



## **SECTION 3**

### **SUMMARY OF SUBDIVISION REQUIREMENTS (INCLUDING PROTECTION OF PUBLIC UTILITIES)**

- 3.1 Scope
- 3.2 Submission of Documents
- 3.3 Private Ways (including right of ways and common access lots)
- 3.4 Drainage of Lots
- 3.5 Water Supply
- 3.6 New Development near Public Utilities
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#### Appendix A *Cross Leases*

### **3.1 SCOPE**

- These notes are included for the convenience of those undertaking small residential subdivisional works and are generally an extract of various parts of other sections of these Standard Requirements. Reference should be made to other appropriate sections for detailed requirements.
- This section also includes requirements for development near public utilities. Final approval for these is generally required from each network operator affected, and developers are encouraged to discuss their proposals with those operators where relevant.
- The procedures and requirements set out below should be used in the preparation of the Plans and specifications. These documents are to be lodged with the Auckland City Environments. There are advantages if a Registered Surveyor is involved in the application.

### **3.2 SUBMISSION OF DOCUMENTS**

The engineering aspects of subdivision and development proposals are considered by the “Development Engineering” Team at Auckland City Environments. They are the key customer contact for all engineering aspects of subdivision. Following the Development Engineer’s consideration and liaison with various asset groups of the Council, the Engineering requirements are incorporated within the subdivision conditions.

#### **3.2.1 Engineering plans and specifications**

Engineering plans and specifications for the earthworks, construction and drainage of driveways, and for other required drainage works, shall be submitted to Development Engineering for their examination and approval. There is an application form available at Auckland City Environments and a fee is payable.



Works pertaining to private drainage construction (including soakpit and holding tank construction) require a building consent. The developer shall provide plans and specifications relating to private drainage works to Council when making an application for a building consent. The minimum fees payable and the written consent of neighbouring landowners, if required, must accompany the submission of the documents.

### **3.2.2 Supervision**

Council's Development Engineers will need to carry out regular inspections of the subdivisional works as the site works progress in accordance with the approved plans.

The Developer must advise in writing, at the time of submitting the final plans and specifications for approval, of the name of the person who will be supervising the engineering works, and must ensure that at least 48 hours (excluding weekends and public holidays) notice is given of when the contractor is to commence work and for any inspections required for works.

The final Completion Certificate (RMA S.224c) will not be issued until all the necessary inspections and tests have been carried out and As-Builts received to the satisfaction of Council's Development Engineers.

### **3.2.3 As-builts and Certification**

The final completion certificate (under S224 of the Resource Management Act) will be issued only when all the necessary inspections and tests have been carried out and as-builts have been received to the satisfaction of the Council Development Engineer and in accordance with Section 11 and the "Development Connection Standards" manual.

### **3.3 PRIVATE WAYS (including right of ways and common access lots)**

Private ways shall be formed, paved and drained, in accordance with Clause 8.13 of this Code. Details of the widths required are contained in Part 11 of the Isthmus District Plan and Part 13.8.1 of the Proposed Central Area Plan. Generally a minimum legal width of 3m is required with a minimum formed width of 2.4m for a driveway serving less than 4 rear sites. A grade limitation of 1 in 5 applies. Where fire hydrants are provided on or accessed from private ways, they shall be designed for fire appliances in accordance with the requirements of Part 11.5.3 of the Isthmus District Plan and Part 13.8.1.2d of the Proposed Central Area Plan.

### **3.4 DRAINAGE OF LOTS**

The following are generally required of all subdivisions (including cross-leases):

- Existing private drainage within the subject land must be re-layed (unless it can be shown it is to current standards), and generally brought up to the standard existing when the subdivision is carried out;
- Where existing private drainage crosses any possible building platform it is to be re-routed;
- All combined drainage must be separated, and stormwater and wastewater taken to approved outlets;
- Separate and independent wastewater and stormwater drainage reticulation shall be provided to the body of all lots or exclusive areas in the subdivision;



- A Flood Risk Report must be provided where any part of the subject land is shown or considered to be at risk of flooding. Consent notices for overland flow paths and floor levels will generally be required to be registered on the titles;
- Permission to enter, cross or construct works on neighbouring land must be supplied where necessary. Easements shall be created to protect private services laid outside the boundaries of the lot or exclusive area they serve. Certificates pursuant to section 461 of the Local Government Act 1974 may be used as an alternative in some situations;
- Public drainage works may be required.

The detailed requirements set out in the “Metrowater Development and Connection Standards” must be met in all cases.

### **3.5 WATER SUPPLY**

The following are generally required of all subdivisions (including cross-leases):

- Each lot or exclusive area must have its own metered water supply, with the meter installed at the public road boundary. Limited exemptions may be available for Unit Title developments if the Body Corporate is shown to be a suitable manager and account holder;
- No part of a building or building site may be further from a fire hydrant than permitted by the New Zealand Fire Service Code of Practice for Fire Fighting ;
- Public water supply works may be required.

The detailed requirements set out in the “Development and Connection Standards” must be met in all cases.

### **3.6 NEW DEVELOPMENT NEAR PUBLIC UTILITIES**

Building platforms shall meet the requirements of any network utility provider whose services are within or adjacent to the site, and shall generally be located at least 2m clear of any network utility service. The following provides the main requirements for these services.

#### **3.6.1 Building near Public Drainage and Water Supply works (including Manholes and Rising Mains)**

The detailed requirements set out in the “Development and Connection Standards” manual must be met in all cases.

