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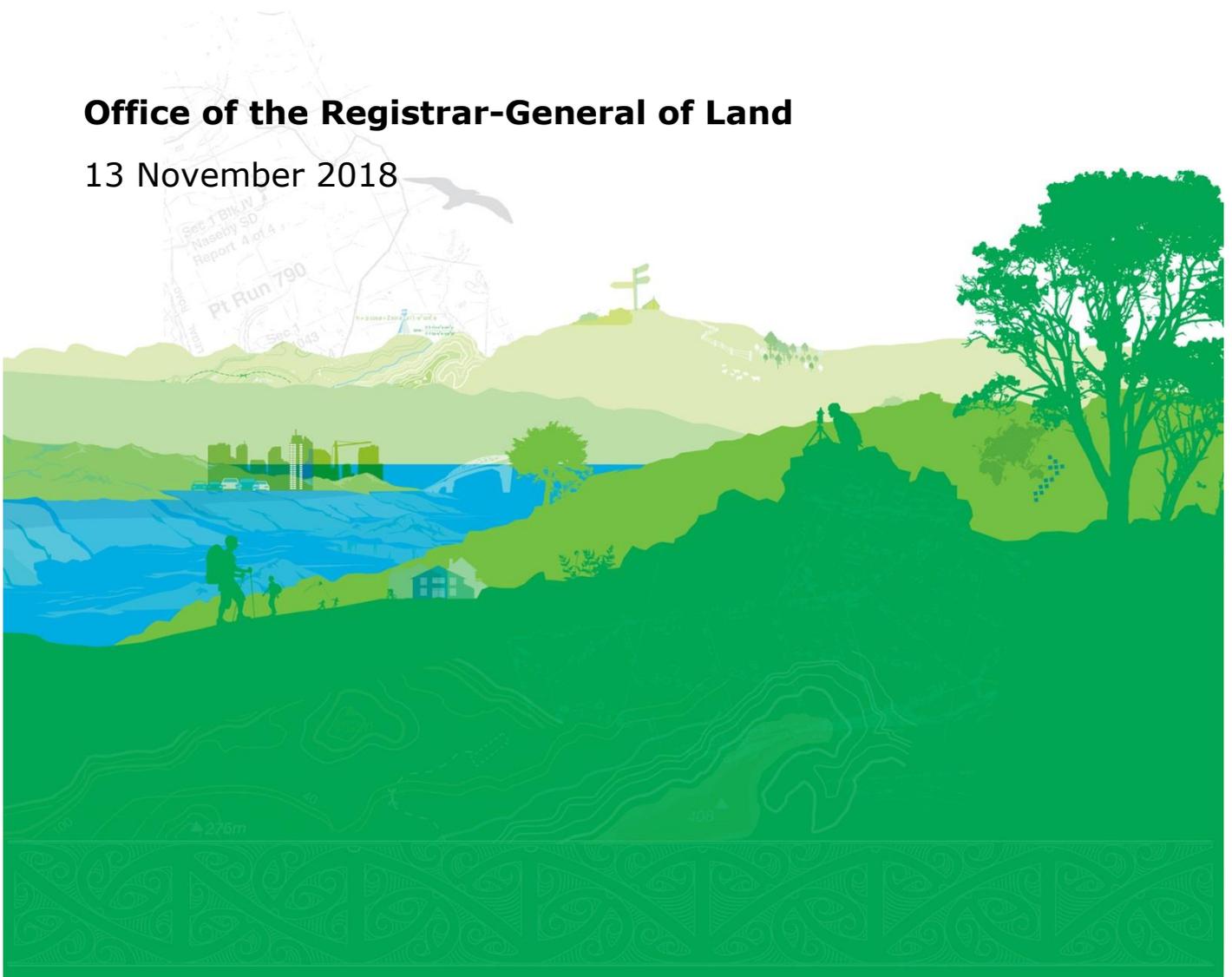
# Deposit of survey plans for the subdivision of land

Guideline 2018

LINZG20777

**Office of the Registrar-General of Land**

13 November 2018



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## Introduction

The requirements for subdividing land are set out in s 11 and Part 10 of the RMA. This Act confers on territorial authorities (TAs) the power to issue consents for subdivisions and approve survey plans under those consents.

The Registrar-General of Land (RGL) is responsible for ensuring that all approvals, certifications, and consents have been obtained before survey plans showing the subdivision of land are deposited or any new record of titles are issued.

It is important that documentation for the deposit of survey plans is correct and complies with the legislation; errors and omissions will cause delays in the issue of new record of titles, and may undermine TA planning processes or adversely affect landowners and other parties.

This guideline replaces the following document:

Guideline for the deposit of survey plans for the subdivision of land LINZG20708 published 12 September 2010

## Purpose of this guideline

This guideline is intended to assist practitioners, surveyors and LINZ staff to:

- a) understand and comply with the legislative requirements, and
- b) obtain the relevant approvals, certifications, consents and other documentary requirements for deposit of subdivision plans.

## References

This guideline should be read in conjunction with:

- Land Transfer Act 2017
- Resource Management (Forms Fees and Procedure) Regulations 2003
- Resource Management Act 1991; in particular s 11 and Part 10 of the RMA (Subdivision and reclamations)
- Unit Titles Act 2010.

## Terms and Definitions

- a) For the purposes of this guideline, the terms and definitions in s2 of the Resource Management Act 1991 (RMA) apply, unless stated below.
- b) Terms and abbreviations used in this guideline that are not defined in the RMA are defined below or in the LTA.
- c) Any references to a section in this guideline are a reference to that section of the RMA, unless stated otherwise.

