



INFORMATION SHEET NO. 10

Information to Submit with a Development Application for LAND DIVISIONS

Land division approval is required pursuant to the Development Act, 1993 and the Real Property Act 1886 and applies whether land is divided or a boundary between neighbours is adjusted.

Application

An application for land division **must** be lodged with the State Commission Assessment Panel (the Commission) and must be in the form prescribed by the Development Regulations comprising the following:-

- Completed application form (Application forms are available from the State Commission Assessment Panel on request).
- Plan of division (plus copies as specified by SCAP this is usually a minimum of 9 copies.)
- Application fees.
- Two copies of the Certificate of Title.
- Supporting documentation (where applicable).

Contact Details for State Commission Assessment Panel are as follows:-

State Commission Assessment Panel
Ground Floor, 101 Grenfell Street
ADELAIDE SA 5001
General enquiries: 1800 752 664 (Select option 3)
www.saplanningcommission.sa.gov.au/scap

Plan of Division

The plan of division required for planning approval must be drawn to a reasonable drafting standard and in the format prescribed by Schedule 5 of the Development Regulations. Any structures like buildings, fences, powerlines, easements and any relevant topographical features (creeks, native vegetation, etc) are required to be depicted on the plan. Advice on the preparation of the plan may be obtained from the Commission.

It is generally recommended a surveyor is sought due to the complex drafting requirements associated with legal identification of land and associated easements or encumbrances.

A surveyor can prepare an acceptable plan, lodge the application on your behalf and monitor the progress of your application. Most surveyors utilise the electronic lodgement system (EDALA) established by the Commission.

The following page outlines the basic process for a land division application.

1. Lodge application with the State Commission Assessment Panel

All applications for land division **must** be lodged with the State Commission Assessment Panel. The Commission assigns a development application number and then forwards copies of the application to any relevant government agencies (e.g. SA Water, Commissioner of Highways, etc) and then to Council with their report.

2. Council Undertake Assessment

All development applications are assessed against the Development Plan and any other legislation relevant at the time the application is lodged. The purpose of assessment is to ensure that the proposed development conforms with the objectives of the Zone and the relevant principles of development control.

As a part of the assessment process an application may be required to be publicly notified or formally referred to other government agencies. If the application is publicly notified third parties can comment on the application and may also have a right of appeal against any decision. If the application is formally referred to other government agencies, the agencies may have power to direct Council to refuse the application or impose conditions on an approval.

The Light Regional Council Development Plan may be viewed over the counter at Council's Kapunda office or the Freeling Branch Office, or online at Council's website www.light.sa.gov.au or at www.planning.sa.gov.au

3. Council Issue Decision

Once a decision on your application has been made a formal Decision Notification Form will be issued to either you or your surveyor. If the application is refused the Council or the Commission will advise you of the reason for the refusal and of your available appeal rights. If your application is approved the following steps will apply.

4. Meet any Conditions of the Approval

The Development Approval may include conditions of consent and also land division requirements of the Council and State Commission Assessment Panel. These requirements generally relate to any necessary road and or drain construction, provision of water, sewer and power services. For further notes on what types of things may be required please refer to the notes on the following pages which outline some issues for you to consider prior to lodging an application.

5. Advise Council when Conditions and Requirements have been Met

It is the applicants responsibility to comply with any conditions or requirements imposed, to the satisfaction of Council and the Commission. You will need to advise Council in writing once all conditions and requirements have been met. Council will check to confirm this and, if satisfactory, will issue clearance for the application to the Commission. This is referred as section 51 clearance.

6. SCAP to issue Approval

When the Commission has received clearance from Council, the Commission will check to confirm if its conditions have been satisfactorily met and will issue your Land Division Certificate.

7. Final Step - Lodge with Registrar-Generals Office

After receiving the final from the State Commission Assessment Panel you may then lodge an application with the Registrar-General (Lands Titles Office) for the deposit of the plan of division and the issue of the new Certificates of Title.

