



**Guide to**  
**SUBDIVISIONS**  
**and**  
**SURVEYING SERVICES**

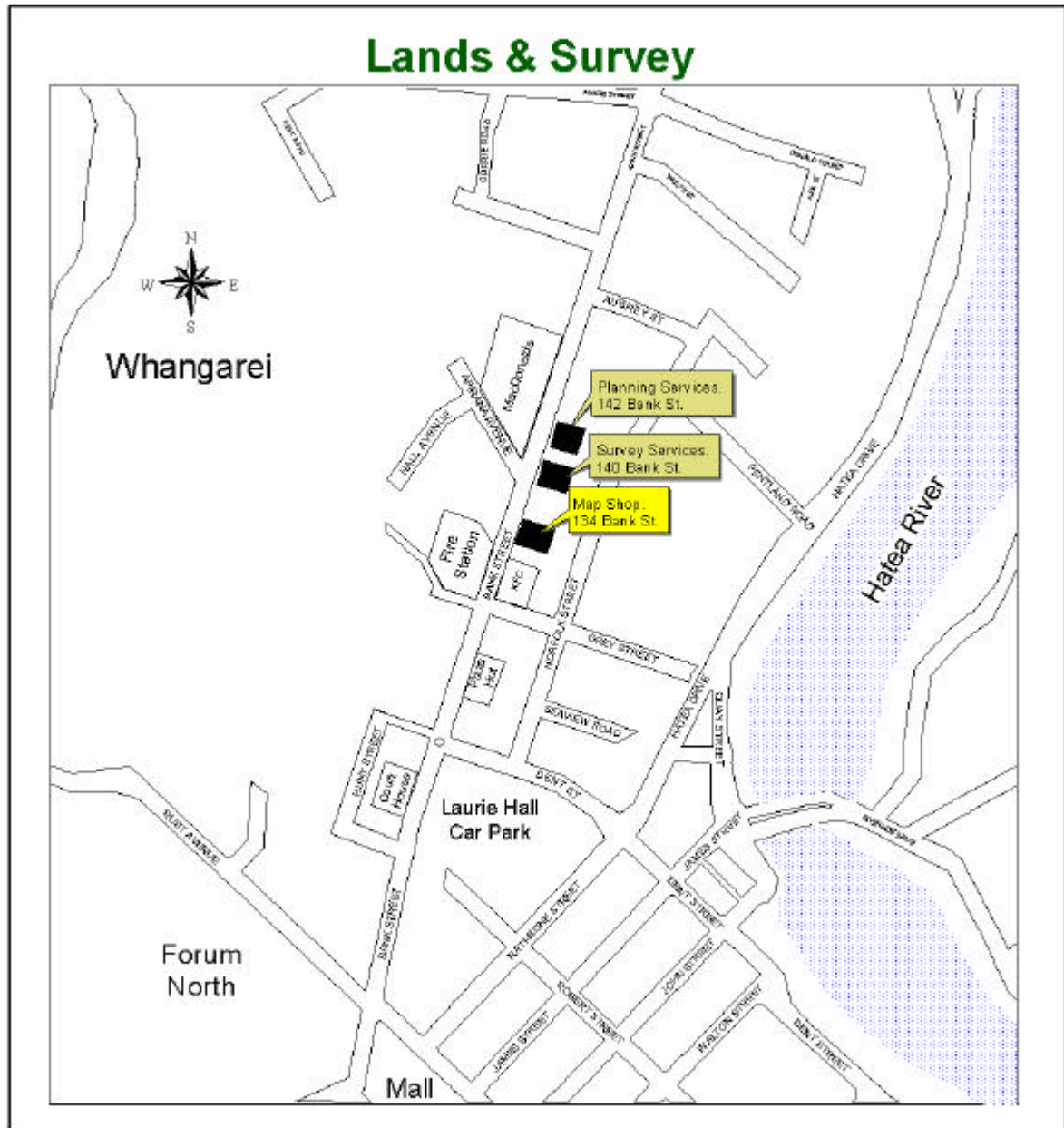
**Lands & Survey Ltd**  
**140 Bank Street, Whangarei, New Zealand**

**Tel: 09 438 7568**  
**Fax: 09 438 4227**  
**Email: [Info@landsandsurvey.co.nz](mailto:Info@landsandsurvey.co.nz)**

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## WHERE TO FIND US



## WHO ARE WE?

Lands & Survey Ltd is a locally owned private company previously known as Hodges & Elrick Ltd.

