

SUBDIVISIONS - WHAT YOUR LAWYER DOES FOR YOU

1. You have decided to subdivide

It is important you arrange meetings with your lawyer and accountant as soon as you have decided to subdivide so any potential issues can be identified straight away.

At this stage we also discuss with you whether you may want any covenants registered on the new titles to control the style of buildings and types of activities that can occur on the land.

2. The initial stages

The surveyor or planner prepares an application to the local Council for a resource consent. If the application does not comply with the district plan, or is for some reason not granted, we are available to provide assistance. We can also explain the effect of any conditions attached to the resource consent.

3. Drafting of all documentation

Once the resource consent is granted, the surveyor begins the survey work and creates the initial plan, which is sent to us and our work begins. The title plan, together with the resource consent and the existing register of title tell us what documents will be needed for the new records of title to be created at Land Information New Zealand (LINZ).

We will prepare all necessary documentation which may include consent notices, covenants, easements and obtaining titles, but we may have to prepare other documents which may be necessary. The plan also gives us the legal description of the parcels of land in the new registers of title. We set up what is called an E-dealing in the LINZ website to create these titles.

4. Fulfilment of conditions and final checking

We then wait until any conditions the Council has imposed in the resource consent - such as driveways and electricity connections to sites - are completed. Once these are physically in place the surveyor will complete the survey plan. We will amend and finalise our documents and have our clients sign them.

5. Ready to lodge for new titles

The Council then issues its certificates to LINZ – the s221 – which means the survey plan is correct – and the s224 – which means that the conditions of the resource consent have been fulfilled. Once these are filed with LINZ, and our client has signed all documents, we can submit our E-dealing to LINZ

6. Land Information NZ will issue new titles

All going well, and if the matter is fast-tracked it, generally takes LINZ 10 working days to issue the new records of title.