How long will it take?

The length of time for a land division application to be completed (from time application is lodged with the Commission to when the final Certificates of Title for new allotments are issued) can vary greatly, most minor land divisions take between 3-6 months however it can take anywhere up to 12-18 months depending on:

- The impact, complexity and magnitude of the proposal;
- Any statutory requirements for the assessment such as public notification, agency referrals, etc;
- The time taken by you or your surveyor to submit any further information that is requested in respect of the application; and
- The time taken by you or your surveyor to complete any conditions or requirements of the approval.

Please note that an application can be refused if you fail to supply any requested information within a specified time frame.

Costs Involved

Below are some of the fees and costs that may be applicable for your application.

Application Fees

Contact the State Commission Assessment Panel for current lodgement fee details. Further fees may be required if your application is determined to require public notification or formal referral to a government agency. Council will advise you or your agent in writing if additional fees are required.

Agent Fees

Fees to engage the services of a licensed surveyor or conveyancer to prepare a plan and/or lodge your application may vary considerably and will depend on the surveying and drafting requirements of your particular proposal, the extent of services you require and your individual negotiations with appropriate agents.

SA Water Fees

This includes connections fees and may also include fees to relocate or alter existing infrastructure. It is recommended that you contact SA Water to obtain an approximate quote for your proposal, or alternatively your surveyor may undertake this for you.

Open Space Contribution Fees

The Development Act requires 12 ½ % of the land within a proposed land division for urban sized allotments to be set aside as reserve which vests free of cost in the local council for use by the general community. However, in the case of small land division, applications where only several allotments are proposed, a monetary open space contribution is payable to the State Commission Assessment Panel.

The amount payable is based on the number of additional allotments being proposed and the current rate prescribed by the Regulations. The rate is changed on 1 July each year, based on the market value of land, determined by the Valuer General. This money is paid into the Planning and Development Fund which is administered by the Minister for Transport and Urban Planning and is used primarily to fund State and Local Government Regional and Metropolitan Open Space System programs. This fee is subject to change on an annual basis. Please contact the Commission for the rate applicable at the time you lodge your application.

Lands Titles Registration Office Fees

A schedule of these fees for the deposit of the plan and the issue of new Certificates of Title may be obtained from the Lands Titles Office.

Electricity Power Supply

The connection of or alteration to existing electricity power supply to the proposed allotments is not part of the statutory planning process but there may be implications for the existing registered proprietor or the prospective purchaser. If possible this could impact on the overall development costs associated with the land division proposal, particularly in the hills region and rural areas. Enquiries should be directed to SA Power Networks.

Sewerage - Community Wastewater Management System

Applicants are responsible for paying and arranging for the installation of any CWMS infrastructure required to service all allotments created by the division. If a CWMS line does not run pass the property already then you may be required to do a considerable line extension. Generally, this infrastructure will be required to be installed prior to final clearance being issued.

Council also has an Augmentation Charge, currently set at **\$4,400** (inc. GST) per connection point created, and this charge must be paid before Council will approve the installation of CWMS infrastructure.

You may also be required to re-locate existing CWMS infrastructure if it will be affected by the division.

You may wish to contact a licensed plumber to discuss the potential costs associated with installing or relocating CWMS infrastructure for your proposal.

Stormwater Infrastructure

You may be required to install kerb stormwater outlets, stormwater drainage pipes or other form of stormwater infrastructure, costs will vary depending on the scale of infrastructure you are required to install for your proposal.

Vehicle Crossover

You may be required to connect each allotment to the adjoining street by a vehicle crossover, costs will vary depending on the design, location and construction requirements for your proposal.

Below are some issues you may wish to explore and/or investigate prior to lodging a land division application as they may have potential impacts on the ability to divide the land and/or the costs of the proposal.

