

LAND DIVISION

IS009

Responsible Officer: MDS

Issue Date: 29/08/2023

Next Review Date: July 2027

The division of land constitutes development under the Planning Development and Infrastructure Act 2016 (PDI Act). Approval is required pursuant to the PDI Act 2016 and the Real Property (Registration of Titles) Act 1986 and applies to proposals to realign property boundaries and/or the creation of new allotments.

Types of Land Divisions

1. Community Titles
2. Boundary realignments
3. Creation of additional allotments

Application Requirements

Schedule 8 of the PDI Act Regulations 2017 sets out the requirements for land division applications. These include:

- ☐ Completed online application – <https://plan.sa.gov.au/>
- ☐ Plan of division
- ☐ Certificate of Title
- ☐ Supporting documentation

The Land Division Process

Step 1: Lodgement of Application

A Land Division application must be lodged online. The State Planning Commissions (SPC) determine the applicable fees and also organise any referrals required to relevant State Government agencies such as SA Water, Native Vegetation Council and Coast Protection Board. The SCAP can attach any conditions it deems appropriate.

Step 2: Referral to Council for Assessment

Once the SPC has referred the application to appropriate agencies, the application is referred to Council. Council is required to assess the land division proposal against the Planning and Design Code Development Plan and have regard for the Building Code of Australia if there are any buildings on the site.

Development Approval may include conditions of consent pertaining to requirements of the SPC and Council. These conditions may relate to the construction of roads and services, payment of open space fees or fees for connection to a CWMS, or other such matters that may be determined by either the Council or SPC.

Step 3: Certificate of Approval from State Commission Assessment Panel (SCAP)

It is the applicant's responsibility to comply with any planning conditions or land division requirements to the satisfaction of Council or the SPC. Once the SPC is satisfied all its conditions and requirements are met, and Council advises the SPC that its conditions are satisfied, the SPC will issue the Final Land Division Certificate which may then be lodged with the Registrar General for deposit in the Land Titles Registration Office.

Step 4: Lodgement with Lands Titles Office

After receiving the final land division Certificate of Approval you may then lodge an application with the Land Titles Office for the deposit of the plan of division and to be issued with new Certificates of Title.

This application must include:

- ☐ Original plan of division;
- ☐ Current land division Certificate of Approval from the SPC;
- ☐ Certificate(s) of Title for the land;
- ☐ Any other documentation as may be required to bring the division into effect (including additional documentation for Community Titles).

Frequently Asked Questions

Conventional Land Division versus Community Title

There are a number of factors a landowner or developer should consider before deciding on the tenure of the land division for their proposal.

Factors that may influence this decision include:

- Development costs (water/sewer fees, surveying/documentation costs etc.)
- Marketplace evaluation;
- Professional advice (e.g. surveyor, real estate);
- Family/personal choice;
- Size, design and nature of development proposal;
- Character of locality;
- Development Plan requirements (allotment size, site area, car parking, road frontage etc.).

Must I use an Agent?

There is no legislative requirement for you to use the services of an agent to prepare the plan of division for Planning Approval or to lodge the application for Planning Approval. The choice is the applicant's. However, the plan must be drawn to an acceptable standard and meet the requirements of Schedule 8 of the PDI Regulations.

A surveyor can prepare an acceptable plan, lodge the application on your behalf and monitor the progress of your application. Furthermore, the surveyor can ensure the application is dealt with as efficiently as possible by dealing quickly with any conditions and further requirements of either the Council or the State Planning Commission.

It is worth noting approximately 95% of all applications are lodged by agents (e.g. surveyor, conveyancer) acting on behalf of an owner or applicant.

Applications need to be lodged electronically via the <https://plan.sa.gov.au/> Electronic applications enjoy advantages in the speed of lodgement and distribution and enable the Agent to monitor the progress of the application. Surveying agents have ready access to the SA Planning Portal and the relevant expertise to prepare and lodge the required documentation.

How long will it take to get approval?

The length of time for a land division application to be completed can vary greatly and will depend on the impact, complexity and size of the application. For the majority of land division applications the Regulations require the relevant authority to issue the Development Approval within three months of lodgement.

During this three month period the SPC has two months to consult with other agencies and forward its report and conditions to the Council. The other agencies have 28 days to respond to the SPC.

Minor applications are forwarded to Council within several days of lodgement and it is not uncommon for these applications to receive development approval within six weeks.

Further Information

For any queries regarding a Land Division please contact Council's Development Services Department on (08) 8832 0000.

Or the State Planning Commission.

Phone: 1800 752 664, option 5

Email: dpti.pdplanningservices@sa.gov.au