Hodges & Elrick was a well-known surveying firm formed by Bob Hodges & Mike Elrick in the 1970's. We operate out of Whangarei and Dargaville providing surveying services and specialising in subdivisions

In the late 1990's Hodges & Elrick bought the last remnants of the Whangarei office of the government owned enterprise Terralink and has as a consequence expanded our services to include the sale of land information.

We changed our name to Lands & Survey to better reflect the range of services that we provide.

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## FOREWORD BY MIKE ELRICK

Dear Friends,

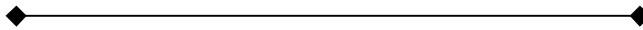
For most people, subdivision is a complete mystery. It can be a long and involved process. If you are thinking of subdividing don't hesitate to give us a call and discuss your proposal with us. We are happy to spend time explaining the subdivision process so that you are fully informed before you decide to proceed with a project.

We will do this at no cost to you and without obligation.

Here at Lands and Survey we have a dedicated team of professionals ready to provide you with the best service possible.



Mike Elrick



## FREE CONSULTATION

The team at Lands & Survey are happy to provide you with a no obligation free consultation to help you understand the complexities of your subdivision.

## ABOUT THIS GUIDE

We wrote this booklet with the best intentions in mind but obviously every job is different and it won't answer all your questions as well as we can in person.

That's why we advise you to use this booklet with discretion and not rely on it entirely.

Come in and talk to us about your project.  
We want to help.

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## THE SUBDIVISION PROCESS

### Things to Consider

In most cases subdivision is carried out in order to create a new lot to sell.

Whether the new lot is urban or rural there are two important things the developer should consider:

1) Will the new lot be practical?

Obviously the main point here is can a house be built on the new lot, but the other things to consider here are:

- Is vehicle access practical?
- Can power and telephone be provided?
- Will the lot be attractive to potential purchasers?
- Can sewage and storm water be dealt with on site or can connections to the public system be provided?

2) What are the costs of development?

Broadly speaking there are three sets of costs.

The first two are obvious but the third is just as important.

#### **Professional fees.**

These fees are mostly the fees charged by your surveyor. The surveyor is the subdivision expert and the person best qualified to advise you on subdivision.

However from time to time there are special cases where other specialist services will be required. These could include, for example, valuation and engineering consultancy services and are dependent on the particular project.

Your solicitor will also be involved in the subdivision. This involvement comes at the end when the existing certificates of title are substituted for the new certificates of title. Your accountant may also need to be involved with advice on tax implications.

#### **The cost of complying with Council's conditions**

These are dependent on the nature of the subdivision. For example a simple boundary adjustment in a rural area may have very few conditions imposed by Council. On the other hand the development of a new lot in an urban area will need to have utility services provided to it (stormwater, sewage, water, electricity and telephone connections) and may be liable for cash contributions to be paid to Council along with Council fees.

#### **Hidden Costs**

Developers sometimes forget these costs. They include the cost of finance for the subdivision project. Another cost is the potential negative effect on the balance of a property after a new lot is created. In some cases tax is due on the profits made from the subdivision. Generally, if you have owned the property for at least 10 years and you are only doing a minor subdivision, there are no tax implications. (See an accountant) At Lands & Survey we try to make the subdivision process as painless as possible but you should allow for your own time and stress when considering the costs.