Act	means the Resource Management Act 1991
Amalgamation Condition	means a condition of the type in s 220(1)(b), to ensure part or parts of the land being subdivided, or any other adjoining land of the subdividing owner, be held together
Chief Surveyor	See "Surveyor-General"
complete unit plan	as defined in s 5 of the Unit Titles Act 2010
Consent	means a subdivision consent as defined in s 218 of the Act
Consent Authority	as defined in s 2 of the Act, means a regional council, a TA, or a local authority (also defined in s 2 of the Act) that is both a regional council and a territorial authority, whose permission is required to carry out an activity for which resource consent is required under the Act
Crown Land	means land vested in Her Majesty which is not set aside for any purpose or held by any person in fee simple - see s 2 of the Land Act 1948
Consent Notice	means a notice issued under s 211 of the Act
Crown subdivision	means a subdivision of land of the Crown , in accordance with s 228 of the Act
Gazette 2003	means the notice published in the <i>Gazette</i> on 6 November 2003, on page 4198
Land of the Crown	any land owned by the Crown, whether Crown land or not, and whether or not held under the Land Transfer Act 1952

Landonline	means the online service for surveyors, lawyers, and other land professionals, providing access to New Zealand's authoritative database for land title and survey information. It enables land professionals to search, and to lodge title dealings and survey data digitally
LGA 1974	Local Government Act 1974
LGA 2002	Local Government Act 2002
LTA	Land Transfer Act 2017
LINZ	is Land Information New Zealand
<i>New Zealand Gazette</i>	the <i>New Zealand Gazette (or Gazette)</i> – <i>Te Kahiti o Aotearoa</i> , the official newspaper of the Government of New Zealand
Plan	means the survey plan as defined below
Primary Plan	means the plan submitted for approval under s 233 – see 237 of the Act
Practitioner	as defined in s 5 of the LTA
proposed unit development plan	as defined in s 5 of the Unit Titles Amendment Act 2010
Record of title	as defined in s 5 of the LTA
RGL	means the Registrar as defined in s 5 of the Act as the Registrar-General of Land appointed in accordance with s 231 of the LTA
RMA	Resource Management Act 1991
Separate plan	means a separate survey plan described in s 237
stage unit plan	as defined in s 2 of the Unit Titles Amendment Act 1979
subdivision of land	as defined in s 218 of the RMA

substituted proposed unit development plan	as defined in s 5 of the Unit Titles Amendment Act 1979
survey plan or plan	as defined in s 2 of the RMA
Surveyor-General	means the Surveyor-General appointed under <a href="#">section 5</a> of the Cadastral Survey Act 2002. Section 69 of the RMA states that references in other enactments to the Chief Surveyor in the context of cadastral surveys or an interest in a tenure system is to be read as a reference to the Surveyor-General
TA (Territorial Authority)	means a territorial authority as defined in s 2 of the LGA 1974, which defines it as having the same meaning as 5(1) of the LGA 2002 which is a city council or district council named in Part 2 of Schedule 2 of the LGA 2002. Compare Consent authority (CA)
UTA	Unit Titles Act 2010.

# 1 Format of deposit documents and s 223 certificates

- a) The RGL has not specified any deposit documents under s 223 of the Act.
- b) Recommended formats for certificates are set out [Schedule 1 of this guideline](#), and a recommended form of deposit document is set out in [Schedule 2](#) of this guideline.

## 2 Approval of survey plan by territorial authority

### 2.1 TA approvals and certificates

- a) Section 223 sets out the process for TA approval of a survey plan.
- b) If a TA approves a survey plan, it must certify the approval under s 223(3).
- c) Before a survey plan can be deposited, the TA must provide a certificate under s 224(c) stating that:
  - i) all conditions of the consent that were imposed have been complied with to the satisfaction of the TA; or
  - ii) some conditions have been complied with to the satisfaction of the TA, and in respect of those conditions not complied with:
    - a completion certificate has been issued under s 222 and/or
    - a consent notice has been issued under s 221 and/or
    - a bond has been entered into by the subdividing owner in compliance with any condition of a consent imposed under s 108(2)(b).
- d) If a plan approval certificate issued under s 223 has a further statement saying *'no conditions have been imposed'*, it can be accepted as essentially a statement pursuant to s 224 in lieu of a s 224(c) certificate.

### 2.2 Completion certificate

- a) Completion certificates are issued when conditions of consent are dependent on the owner completing any work required by the TA. The certificate may specify that the owner has entered into a **bond** binding the owner to carry out and complete the work or make a financial contribution.
- b) Completion certificates are not registrable.

### 2.3 Registration of consent notice

If a consent notice is issued, it must be registered.<sup>1</sup>

## 2.4 Registration of bond

- a) A TA may enter into a bond with a subdividing owner under s 108(2)(b) to secure compliance with a condition of subdivision consent.
- b) The bond may be registered, but is not mandatory for survey plan deposit.

## 2.5 Plan approval under s 223 must be less than three years old

A survey plan may be deposited if **less** than three years has passed since the TA approved it under s 223.<sup>2</sup>

# 3 Restrictions upon deposit of survey plan

## 3.1 Format of s 224 certificate

[Schedule 1](#) contains of this guideline contains recommended formats that are acceptable and may be used for certificates under s 224

## 3.2 Building Act provisions for cross lease, company lease of unit plan s 224(f)

In the case of the subdivision of land by the grant of a cross lease, company lease or deposit of a unit plan, a TA must provide a certificate that any buildings to which the lease or unit title plan relates, complies with the provisions of s 116A of the Building Act 2004.

