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LAND DIVISION

IS009

Responsible Officer: MDS

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Next Review Date: June 2018

The division of land constitutes development under the Development Act 1993. Approval is required pursuant to the Development Act 1993 and the Real Property (Registration of Titles) Act 1945 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 5 of the Development Regulations 2008 sets out the requirements for land division applications. These include:

- Completed Application Form
- Application Fees (as prescribed by Schedule 6 of the Regulations)
- 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 with the Development Assessment Commission (DAC). The DAC 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 DAC can attach any conditions it deems appropriate.

Step 2: Referral to Council for Assessment

Once the DAC has referred the application to appropriate agencies, the application is referred to Council. Council is required to assess the land division proposal against the Yorke Peninsula Council 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 DAC and Council. These conditions generally relate to construction of roads and services.

Step 3: Certificate of Approval from Development Assessment Commission (DAC)

It is the applicant's responsibility to comply with any planning conditions or land division requirements to the satisfaction of Council or the DAC. Once the DAC is satisfied all its conditions and requirements are met, and Council advises the DAC that its conditions are satisfied, the DAC 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 DAC;
- 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 5 of the Development 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 Development Assessment 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.

Surveying Agents lodge applications electronically via the EDALA system. Electronic applications enjoy advantages in the speed of lodgement and distribution and enable the Agent to monitor the progress of the application.

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 DAC 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 DAC.

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:

Maitland Office (08) 8832 0000
Yorketown Office (08) 8852 0200

Or the Development Assessment Commission (DAC) at:

Phone: 1800 752 664, option 3
Email: dpti.pdplanningservices@sa.gov.au