#### **Note for Subdivision Budget Formula**

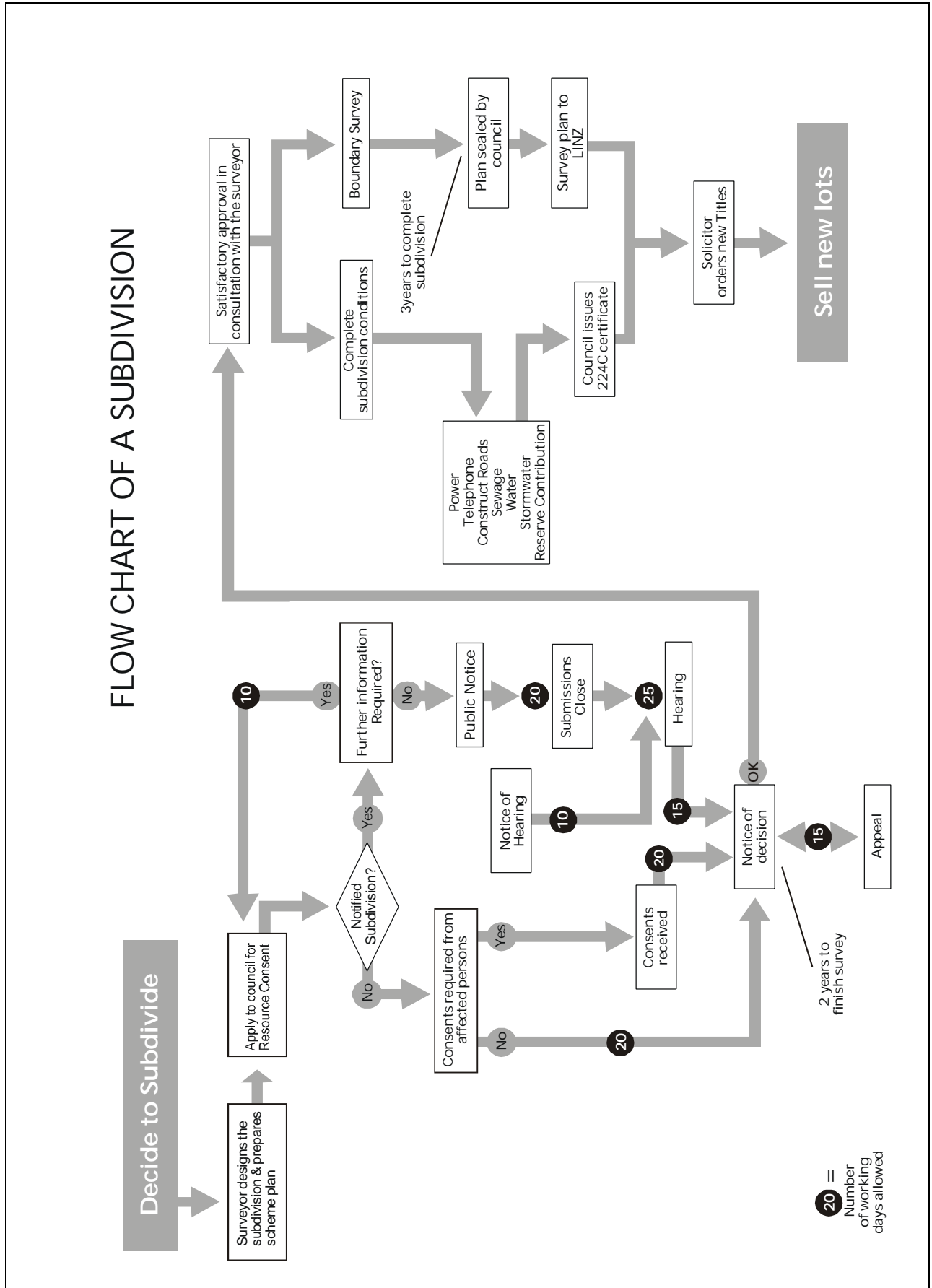
The example on the following page is intended to give you a starting point for budgeting a subdivision and should not take the place of specific advice from an accountant.

