

	The stages of a subdivision	How we can help save you time and money...
1.	<p>Feasibility – is the subdivision going to give the result you want?</p>	<ul style="list-style-type: none"> At a very early stage we can review your existing title and your sketch plans to indentify any problematic legal considerations or whether the subdivision best suits a fee simple development, a stratum estate development or something else. We can explain the subdivision process in each circumstance and help develop the structure to best meet your cash flow requirements. <p><i>Example: Do you need to deal with third parties to get easement surrenders - are there alternatives? Is there a covenant restricting the right to subdivide?</i></p>
2.	<p>Pre-sales – get contracts signed before the subdivision is completed.</p>	<ul style="list-style-type: none"> In creating the form of agreement you use for your presales it's important to balance the need for flexibility, the requirements of the market, and the requirements of the bank. The agreement must be flexible enough to give you some room to make changes as you complete the subdivision but precise enough to keep purchasers bound. Just how far you are through the resource consent process will impact on how much flexibility you will need. We can create a precedent agreement that can be distributed to the agents acting on your behalf. <p><i>Example: What will your agreement allow you to safely register against your new titles without a purchaser using this to cancel or claim compensation? Even if you remove a right for purchasers to requisition titles, common law rights survive. This can delay settlements and cost you money.</i></p>
3.	<p>Resource consent – prepare draft plan and resource consent application and submit</p>	<ul style="list-style-type: none"> Early input into the description of the subdivision in the resource consent application can be extremely useful, especially where there is common property. If the subdivision is complex, consider a meeting with your surveyor, planner and lawyer at the outset to flesh out issues. <p><i>Example: Describing the ownership structure properly in the application can obviate the need to apply for a variation to the consent after its issue.</i></p> <ul style="list-style-type: none"> We can review the draft resource consent conditions before they are finalised - you will be surprised how much the wording of the conditions can change the requirements on you. <p><i>Example: Councils seem to like common facilities to be owned in particular ways. This could unwittingly cause you to be in breach of the Securities Act 1979 and make your pre-sale contracts void.</i></p>

4.	Funding – obtain development funding	<ul style="list-style-type: none"> The requirements of the banks change; what can be negotiated as the pre-conditions for development funding are different now to what they were 3 years ago. By seeing the loan offers for a variety of lenders we can understand their expectations.
5.	Construction – implement resource consent conditions and complete subdivision	<ul style="list-style-type: none"> Ask us to review your construction contracts and get in touch immediately if any dispute arises under the contracts, especially payment disputes. <i>Example: The Construction Contracts Act 2002 requires developers to pay contractors and argue later unless they follow processes very carefully.</i>
6.	Survey plan/s223 – prepare plan and submit to LINZ and Council	<ul style="list-style-type: none"> Ask us to review the final plan, liaise with the surveyor and to start preparing documents for titles – you don't want to be waiting at the end. <i>Example: Fast-track might be an option for you - LINZ processes the plan and titles within 12 working days, rather than the 25 working days for standard lodgement. The surveyor and lawyer need to work together to achieve this.</i>
7.	Titles/s224 – complete construction and obtain section 224 certificate from council; finalise and sign documentation to obtain titles and lodge at LINZ	<ul style="list-style-type: none"> We should all be organised so that we can lodge for titles immediately the section 224c certificate is available. Each day lost is money.
8.	Settlements – settlements are completed	<ul style="list-style-type: none"> We check your new titles and have efficient settlement processes so settlements proceed smoothly and quickly. We also know how to deal with problem purchasers.