#### **3.6.2 Building Near High Pressure Gas mains**

The developer shall identify from Enerco Gas records the location of any high-pressure gas mains. All requirements relating to building near high-pressure gas mains are covered in the New Zealand standard distribution code and the developer shall conform to the following when submitting a development proposal:-

- 1) Buildings and proposed structures are to have a clear distance of 2m away from a high-pressure gas main.
- 2) Reticulation pipes are to be constructed 600mm clear from any high pressure gas main.
- 3) Provide written approval from Enerco gas satisfying the proposal meets all requirements laid out in the New Zealand distribution code.



**3.6.3 Building Near Watercare Services**

The developer shall identify from Watercare Services Limited (Watercare) plans the location of any network utility service belonging to Watercare. In the event of any such services being located within or near a site, the developer shall conform to the following:

- 1) Work within ten metres of a Watercare sewer, or watermain or rising main, requires prior written approval from Watercare.
- 2) The following clearances are to be adhered to for Watercare approval:
  - a) Watermain clearance - 1m horizontal  
0.3m vertical
  - b) Sewer clearance - 1m horizontal  
0.3m vertical
  - c) Manholes clearance - 1m horizontal
  - d) Rising main clearance - 2m horizontal  
0.3m vertical
- 3) No structural loads are to be placed on any pipes.

**3.6.4 Excavations near Electricity or Telecommunication Poles**

The written consent of the controlling authority is required for any excavation within two metres of a pole, or at a greater depth than 750mm between 2 and 5 metres of the pole. Likewise, within 6 metres of the outer edge of the foundations of any power pylon, or at a greater depth than 3 metres between 6 metres and 12 metres from the pylon (Section 237 Public Works Act).

**3.7 RESOURCE CONSENT REFUSAL**

A resource consent may be refused under the following circumstances:

- 1) Where the site is unable to be adequately serviced.
- 2) Where the site is prone to flooding or is unstable.
- 3) Where existing drainage systems may be undersized.



**APPENDIX A TO SECTION 3**

**CROSS-LEASES**

Under the provisions of the Resource Management Act, (Section 218) cross-leases are a form of subdivision. The following notes are intended to be of assistance to subdividers contemplating a subdivision of land by way of cross-lease.

**A1 DEFINITION**

A cross-lease is a lease of any building or part of any building on any land owned in common, granted by all the owners of the land to the owner of an estate or interest in an undivided share in the land. A resource consent is required for a cross-lease subdivision.

**A2 DESCRIPTION**

Where the District Plan permits more than one building to be erected on a site, or permits one building to be subdivided into several occupancies (e.g. flats, shops or factories), cross-leasing enables a person to obtain a leasehold certificate of title to a specified building or part of a building.

Under the cross-leasing system each unit owner holds the freehold of the entire site as a tenant-in-common, i.e. undivided shares in the land, with all of the other unit owners. To provide for the exclusive occupancy of each unit, the tenants-in-common grant 999 year leases of each unit to each particular owner. Cross-leases on leasehold land, however, will only be for a period of the underlying lease.

The cross-lease applies to the building(s); restrictive covenants apply to the land around the buildings. These covenants are noted on the title. Restrictive covenants can give each owner exclusive use (but not exclusive ownership) of part of the site for access and a garden. Some parts of the site may be held as common areas such as a drive.

The responsibilities of the parties within the cross-lease towards each other are normally spelled out in the cross-lease documents prepared by a solicitor.

**A3 CROSS-LEASE PLAN OF SUBDIVISION**

Council approval of a survey plan showing the various allotments is required. An allotment includes the footprint of any building, which is to be cross-leased. Before approving a cross-lease plan, the Council must inter alia, be satisfied that every building or part of an existing building or building under construction, to which the cross-lease relates, complies with or will comply with the building code requirements specified in Section 46(4) of the Building Act 1991.

If there is doubt as to whether a building will comply with the above requirements, the owner may request a special inspection prior to having the cross-lease plan prepared.



Council rules are such that in most cases freehold subdivisions can be achieved in situations where in the past only cross-leasing was possible.

**A4 DEVELOPMENT OF RESIDENTIAL SITE**

A cross-lease plan may be prepared where there is just one house on the site. Another residential unit may be placed on the site, only if it complies with the District Plan and building code requirements.

If it is possible to erect two or more household units on a site, it should be practical to cross-lease. It is the responsibility of the cross-lessees to satisfy the Council that the second cross-lease site complies with the District Plan, has a stable building platform, does not flood, and that provision can be made for wastewater and stormwater disposal and off-street parking, and its associated drainage. If necessary, conditions relating to these matters will form part of any subdivision consent.

Each household unit shall be provided with its own metered water supply connection to a public watermain.

Note that for planning purposes the “site” for any new buildings includes all the land being held by the tenants-in-common and the bulk and location requirements take into account all the existing buildings on the site.

**A5 COVENANT BOUNDARIES**

The covenant boundaries are not land title boundaries as they only define the boundaries of the agreements entered into by the lessees. The positioning of these boundaries must take into account the requirements of the District Plan in relation to living courts, vehicle access and vehicle manoeuvring, etc., but apart from these factors they are of no concern to the Council, and any disputes must be resolved among the various cross-lessees. For these reasons it is desirable that internal boundaries be clarified on the cross-lease plan and in the cross-lease documents, with provision for party wall agreements where appropriate covering right of support and maintenance.