The difference between Net Realisation and Total Costs is where the allowance for profit and risk or loss in a project comes from. Don't forget about tax implications

## Subdivision Budget Formula

<b>Estimated Gross Realisation</b>		\$.....
Less Selling Expenses	\$.....	
Commissions (Real Estate Agent)	\$.....	
Legal Costs		
\$.....		
Net Realisation		\$.....
 <b>Less Subdivision Costs</b>		
Direct		
Civil Engineering	\$.....	
Development Costs	\$.....	
Surveyors fees	\$.....	
Solicitors fees	\$.....	
Other Professional fees	\$.....	
Council fees	\$.....	
Reserve Contribution	\$.....	
Land Information NZ fees	\$.....	\$.....
Indirect		
Rates	\$.....	
Interest on money borrowed	\$.....	
Legal fees(eg for purchase)	\$.....	\$.....
Cost of land (or Original land value)		\$.....
 <b>Total Costs</b>		 \$.....

# SUBDIVISION FLOW CHART



## SUBDIVISION DESIGN

There are no particular rules for the position of new boundaries and they are generally regulated by the clients requirements or topographical features.

For example:

- To follow a fence line or river
- To be located to maintain the correct yard width between buildings and boundaries
- To make an allotment a certain area

As long as the requirements of the District Council are met then in most cases we are happy to follow the developers chosen line for the new boundary, they are usually the people who are most familiar with the property.

We are however quite happy to design the subdivision and give advice on boundary position, after all we do have some experience in this area.

## RESOURCE CONSENTS

The District Council is the authority in charge of controlling subdivision.

It has rules that have been developed in consultation with the public and are set down in the District Plan. Like all rules, these are open to interpretation.

It pays to use surveyors who are familiar with a particular district and who know the requirements of a particular District Plan and the council's interpretation of its rules.

Here at Lands and Survey we work in and are familiar with the requirements of the Whangarei, Kaipara, Far North and Rodney District Councils.

Once the design of the subdivision has been settled, we will prepare a scheme plan together with a Resource Consent application and submit it to the District Council. In the majority of cases this application is dealt with by council staff. In some cases it may have to be publicly notified and the application heard by Councils judicial committee.

The time and cost of this process varies from council to council. All councils now have adopted a policy of recovering all of the costs of processing the application.

There are two critical dates in this process:-

- ~~///~~ From the time the subdivision is approved, there are two years allowed to survey the new boundaries draw the survey plan and have the plan sealed (section 223 certificate) by Council.
- ~~///~~ From the date the plan is sealed, three years are allowed for the completion of the Council's conditions and to obtain the new certificates of title.

This sounds like plenty of time, but time can fly and people can get caught out.

## COUNCIL CONDITIONS

The conditions placed on the subdivision depend greatly on the particular circumstances surrounding the subdivision.

For example, in an urban situation a new residential property will probably need to have stormwater, water, electricity, telephone and sewage connections to the public system. The provision of these connections will be a condition of the subdivision.

Before the new titles can be obtained, all of the Council's conditions must be met

## SOME COMMON CONDITIONS

These might include – but are certainly not limited to:

- ✍ Civil Engineering Conditions
  - Provision of entrance crossing
  - Sewer & stormwater connections
  - Water connections
- ✍ Provide Electricity and Telephone connections to the new lots
- ✍ Reserve contribution – this is a cash contribution paid to Council and is intended to be spent by Council to provide reserves.
- ✍ Other financial conditions – Council sometimes requires a specific cash contribution to be spent on upgrading the public infrastructure in the area of the subdivision. This contribution may be for:
  - Road upgrading
  - Bulk water supply
  - Sewage treatment
  - Payment of councils fees to process the subdivision

## BOUNDARY SURVEYS

Once the Council has approved the subdivision you have two years to survey the new boundaries, prepare the survey plan and have the plan sealed by Council. Usually it takes a few weeks for the work to be done.

This is the stage when the new boundaries are pegged. Prior to this, the boundary positions and lot areas were only approximately defined.

This is the time to tell the surveyor if you have a particular position you want a boundary to follow.

Some councils only allow a minor deviation from the scheme plan. (Check with us)

The surveyor works from existing survey marks and uses these to calculate the position of existing boundaries, so he may start quite some distance from your property on occasions.