# 4 Amalgamation conditions

## 4.1 Format of s220(1)(b) certificates

[Schedule 1](#) of this guideline contains that formats are acceptable and may be used for certificates under s 220(1)(b).

## 4.2 TA obligations in granting amalgamation conditions

In granting a consent subject to an amalgamation condition, a TA must:

1. First consult with the RGL in accordance with s 220(3) of the Act;<sup>3</sup> and

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<sup>1</sup> s 224(d) RMA

<sup>2</sup> Section 224(h)

<sup>3</sup> Section 220(3)

2. Specify, as part of the condition, that the amalgamated land either be:
  - a. held in one record of title; or
  - b. be subject to a covenant between the land owner and the TA, that any specified part or parts of the land shall not, without the consent of the TA, be transferred, leased, or otherwise disposed of except in conjunction with other land.<sup>4</sup>

### **4.3 Where new record of title required – registration actions**

If there is an amalgamation condition then:

- a) a new record of title must be issued, incorporating all the parcels specified in the amalgamation condition, and
- b) a memorial must be added citing s 241(2) of the RMA as the statutory authority.

## **5 Amalgamation covenants**

### **5.1 Format of s 220(2)(a) certificates**

[Schedule 1](#) of this guideline contains that formats are acceptable and may be used for certificates under s 220(2)(a).

### **5.2 Registration actions**

Where a condition on a consent requires land to be amalgamated subject to a land covenant, the land covenant should be lodged for registration with the subdivision transaction.

## **6 Cancellation of amalgamation covenants**

### **6.1 Format of s 240(5)(b) certificates**

[Schedule 1](#) of this guideline contains that formats are acceptable and may be used for certificates under s 240(5)(b).

### **6.2 Cancellation of amalgamation covenant – *before or after* plan approved**

An amalgamation covenant can be cancelled before or after a survey plan is approved by the Surveyor-General:

- a) if before, a memorandum of the cancellation is endorsed on the plan.<sup>5</sup>

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<sup>4</sup> Section 220(2) of the Act.

<sup>5</sup> Sections 240(4) and (5)(a)

- b) if after, a signed certificate from the TA to the RGL, to the effect that the covenant has been cancelled in whole or in part when received by the RGL, will be noted on the relevant land transfer records accordingly.

## 7 Cancellation of amalgamation conditions on allotments

### 7.1 Format of s 241(4)(b) certificates

[Schedule 1](#) of this guideline contains that formats are acceptable and may be used for certificates under s 241(4)(b).

### 7.2 Cancellation of amalgamation condition – before or after plan approved

The whole or part of an amalgamation condition may be cancelled before or after a survey plan is approved by the Surveyor-General or deposited:

- a) if cancelled before, by a memorandum of the cancellation endorsed on plan;<sup>6</sup>
- b) if cancelled after, by a certificate from the TA to the RGL to the effect that the covenant has been cancelled in whole or in part. When received by the RGL, will be noted on the relevant land transfer records accordingly.<sup>7</sup>

### 7.3 Cancellation of amalgamation condition – after plan approved

A condition of amalgamation on a survey plan may be cancelled after a plan is approved by the Surveyor-General or deposited.

## 8 Easements

### 8.1 Application of s 243

Section 243 sets out the requirements for a consent, subject to the grant or reservation of an easement.

### 8.2 Surrender or variation

Written consent from a TA is required before such an easement can be surrendered, varied or merged by transfer to the owner of the benefited and burdened land.<sup>8</sup>

### 8.3 Memorandum

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<sup>6</sup> ss 241(3) and (4)(a)

<sup>7</sup> ss 241(3) and (4)(b).

<sup>8</sup> Section 243(a)

Such easements must be in a memorandum added to the survey plan which identifies the benefited and burdened land or, in the case of an easement in gross, the proposed grantee and the burdened land.<sup>9</sup>

## 8.4 Easement not granted when plan deposited s 243(c)

- a) Before the RGL can register any transfer, lease or other disposition of any lots on the survey plan subject to such easement, the RGL must be satisfied they are or will (by the time the instrument is registered) be granted or reserved.
- b) The RGL will note the instruments and records of title for lots affected by an easement in paragraph (a) above (both in and outside the subdivision) as being subject to s 243 (c).

## 9 Access strips

### 9.1 Public access on private land

An easement across a strip of land for an access strip enables public access to any river, lake, coast, esplanade reserve, esplanade strip, other reserve, or land owned by the local authority or by the Crown (see s 2 definition of access strip including exclusion).

### 9.2 Creation – s 237B

A TA may agree with the registered owner of land to acquire an easement over their land and any conditions that may apply.

### 9.3 Consent precondition to registration – s 237B(7)

The RGL can only register an easement for an access strip if every person who has a registered interest in the land has consented. For paper instruments, consent from every person who has a registered interest in the land must be endorsed on the instrument creating the easement for an access strip before it may be registered.

## 10 Cancellation of consent conditions requiring easements

### 10.1 Format of s 243(e) or (f) certificates

[Schedule 1](#) of this guideline contains formats that are acceptable and may be used for certificates under s 243(e) or (f).

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<sup>9</sup> 243(b)

## **10.2 Cancellation of easement condition – *before or after plan approved***

Cancellation of the whole or part of an easement condition may be effected before or after a survey plan is deposited:

- a) if before approval by the Chief Surveyor, by the RGL adding a memorandum to the plan;<sup>10</sup> and
- b) If after approval or deposit, by the RGL noting the relevant land transfer records upon receipt of a certificate from the TA that the condition has been cancelled in whole or in part.<sup>11</sup>

## **11 Vesting of road**

### **11.1 Vesting as road**

A survey plan deposited by the RGL, or a s 228 Crown subdivision plan approved by the Surveyor-General may include land shown as a road to be vested in a local authority or the Crown.

