road. It should be made clear to developers that there is no implied responsibility for Council to maintain these private roads, including the placement of a street sign.

It is not considered appropriate to name and therefore re-number existing private ways that are currently identified by street names and numbers in well accepted use.

Re-numbering a Street

Where numbers on one side of the street get out of phase with the other, a block of numbers may be omitted at a street junction, or alternatively, the street may need to be re-numbered. Street re-numbering should only be carried out if absolutely necessary.

Council Contact

If you need clarification please contact the Council's Administration Officer, Street Naming and Numbering on 353 9351.