

PLANNING INFORMATION SHEET 9

223 and 224(c) subdivision certification

I have had a subdivision consent issued – now what do I do?

The subdivision consent alone does not give you new land titles. There are still a number of steps to be completed before you can apply to the District Land Registrar (through Land Information New Zealand – LINZ) to have new certificates of title issued.

These steps include the issue of the Section 223 and Section 224(c) certificates. These sections are referred to in the Resource Management Act 1991 (RMA).

When reading through your subdivision consent decision you will notice that it has been issued subject to a number of conditions. These conditions are usually broken up into two parts – those that must be completed before the Section 223 certificate may be issued, and some that must be completed before the Section 224(c) certificate may be issued.

In essence, the Section 223 conditions relate to the preparation of an accurate subdivision scheme plan and associated legal documents such as easements or land covenants that are endorsed on the survey plan (i.e. the 'paperwork'). The Section 224(c) conditions on the other hand, predominantly relate to the completion of physical works on the site, such as the installation of services, or the construction of access routes.

223 Certification

Once subdivision consent is issued an applicant has five years to lodge a Survey Plan with Council. This plan is a detailed plan prepared by a registered surveyor showing the boundaries, areas, and if relevant any easements and covenants that need to be prepared.

If the plan is in accordance with what was approved by Council as part of the subdivision consent then a Section 223 certificate approval will be signed. Once this has been signed by Council the plan may then be lodged with Land Information New Zealand (LINZ) for approval. This lodgment is the responsibility of the applicant.

Applicants should allow a minimum of 5 working days for processing of a 223 certification application. This time frame will be extended where an application is incomplete or the plan is not in accordance with what was originally approved by Council.

224(c) Certification

Once a 223 certificate has been signed by Council, an applicant then has a further three years from the date of signing to obtain a Section 224(c) certificate. A Section 224(c) certificate is a final approval from Council that all conditions of the subdivision consent have been complied with.

A formal application for 224(c) certification needs to be made to Council by an applicant once all works required as part of the subdivision have been completed. This application needs to set out each condition of resource consent and comment on how compliance has been achieved. This application should be accompanied by the relevant 224(c) certificate for signing. Certificate templates are available from Council upon request. *(continued overleaf)*

The processing of a 224(c) certificate requires Council Officers and Engineers to undertake a site inspection, review supporting documentation supplied with the application (including as built plans showing new services), confirm that the relevant development contributions have been paid and undertake a check of each condition of resource consent to confirm that they have been complied to the satisfaction of Council.

Once Council is satisfied that all conditions of subdivision consent have been complied with then the 224(c) certificates will be signed. An applicant must then lodge this certificate with Land Information New Zealand (LINZ) to allow separate titles for the newly created lots to be issued. Please note that Council is not responsible for the application for new titles – the subdivision consent holder or their agent must make this application.

The 224(c) certificate must be lodged with LINZ prior to the lapsing of Section 223 approval (three years from the date of signing); otherwise an applicant's subdivision consent will lapse.

Applicants should allow a minimum of 15 working days for processing of a 224(c) certification application. This time frame will be extended where an application is incomplete, or further works are required to achieve compliance with resource consent conditions.

Consent Notices

A consent notice is a notice which is registered against the titles of the newly created lots which brings future purchaser's attention to certain conditions relating to those lots. A consent notice may be used to address such issues as minimum floor levels, or stormwater disposal for new buildings on the land. An applicant's subdivision consent decision will set out if a Consent Notice is required and the conditions which are to be included in that notice.

A consent notice is issued pursuant to Section 221 of the Resource Management Act and will need to be supplied by the applicant at the time of application for 224(c) certification. A Consent Notice template is available from Council upon request.

Fees for 223 & 224(c) Certification

There is a set fee payable for 223 and 224(c) certification. Please refer to Council's Environmental Services Resource Consent Fees schedule.

Building consent applications

Please note that the Council will not issue a building consent for a newly subdivided property unless the 224(c) completion certificate has been issued for the subdivision consent. In this case your building consent (if you have already applied for one) will be placed on hold until the 224(c) certificate has been issued.

Further questions?

If you have any further questions in relation to the above or in relation to the resource consent process please contact Council's Duty Planner.

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