When deposited or approved it vests free from all interests and encumbrances to which it is subject, without the need for any instrument of release or discharge.

### **11.2 Consent precondition to deposit of plan**

The RGL can only deposit a survey plan which shows land vesting in the Crown or a TA, with the prior written consent of the following persons who have an interest, including any encumbrance, in the land:

- a) every registered owner in the case of land subject to the LTA; and
- b) every person in the land that is evidenced by an instrument registered under the Deeds Registration Act 1908.

### **11.3 Vesting land also burdened land subject to easement**

For example, if the land to be vested as road is also burdened land subject to an easement (which is not surrendered), the RGL must have the prior written consent of the owner and any mortgagee of the benefited land when depositing the plan.

### **11.4 Vesting land subject to land covenant**

If land to be vested on deposit is subject to a land covenant which is affected by the vesting as road, and the owner of the land benefitting from the covenant consents,

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<sup>10</sup> Refer to s 243(e) and (f)(i)

<sup>11</sup> Refer to s243(e) and s243(f)(2)

the consent of any mortgagee of the land benefitting from the land covenant is not also required.

## 12 Private ways and private roads

### 12.1 Private ways and private roads – approval under s 223

If a TA has certified a survey plan under s 223(3), that is conclusive evidence that any roads, private roads, reserves, land vested in the authority in lieu of reserves, and private ways shown on the plan have been authorised and accepted by the territorial authority.<sup>12</sup>

## 13 Vesting as reserve or other land

### 13.1 Format of s 239(2) certificates

[Schedule 1](#) of this guideline contains that formats are acceptable and may be used for certificates under s 239(2).

### 13.2 Vesting of land free of interests upon RGL deposit or SG approval

When the RGL deposits a plan (or the Surveyor-General approves it under s 228) if land described below is shown on the plan to be vested in the Crown or TA, it vests:

- a) reserve (or land in lieu of reserve)<sup>13</sup>; and
- b) land or river bed (*not being* part of the coastal marine area) or lake<sup>14</sup>

free from all interests (including encumbrances), without the need for instrument of release or discharge.

### 13.3 Consent precondition to deposit of plan

The RGL can only deposit a survey plan which shows land vesting in the Crown or a TA, with the prior written consent of the following persons who have an interest, including any encumbrance, in the land:

- a) every registered owner in the case of land subject to the LTA; and
- b) every person in the land that is evidenced by an instrument registered under the Deeds Registration Act 1908

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<sup>12</sup> Section 223(5)

<sup>13</sup> Section 239(1)(a)

<sup>14</sup> Land shown as in the coastal marine area becomes part of the marine and coastal area. Sections 239(1)(c) and (d)

For example if land to be vested as reserve is currently is also burdened land subject to an easement (which is not surrendered), the RGL must have the prior written consent of the owner and any mortgagee of the benefited land when depositing the plan.

## 13.4 Consent of land with benefit of a covenant

Mortgagee consent is not required when the owner of land which has the benefit of a land covenant immediately affected by a vesting has provided consent.

## 13.5 Vesting subject to interests

Despite s 239(1), land may be vested subject to an interest which the TA has certified on the survey plan, shall remain with the land. (s 239(2)).

# 14 Esplanade strips

## 14.1 Esplanade strip as a condition of consent

- a) A consent condition<sup>15</sup> can require the creation of an esplanade strip:
  - i) of the width specified in a rule in a district plan; and
  - ii) for any of the purposes set out in s 229;<sup>16</sup> and
  - iii) is created by the registration of an instrument between the TA and the subdividing owner.
- b) An instrument creating the strip must be lodged with the RGL for plans indicating land is to be subject to an esplanade strip.<sup>17</sup>

## 14.2 Prescribed form of instrument

The prescribed form for an instrument creating an esplanade strip is Form 31, [Schedule 1](#) of the Resource Management Act (Forms, Fees, and Procedure) Regulations 2003.

## 14.3 Esplanade strip by agreement

- a) By agreement between the registered owner of any land and the local authority an esplanade strip for the purposes set out in s 229 may be created under s 235.
- b) The RGL can only register an instrument creating such an esplanade strip, if prior written consent from every person who has a registered interest in the land immediately affected by it is obtained/supplied.<sup>18</sup> For electronic

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<sup>15</sup> Section 220

<sup>16</sup> Section 232(1)

<sup>17</sup> Section 224(g)

<sup>18</sup> Section 235(2)

instruments, where the e-dealing certifications do not apply, these consents will need to be attached as images.

## 14.4 Showing esplanade reserves or strips on plan

- a) Esplanade reserves or strips are not required to be surveyed, but if shown on a primary plan:
  - i) shall be clearly identified in a manner the Surveyor-General considers appropriate;
  - ii) must be shown on the plan before the TA approves it;
  - iii) can be shown on a separate plan submitted to the TA where:
    - A. an esplanade reserve or strip is required in respect of a cross lease, company lease, or unit plan, and
    - B. the TA determines (after consultation with the RGL) that it is not practical for it to be included on the primary plan.
- b) TA shall not approve the primary plan until it has approved the separate plan.<sup>19</sup>

## 14.5 Primary and separate survey plans to be deposited together

Where a separate plan described above and approved in accordance with s 237(3) shows an esplanade strip, the RGL can deposit the primary plan and (for Crown subdivisions) issue a record of title for any separate allotment shown on it, provided:<sup>20</sup>

- a) both plans have a memorandum to the effect that a separate survey plan has been approved by the TA; and
- b) the separate plan is deposited prior to or at the same time as the primary plan.