Existing boundaries do not always need to be resurveyed, so if you want a particular boundary position located while the surveyor is on site, ask him. It may mean some additional work and costs, but it is usually easier and cheaper than doing it separately.

The surveyor may need to come back to the property more than once to place pegs that require office calculations.

Once the survey plan is prepared, we usually ask the property owners to sign the plan, and then send it to the Council to be sealed.

Following that, the plan is given a final check and then sent to Land Information New Zealand to be processed. Land Information New Zealand (LINZ). is the government department responsible for administering the land titles system. Once they approve the plan it becomes the property of the government.

Boundary surveys are controlled under the Survey Act and the survey regulations. These must be strictly adhered to so if you are wondering why the surveyor is doing something strange, it is usually to comply with these regulations.

Sometimes clients ask the surveyor to prepare a site plan at this time. This makes good sense where a new house is planned following the subdivision, and saves a separate trip. This usually involves taking a series of spot levels over the site from which we produce detailed contour plans, which assist the building designer.

## CIVIL ENGINEERING WORKS

Civil engineering work is often part of a council's conditions for a subdivision, but not every subdivision needs work done.

Examples of this type of work include:

- Constructing roads and rights of way
- Installing connections to new lots from the public storm water sewage and water systems.
- Constructing vehicle crossings (from the road to the lot boundary)
- Improving visibility at vehicle crossings.

The work must always be done to the Council's satisfaction. Councils set down standards for work and are strict in ensuring that these standards are adhered to.

Some engineering works need the supervision of a registered engineer (e.g. construction of public roads) but most can be done by contractors experienced in this sort of work under their own supervision. In the case of services the Council will require an 'as-built' plan showing the location of the installed services.

The important points are:

- Use experienced contractors
  - Some councils only allow approved contractors to carry out some types of work. (Particularly water supply)
  - Ensure that Council is notified of works and the correct Council representative
- inspects the work at the appropriate time. Usually this is the subdivision inspector (Not Building Inspectors)
- Make it clear who is responsible for supervising the work and preparing the As-built' plans.

More hold-ups (disasters) occur through inadequately completed engineering works than any other part of a subdivision.

Here at Lands and Survey we have qualified staff to make sure the work is done properly. We undertake the contract supervision and arrange for the completion certificate from Council.

## COMPLETING COUNCIL'S CONDITIONS

All of Council's conditions must be completed before the new certificates of title can be obtained.

Subdivision is a step by step process and it is important to realise that delays at the start or middle cannot be suddenly fixed by putting on more speed near the end of the process.

Once the resource consent has been issued, we suggest that you sit down with us and we will take you through the approval to make sure that you are aware of what all the conditions mean, how much they will cost to comply with and how long it would take. We will also determine the conditions that will be managed by us, and those that will be done by you.

## WHEN CAN I SELL?

You can enter into a sale and purchase agreement once resource consent has been issued for the subdivision.

We recommend that you contact us (and your solicitor of course) before doing so.

The areas of the new lots will not be finalised until the boundary survey is completed and this needs to be specified in the sale and purchase agreement.

The sale will not be completed and you will generally not get any money until the new titles have been issued and transferred to the purchaser.

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## **YOUR SOLICITOR**

Once all of the Council's conditions for the subdivision are completed, the Council will issue a certificate confirming this.

This certificate is sent to your solicitor. He or she then obtains the old certificate of title (usually from the Bank if you have a mortgage) and orders the certificates of title for the new lots from Land Information New Zealand.

Your solicitor may also be involved at an earlier stage if there are covenants or encumbrances to be prepared as part of the Council's conditions. In any case, it is probably a good idea to let your solicitor know at an early stage what you are doing so he or she can be prepared.

When all of the conditions are complete the council will issue a certificate under section 224 of the Resource Management Act.

Your Solicitor can then order the new titles and the Surveyors job is effectively done.

## **OTHER SURVEYING SERVICES**

We do most types of surveying and would welcome any enquiries.

In the event where a particular skill is outside our experience, we will say so and may be able to point you in the right direction.

