

PRESENTERS



Grania Clark, Senior Associate, Brookfields, Auckland

An experienced property lawyer, Grania acts for territorial authorities on their Public Works Act 1981 dispositions and acquisitions, subdivisions, compliance matters, leasing arrangements governed by statute, and advises on the effect of Council construction projects on private land owners' rights. For her corporate and private clients, Grania acts on residential and commercial subdivisions and property transactions, leasing arrangements, Unit Titles developments and re-developments, and various Body Corporate issues.



Rae Hill, Senior Associate, Brookfields, Auckland

Rae has extensive experience in a wide range of commercial and property transactions in both private practice and in-house as a solicitor for a previous local authority.

Rae practices in the following areas:

- Property – this includes sale and purchases (residential and commercial), refinancing and subdivisions
- Business – this includes sale and purchases, commercial leases, shareholder arrangements, terms of trade and private lending

CONTENTS

PROPERTY – SUBDIVISIONS	1
INTRODUCTION	1
<i>Why Subdivide?</i>	1
<i>Role of Territorial Authorities</i>	1
<i>Why is it Important to Get It Right?</i>	2
DUE DILIGENCE ON PROPERTY BEFORE SUBDIVISION	3
<i>Review Existing Title</i>	3
<i>Existing Use Rights</i>	4
<i>Location: Sensitive Land and Esplanade, Reserves</i>	4
COMMON FORMS OF SUBDIVISION	5
<i>Fee Simple Subdivision</i>	6
<i>Cross Lease Subdivisions</i>	6
<i>Conversion of a Cross Lease to Fee Simple</i>	7
<i>Unit Title Subdivisions</i>	7
APPLYING FOR RESOURCE CONSENT	11
<i>Pre-application Meeting</i>	11
<i>Surveyor – Initial Review and Scheme Plan</i>	11
<i>Planner – Familiar with the District</i>	12
<i>Development Contributions</i>	13
<i>Review Application to the Council</i>	13
COUNCIL RESOURCE CONSENT DECISIONS	14
<i>Duration of Consent</i>	14
<i>Objection to Council Decisions, Appeals and Variations of Resource Consent</i>	14
<i>Conditions of consent</i>	15
<i>Vesting as Road or Reserve</i>	15
<i>Council Compliance Documents - Requirements and Process</i>	16
FINALISING LT PLAN AND PREPARING DOCUMENTS FOR REGISTRATION	21
<i>Review the Plan</i>	21
<i>Section 223 Approval of Plan</i>	21
<i>Documents for Developers’ Solicitor to Prepare</i>	22
OBTAIN AND LODGE S 224(C) CERTIFICATE	24
<i>Issue of s 224(c) Certificate</i>	24
REGISTRATION AND DEPOSIT OF PLAN	26
<i>Mortgages and Encumbrances</i>	26
<i>Plan to be Deposited at LINZ for approval with Documentation</i>	27
APPENDICES	29