# 15 Legal and physical access

## 15.1 Consent refused or conditional if insufficient legal and physical access to each allotment

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<sup>19</sup> Section 237(3)

<sup>20</sup> Section 237(4)

- a) When considering a consent, a Consent Authority must consider legal and physical access under s 106(1)(c), and access requirements regarding limited access roads under ss 91 and 93 of the Government Roding Powers Act 1989.
- b) A Consent Authority may refuse consent or grant it subject to conditions, if insufficient provision has been made for legal and physical access to each allotment created by a subdivision.

## 15.2 Role of LINZ

- a) If a Consent Authority has granted consent to a subdivision without mention of access conditions on the plan, LINZ can assume that access is sufficient.
- b) A notice regarding access from a limited access road lodged with LINZ and in order for registration under ss 91 and 93 of the Government Roding Powers Act 1989, must be processed and registered by the RGL in accordance with those sections. For cancellations or variations see subsection 91(6).

## 16 Deposit of Unit plans

Refer to the Interim guideline for Unit Titles Act 2010 - LINZG20720

## 17 Reclamation plans

### 17.1 Approvals and certificates

A plan of reclaimed land requires the approvals and certificates specified in ss 245 and 246; it must be approved by a Consent Authority in the manner set out in s 245(5)(a) including a certificate described in s 245(5)(b).<sup>21</sup>

### 17.2 Format of s 245(b) and s 246 certificates

[Schedule 1](#) of this guideline contains suggested formats are acceptable and may be used for certificates under s 245 and s 246.

### 17.3 Requirements for deposit

The RGL cannot deposit a reclamation plan unless:

- a) the relevant consent authority approval under s 245 occurred within the preceding three years, and
- b) a copy of the s 245(5)(b) certificate is lodged with the RGL.

### 17.4 Title to reclaimed land which is land of the Crown

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<sup>21</sup> Sections 245(1) and 245(5)(b)

Any reclaimed land which forms part of a riverbed or lakebed which is land of the Crown, can be the subject of an application to the Minister<sup>22</sup> by any person for any right, title or interest in land.

The procedure for such applications is in s 355.

If a reclamation under ss 245 and 246 affects Crown land and the applicant for title is someone other than the Crown, the procedure outlined in s 355 must also be complied with, even though the sections are not cross-referenced.

## 18 Cancellation of prior approvals

### 18.1 Application of s 227

Under s 227<sup>23</sup>, a new plan supersedes and cancels any earlier approved plan for the same land, except:

- a) the following conditions on any earlier approved plan for the same land remain:
  - i) compulsory easement conditions (refer to s 243), and
  - ii) consent conditions to be complied with on a continuing basis (refer to s 221).
- b) If one of the following types of plans is deposited, then any prior approval for a plan of the same land is not cancelled (refer to s 227(2)):
  - i) unit plans,
  - ii) survey plans that give effect to the grant of a lease under s 218(1)(a)(iii), and
  - iii) cross lease plans, and
  - iv) company lease plans.

### 18.2 Cancellation of building line restriction

If a TA cancels a building-line restriction in terms of s 327A of the LGA, it must send a notification of the cancellation to the RGL. The notice is registered on the affected record of title(s).

## 19 Restrictions on issuing records of title

### 19.1 Restrictions on issue of new records of title relating to an existing plan

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<sup>22</sup> Minister of the portfolio responsible for Crown Land.

<sup>23</sup> See also s327A of the Local Government Act 1974.

The RGL can only issue a record of title for any land shown as a separate allotment on a plan once satisfied (after due enquiry) of the matters in s 226(1).

Note that:

- a) if the subdivision has already been given effect to by the issue of the current record of title, s 226 does not apply; and
- b) section 226 does not reinstate any approval that is deemed to be cancelled under s 227. This means that s 226(1)(a) to (bb) needs to be read in conjunction with s 227; and
- c) existing TA approvals under the RMA and repealed legislation are recognised as remaining valid. Refer to s 226(1)(a), (b), (ba), (bb), (bc), and s 227; and
- d) approvals given under repealed legislation that precedes the Municipal Corporations Act 1954 (for urban land) or the Counties Amendment Act 1961 (for rural land) are not recognised as valid; and
- e) the certificate required under s 226(1)(e) applies to a particular allotment on the plan rather than to the plan as a whole.

## 20 Exemptions to the Resource Management Act 1991

### 20.1 Leases

Section 226A sets out instances where s 11 and Part 10 of the RMA does not apply. These are summarised below.

Exemption	Legislation
registration of a cross or company lease in renewal or substitution for a cross or company lease; and	s 226A(1)(a)
issue of a record of title in respect of a building or part of a building;	ss 226A(1)(a) and 408(1)
shown on a plan that: <ul style="list-style-type: none"> <li>• was lodged or deposited, or</li> <li>• has a certification under s 314 of the LGA, or</li> <li>• was approved by the then Chief Surveyor<sup>24</sup></li> </ul> before 1 October 1991, ie the date the RMA was enacted	

<sup>24</sup> Now the Surveyor-General. Refer to s 69 of the Cadastral Survey Act 2002.

registration of a lease of a residence within retirement village premises shown on a plan deposited before 1 October 1991, ie the date the RMA was enacted if a certificate referred to in s 226A(2) to the effect that s 226A(1)(b) applies, is attached to the lease

s 226A(2)

## 20.2 Māori Land

Divisions of land resulting from partition of ownership under Te Ture Whenua Maori Act 1993 (TTWMA) is an exemption to the s 11(1) prohibition on subdivision (s11(2)).