### **SITE PLANS**

Site plans (or topographical plans) are detailed large-scale plans of an area of land of any area but usually up to a few hectares. They reflect the shape of the land in an accurate way and usually include contours.

Site plans are used by architects to help design buildings usually where the site is difficult or the position of the building is critical.

Other professionals use site plans as part of their design process.

We can provide these plans on paper but it is becoming more common to provide electronic data that can be loaded directly into computer aided draughting (CAD) programs.

## **SETTING OUT**

We provide specialist setting out services and can work directly from design drawings. This most cost effective method of set out is when we are provided with electronic data containing the position of points to be set out. This reduces the need for calculation.

Types of set out with a variety of accuracy requirements we are familiar with are:

Location of the footprint for new buildings where the site is difficult and location is critical

Set out for civil works where a large number of positions are involved (e.g. mass earthworks or road construction)

Set out of control positions for specialised industrial machinery installations

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## **BOUNDARY REDEFINITIONS**

Boundary redefinition is when an old boundary position is located. This is usually required so the boundary can be fenced or where a new building is being constructed. Occasionally they are required to settle a dispute between neighbours. Based on experience we would always recommend a boundary redefinition before a building is constructed close to or on the boundary.

Only Registered Surveyors may carry out a boundary redefinition. In some cases because of the nature of the certificate of title for the land, it is not possible to redefine the boundary.

We will advise you if this is the case and what your options are.

## **GPS SURVEYS**

While GPS surveys are not a specialist survey in themselves, we feel that the advantages of utilising a GPS system in some situations can greatly increase the efficiency of the work.

The GPS system we use is a survey accuracy instrument, which will provide accurate measurements relative to an established point in a few seconds to within a few centimetres.

The GPS system is invaluable in situations involving collection of a large amount of data (e.g. large site surveys or setting out onto sites) .

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## **OTHER SERVICES**

Lands & Survey also provide services in the field of Geographical Information Systems (GIS) and can provide specific advice to suit your requirements.

Lands & Survey also hold a large stock of maps and aerial photographs covering the north.

Draughting services are available and the preparation of farm maps based on aerial photographs is a speciality

We also have a Map Shop which provides:-

**International maps**

**Topographical maps**

**Marine Charts**

**Street Finders**

**Certificate of Title Searches**

**Survey Plans**

**Aerial Photographs**

**Soil Maps**

**Recreational Maps**

**Farm Plans**

**Laser Colour Copying**

**Property Boundary Information**

**Enlargements of Topo Maps from CD**

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## **GLOSSARY**

Boundary Adjustment	A subdivision where the total number of lots stays the same but the position of the boundaries of the lots changes. This type of subdivision still has to go through the full subdivision process.
223 certificate	A certificate on the survey plan which is sealed by the District Council show that they have approved the subdivision.
224 certificate	A certificate issued by the District Council stating that all of the Council's conditions for the subdivision have been completed.
321 certificate	A certificate issued by the District Council for lots with no frontage to a road (i.e. access is by Right of Way).
Reserve	A contribution to the District Council of either land or cash Contributions (usually cash) which is used for providing reserves in the same area as the subdivision.
Easement	A right for the owners of one lot to carry out some form of activity over another lot (e.g. an electricity easement allows electricity to be conveyed to a property over another property).
Right of Way	A particular type of easement, which allows the owners of a lot access over a portion of another lot.
District Plan	The District Council's rules for all the activities (including subdivision) that take place in its district.
Survey Plan	The plan depicting the precise position of the legal boundaries on a property. It is usually made up of two sheets – one showing the surveyors information and one showing the legal information.
Scheme Plan	A preliminary plan of the subdivision used to obtain council consent. Because it is approximate the areas may differ from the areas on the survey plan by 20% or more.
Certificate of title	This document holds all the legal information on a particular parcel of land. This could include owners, easements, mortgages, covenants land area and dimensions.
Limited Titles	Some titles have "Limited as to parcels" stamped on them. This usually means that the original survey information on boundary definition is not that good and it may affect the cost of the boundary survey