Minimum Allotment Size

Most zones have a minimum allotment size, please contact a Council Planning Officer to find out what the zone is for your allotment and the minimum allotment size for that zone.

Depth to Frontage Ratio

Some zones have a maximum depth to frontage ratio applicable for land division, this relates to the amount of street frontage each allotment is required to have in relation to its depth and may prevent 'battleaxe' or 'hammerhead' allotments. Please contact a Council Planning Officer to find out if a depth to frontage ratio is applicable in your zone.

Use, Size or Layout of Land

Can the allotments you wish to create accommodate the type of development it is intended for? In some cases you may be required to provide a concept plan to demonstrate that the proposed allotment(s) can accommodate the type of development it is intended for in a manner that is consistent with the relevant provisions of the Development Plan.

Stormwater

What is the slope of the land? Will stormwater and hard surface run-off flow naturally to the street water table? Or is there rear of allotment stormwater drainage? If not, how will you deal with stormwater from the proposed allotments?

It is the responsibility of the applicant to demonstrate that stormwater and hard surface run-off from all of the allotments created can be adequately dealt with. In some cases you may need to engage a qualified professional to prepare a stormwater management strategy to demonstrate how you propose to manage stormwater and hard surface water run-off from the proposal.

Infrastructure

It is the applicant's responsibility to ensure that safe and convenient access to all allotments created can be provided. Where are you proposing to install access points to the allotments? Are the access points in a safe and convenient location? Are there any structures in front of the allotments that may prevent or impede access points? Do not assume that a stobie pole, street tree or other structure located in front of the allotment(s) can be removed to accommodate your development.

All allotments created must also be accessible by an all weather road, if the road servicing the allotments is not to a sufficient standard then you may be required to upgrade the road in order for Council to consider the division.

Existing Buildings

Are there any existing buildings on the site? This includes dwellings, sheds, carports, etc. There are requirements under the Development Act, Building Code and Public Health Act with regard to the distances that buildings and structures must be set back from property boundaries.

If your proposal will involve a site that contains existing buildings please contact Council's Building Officer for further advice on the minimum setback distances that will be required.

Will access points/driveways/off street carparking for existing buildings be affected by the division? If so, you will need to detail in your application how you propose to accommodate driveways and parking for existing buildings as a result of the division.

Will stormwater disposal for existing buildings on site be affected by the division? If so, how will you redirect stormwater and where will you re-direct it to?

Services

Where are the services located for existing buildings on the site? Where is the septic tank? Where is the water meter?

All services must be contained on the site of the building they service, you may need to re-locate existing services if they will be affected by the division. Can you actually manage to re-locate the services in accordance with any relevant provisions?

Easements/Rights of Way

Are there any existing easements or rights of way on the property?

Your Certificate of Title should list this information, it is recommended that you contact the Lands Title Office to obtain a **current** Certificate of Title. Generally, you cannot build over an easement or obstruct a right of way and this may affect your proposal.

Encumbrances/Land Management Agreement

Is there an encumbrance or Land Management Agreement existing over the property? Again, your Certificate of Title will list if there any encumbrances or Land Management Agreements over your property. Encumbrances and Land Management Agreements may affect or preclude proposals for land division, therefore you may wish to discuss the ramifications of any such agreements with your surveyor or seek legal advice.

Native Vegetation/Significant Tree

Is there any native vegetation or significant trees that may be affected by the proposal? If so an application may be referred to the Native Vegetation Council for assessment. An application could be refused if native vegetation or a significant tree is proposed to be removed or adversely affected.

Please Note

Land Division applications are assessed against a range of legislation and criteria and can require substantial investigations by various Council departments and other State government agencies. Council staff can provide some general advice about a proposal prior to lodging an application however we **cannot** offer advice on whether an application will definitely be approved or refused. The only way to obtain a definitive answer is to lodge a formal application with the State Commission Assessment Panel and allow Council and other relevant agencies to undertake a full assessment of the proposal.