Such partitions are effected by plans approved by the Maori Land Court (MLC) (s 300 of TTWMA).

TTWMA provides that MLC partitions of land owned by a hapu into parcels held by owners outside the hapu:

- a) the MLC shall follow the RMA (for partitions inside hapu it need not) (s 301 of TTWMA); and
- b) an RMA consent is required (s 303 of TTWMA).

If the TTWMA provisions do not apply, a survey plan for the subdivision of land cannot be accepted for deposit other than in accordance with s 224.

## 20.3 Exemptions under other statutes

Exemptions from Part 10 of the RMA may occur in a range of specific circumstances under various statutes. These cover, for example, transfers of land to District Health Boards, or for railways or schools. A full list of these exemptions and suggested wording for certificates is provided in Schedule 1 below.

## 20.4 Statement of exemption

If a subdivision is exempt from Part 10 of the RMA, the grounds for exemption should be stated. Such details may be provided by or on behalf of the subdivider as follows:

Exempt from the provisions of Part 10 of the Resource Management Act 1991  
*[insert plan purpose and statutory authority for the exemption]*  
*[dd month yyyy]*  
*[Signature]*

## 20.5 Exemption certificates for specific statutes

[Schedule 1](#) of this guideline contains that formats are acceptable and may be used for certificates under s 239(2).

## 21 Crown subdivisions

### 21.1 Subdivisions of LTA land

Unless there is a specific statutory exemption, subdivisions of land of the Crown subject to the LTA are subject to the same subdivision requirements and restrictions under Part 10 of the RMA as privately owned land.

### 21.2 Other subdivisions

Where a TA approves a Crown subdivision of land not subject to the LTA under s228:

- a) approval by the Surveyor-General of the survey plan of the subdivision has the same effect as if it were deposited under s 224<sup>25</sup>; and
- b) the land is then deemed to be subject to the LTA and, subject to subsection 228(2), a record of title for the land may be issued by the RGL in the name of Her Majesty the Queen; at the request of either the Director-General of Conservation or the Surveyor-General.
- c) The RGL shall not issue such a record of title unless s 224 is complied with.

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<sup>25</sup> Section 228(1)(a)

## Schedule 1: Recommended format of RMA Certificates<sup>26</sup>

	Section	Certificate
Amalgamation Conditions	220(1)(b)	That Lot ____ Plan _____ (____/____) be transferred to the owner of Lot ____ Plan _____ (____/____) and that one Record of Title be issued to include both parcels. See _____.
	220(1)(b) (ii) and (iii)	That Lot ____ Plan _____ (____/____) and Lot ____ Plan _____ (____/____) and Lot ____ Plan _____ (____/____) be held in the same Record of Title. See _____.
	220(1)(b) (iv)	That Lot ____ Plan _____ (legal access) be held as to five undivided one-fifth shares by the owners of Lots _____, _____, _____, _____ and _____ Plan _____ as tenants in common in the said shares and that individual Records of Title be issued in accordance therewith. See _____.
Amalgamation Covenants	220(2)(a)	The owner(s) of the land shown in Plan _____ [has/have] entered into an amalgamation covenant pursuant to section 220 (2) (a) of the Resource Management Act 1991. (See _____.
Section 223 Approval	223	I hereby certify that Plan _____ was approved by the _____ pursuant to section 223 of the Resource Management Act 1991 on the ____ day of ____.
Section 223 Approval + Conditions	223	The approval of the council, under section 223 of the Resource Management Act 1991, is subject to the amalgamation condition(s) set out hereon.
	223	The approval of the council, under section 223 of the Resource Management Act 1991, is subject to the granting or reserving of the easement(s) set out in the Memorandum of Easements attached as a supporting document to Plan _____.

<sup>26</sup> As published in the New Zealand Gazette, Thursday, 6 November 2003.

[https://www.dia.govt.nz/Pubforms.nsf/NZGZT/NZGazette150Nov03.pdf/\\$file/NZGazette150Nov03.pdf#page=43](https://www.dia.govt.nz/Pubforms.nsf/NZGZT/NZGazette150Nov03.pdf/$file/NZGazette150Nov03.pdf#page=43)

	<b>Section</b>	<b>Certificate</b>
Section 224 Approval + No Conditions	224(c)	Pursuant to section 224 (c) of the Resource Management Act 1991, I hereby certify that no conditions have been imposed. Dated this _____ day of _____.
Section 224 Approval + All Conditions	224(c)	Pursuant to section 224 (c) of the Resource Management Act 1991, I hereby certify that all conditions of the subdivision consent have been complied with to the satisfaction of the _____. Dated this _____ day of _____.
Section 224 Approval + Conditions	224(c)	Pursuant to section 224 (c) of the Resource Management Act 1991, I hereby certify that some conditions of the subdivision consent have been complied with to the satisfaction of the _____ and that a completion certificate and/or consent notice has/have been issued and/or a bond has been entered into in respect of those conditions that have not been complied with. Dated this _____ day of _____.
Section 224(f) Approval	224(f)	Pursuant to section 224 (f) of the Resource Management Act 1991, I hereby certify that the _____ is satisfied on reasonable grounds that every building [or part of a building] shown on this plan complies with [or will comply with] the provisions of the building code specified in section 46 (4) of the Building Act 1991.
Vestings	239(2)	Pursuant to section 239 (2) of the Resource Management Act 1991, I hereby certify that the _____ desires that Lot ____ Plan _____ which is to vest as a reserve shall remain subject to the right of way created by _____.
Cancellation of Amalgamation Covenants/Conditions	240(4)	Pursuant to section 240 (4) of the Resource Management Act 1991, I hereby certify that the _____ has cancelled the amalgamation covenant(s) relating to Lot ____ Plan _____ (____/____) and Lot ____ Plan _____ (____/____) and Lot ____ Plan _____ (____/____).

	<b>Section</b>	<b>Certificate</b>
	241(3)	Pursuant to section 241 (3) of the Resource Management Act 1991, I hereby certify that the _____ has cancelled the amalgamation condition(s) requiring Lot ____ Plan _____ (____/____) and Lot ____ Plan _____ (____/____) and Lot ____ Plan _____ (____/____) be held in the same Record of Title.
Cancellation of Easements	243(e)	Pursuant to section 243 (e) of the Resource Management Act 1991, I hereby certify that the _____ has revoked the condition(s) as to the creation of _____ marked _____ on Plan _____ over Lot ____ Plan _____ (____/____) appurtenant to Lot _____ Plan _____ (____/____).
Reclamation Plans + No conditions	245(5)(b)	Under section 245(5)(b) of the Resource Management Act 1991, I certify that the reclamation conforms with the resource consent and the relevant provisions of the Regional Plan (no conditions imposed).  [Signature]  Chief Executive/Authorised Officer of the [name of regional council]
Reclamation Plans + All conditions complied with	245(5)(b)	Under section 245(5)(b) of the Resource Management Act 1991, I certify that the reclamation conforms with the resource consent and the relevant provisions of the Regional Plan, and all the conditions of the resource consent have been complied with. [dd month yyyy].  [Signature]  Chief Executive/Authorised Officer of the [name of regional council]

	Section	Certificate
Reclamation Plans + 1.1.3 some or no conditions complied with	245(5)(b)	Under section 245(5)(b) of the Resource Management Act 1991, I certify that the reclamation conforms with the coastal permit and the relevant provisions of the Regional Plan. Some/none of the conditions of the resource consent have been complied with and a bond has been given under section 108(2)(b) of the Resource Management Act 1991 and/or a covenant has been entered into under section 108(2)(d) of the Resource Management Act 1991 in respect of those conditions that have not been complied with. [ <i>dd month yyyy</i> ].  [Signature]  Chief Executive/Authorised Officer of the [ <i>name of regional council</i> ]
Exemption Certificates		
<b>Public works:</b> a subdivision by acquisition, taking, transfer or disposal under the Public Works Act 1981 (PWA) (except that such disposals shall be without further division (unless otherwise provided by the PWA)).	s 11(1)(b) RMA	Land to be transferred under the Public Works Act 1981 exempt under section 11(1)(b) of the Resource Management Act 1991
<b>Education</b>	s 206(4) of the Education Act 1989	Land to be transferred to an institution exempt under section 206(4) of the Education Act 1989
<b>State-owned enterprise:</b> a subdivision by transfer or resumption (ss23 and 27D State-Owned Enterprises Act 1986)	s 11(1)(ca) RMA	Land to be transferred to a state-owned enterprise exempt under section 11(1)(ca) of the Resource Management Act 1991
<b>Railways:</b> a subdivision to effect	s 25A of the New Zealand	Land to be vested in a Crown Transferee Company exempt under s 25A of the New

	Section	Certificate
transfer of disposal to adjoining owner	Railways Corporation Restructuring Act 1990	Zealand Railways Corporation Restructuring Act 1990
<b>Crown Research Institutes:</b> a subdivision by transfer of land or interest (not later than 30 June 1994) to a Crown Research Institute	s 32 of the Crown Research Institutes Act 1992	Land to be transferred to a Crown Research Institute exempt under section 32 of the Crown Research Institutes Act 1992
<b>District Health Boards:</b> a subdivision by transfer of land or interest to a transferee by another transferee (transferee defined in s2 of the Health Sectors (Transfers) Act)	clause 5 of Schedule 1 of the Health Sector (Transfers) Act 1993	Land to be transferred to a District Health Board is exempt under clause 5 of the first schedule to the Health Sector (Transfers) Act 1993
<b>Irrigation Schemes:</b> a subdivision by transfer of land or interest to a transferee under Part 1	s 12 of the Irrigation Schemes Act 1990	Land to be transferred is exempt under section 12 of the Irrigation Schemes Act 1990
<b>Housing:</b> any time before 1 October 1991 (date Part 10 RMA came into force) and either approval under Local Government Act 194 or no approval required	s 28(6)(a) of the Housing Restructuring and Tenancy Matters Act 1992	Land to be vested in a Crown Transferee Company is exempt under section 28(6)(a) of the Housing Restructuring and Tenancy Matters Act 1992
<b>Airports:</b> a subdivision of any airport	s 6(8) of the Airport Authorities Act 1966	Land to be leased is exempt under section 6(8) of the Airport Authorities Act 1966

	<b>Section</b>	<b>Certificate</b>
<b>Southland Electricity:</b> a subdivision by transfer of land or interest under Part 1	s 12 of the Irrigation Schemes Act 1990	Land to be transferred to The Power Company Limited is exempt under section 12 of the Irrigation Schemes Act 1990
<b>Far North District Council:</b> vesting of land	s 7(1) of the Northland Regional Council and Far North District Council Vesting and Empowering Act 1992 (NRCFNC Act)	Land vested in the Far North District Council is exempt under section 7(1) of the Northland Regional Council and Far North District Council Vesting and Empowering Act 1992
<b>Treaty settlement Acts</b>	See specific Acts	<i>Based on specific provisions in Act – see specific treaty guideline</i>
<b>Any other enactment</b>	See specific Acts	Land to be [ <i>insert relevant disposition eg transferred</i> ] exempt under the [ <i>insert section, part and Act</i> ]

## **Certifications under the Local Government Act 1974**

<b>Section</b>	<b>Certificate</b>
348	Approved pursuant to section 348 of the Local Government Act 1974 is the [Right of way/Private Way/Private Road] specified in the Schedule of Easements attached as a supporting document to Plan _____.

## **Certifications under the Unit Titles Act 1972**

<b>Section</b>	<b>Certificate</b>
5(1)(g)	Pursuant to section 5 (1) (g) of the Unit Titles Act 1972, I hereby certify that every building shown on Unit Plan Number _____ has been erected and all other development work has been carried out to the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured.

5(1)(g) First, Subsequent Stage and Complete Unit Plan – 6(1)	I further certify that the UP is consistent with the Proposed Unit Development Plan number UP _____ A.
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## Schedule 2: Recommended form of deposit of survey plan

### DEPOSIT OF SURVEY PLAN

(For use in conjunction with subdivision plans requiring Territorial Authority approvals and certifications under the Resource Management Act 1991 or Unit Titles Act 2010)

<b>BARCODE</b>
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#### Land registration district

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#### Plan number

--

#### Territorial authority (the Council)

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**Certifications under the Resource Management Act 1991 (options that do not apply must be deleted)**

#### Pursuant to the Resource Management Act 1991, I hereby certify that:

- the above plan was approved by the Council pursuant to section 223 of the Resource Management Act 1991 on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_<sup>i</sup>
- no conditions have been imposed<sup>ii</sup>
- all the conditions of the subdivision consent have been complied with to the satisfaction of the Council<sup>iii</sup>
- [some/none] of the conditions of the subdivision consent have been complied with to the satisfaction of the Council and a [completion certificate and/or consent notice has/have] been issued [and/or] a bond has been entered into in respect of those conditions that have not been complied with<sup>iv</sup>
- pursuant to section 224(f) of the Resource Management Act 1991, the Council is satisfied on reasonable grounds that every [building/part of a building] shown on this plan [complies with/will comply with] the provisions of the building code specified in section 46(4) of the Building Act 2004<sup>v</sup>
- the approval of the Council under section 223 of the Resource Management Act 1991 is subject to the creation of the easement(s) set out in the Memorandum of Easements on the attached Annexure Schedule<sup>vi</sup>
- the approval of the Council under section 223 of the Resource Management Act 1991 is subject to the amalgamation conditions set out hereon (see Consultation Number .....)<sup>vii</sup>
- the owner(s) of the land shown in the above plan [has/have] entered into amalgamation covenant pursuant to section 220(2)(a) of the Resource Management Act 1991 (see Consultation Number .....)<sup>viii</sup>
- pursuant to s 239(2) of the Resource Management Act 1991 the easement or other interest specified in the attached Annexure Schedule, which affects an allotment to vest as reserve, shall remain with the land upon deposit of the plan<sup>ix</sup>

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

.....  
**Chief Executive/Authorised Officer**

**Annexure Schedule**

**Plan number**

**Certifications under the Unit Titles Act 2010 (options that do not apply must be deleted)**

- Pursuant to section 32(2)(a)(1) of the Unit Titles Act 2010, I hereby certify that every building shown on the above plan has been erected and all other development work has been carried out to the extent necessary to enable all the boundaries of every unit and the common property shown on the plan to be physically measured<sup>x</sup>
- I further certify that the said plan is consistent with proposed unit development plan Number.....A<sup>xi</sup>

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20

.....  
**Chief Executive/Authorised Officer**

<b>Memorandum of easements</b> (Pursuant to section 243 of the Resource Management Act 1991)			
<b>Purpose</b>	<b>Shown</b>	<b>Servient Tenement (Burdened Land)</b>	<b>Dominant Tenement (Benefited Land)</b>

<b>Amalgamation conditions</b> (Pursuant to section 220 of the Resource Management Act 1991)

<sup>i</sup>. This certification is required for all subdivisional plans unless the subdivision is exempt from the

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requirements of Part X of the Resource Management Act 1991. If an exemption is to be relied upon in connection with the deposit of a plan, the statutory authority must be specified.

- ii. If conditions have been imposed this certification must be deleted.
- iii. If conditions have been imposed and are yet to be satisfied this certification must be deleted.
- iv. If conditions have been imposed and are yet to be satisfied this certification should be modified as appropriate.
- v. This certification is only required for plans relating to unit title, cross lease or company lease developments. It must be deleted in all other cases.
- vi. This certification is only required where a subdivision has been approved subject to the creation of easement pursuant to s 243 of the Resource Management Act 1991. It must be deleted in all other cases.
- vii. This certification is only required where a subdivision has been approved subject to an amalgamation condition pursuant to s220 Resource Management Act 1991. The reference number for the consultation with the Registrar General of Land must be specified. The certification must be deleted in all other cases.
- viii. This certification is only required where a subdivision has been approved subject to an amalgamation condition and the Council has required a covenant to be entered pursuant to s220 Resource Management Act 1991. The reference number for the consultation with the Registrar General of Land must be specified. The certification must be deleted in all other cases.
- ix. This certification is only required where the Council wishes to retain an easement affecting an allotment to vest as reserve pursuant to s 239(2) of the Resource Management Act. It should be deleted in all other cases.
- x. This certification is only required for unit plans under the Unit Titles Act 2010. It must be deleted in all other cases.
- xi. This certification is only required for Stage Unit Plans under the Subpart 4 of the Unit Titles Act 2010. It must be deleted in all other cases.