

## OVERVIEW

Division of land requires the approval of the local council, statutory authorities and the State Commission Assessment Panel (SCAP). To finalise the process, documentation and the Plan of Division (D) must be lodged at the Lands Titles Office (LTO).

## DO I NEED APPROVAL TO DIVIDE MY LAND?

Development approval is required to divide land, including:

- Adjustments to property boundaries
- The creation of one or more new allotments
- For Community, Strata and Torrens title
- Leases greater than 6 years

## Approval Process

The approval process involves three steps:

1. **Development Plan Consent** that may be subject to conditions
2. **Land Division Consent** includes conditions and requirements from Council and/or SCAP which might relate to demolition, easement, infrastructure and financial requirements.
3. **Certificate of Approval** once all conditions and requirements are met, relevant authorities give clearance for SCAP to issue a Certificate of Approval. Applicants will normally request for the clearance to be issued once they believe that they have complied with all of the requirements. Once Council receives the request for clearance, the Council conditions are checked for compliance prior to issuing the clearance. The Certificate of Approval is lodged with the Register General (Land Titles) Office for the issue of a Deposited Plan and new Certificate of Title.

For more detailed information on the land division process refer to '**Land Division Process: A guide to subdividing land within South Australia**', Found on the SA Government website.

## APPLICATION REQUIREMENTS

### Pre-application advice

As a starting point, before any application is lodged it is recommended that you contact Council's planning department to discuss your proposal and the zoning requirements for your land. In addition it is also recommended that you consult with other relevant agencies which would have an input into your application. These include SA Water, ETSA Utilities, DPTI and CFS.

To provide accurate pre-application advice, Council requests a sketch of the proposal be provided along with a copy of the Certificate of Title/s to identify if there are any easements or encumbrances or any other form of restriction that might have an impact on the proposal. As a minimum the sketch plan should show the following details:

- Plan of the proposed division and new boundaries with clear dimension of the allotments and the site area;
- Location of any structure on site;
- Location of any regulated or significant tree (including trees on neighbours land near the boundaries);
- Location of stormwater inverts, bus stops or any other infrastructure that may affect the proposal;

### **How do I lodge my application?**

Applications for land divisions are generally prepared and lodged by a qualified land surveyor who will be able to advise the Lands Titles Office requirements and fee associated with the application. Applications are lodged directly with the SCAP (State Commission Assessment Panel) via their portal. The application is then referred to all relevant agencies such as SA Water, DPTI, SA Power Network, CFS and the relevant Council. Minimum application requirements are:

- Completed development application form
- Plan of division which need to be drafted in accordance with the Development Regulations
- Application fees
- Certificate of Title/s
- Any supporting documentation such as the reasons for the proposed division

### **Assessment:**

The referral authorities will determine their requirements for the proposal (e.g. SA Water may require the applicant to connect to sewer services) and must respond to SCAP within 28 days.

The application is also referred to the relevant Council, who if the relevant authority assess the proposed land division against the relevant requirements of the Council Development Plan. In the event that SCAP is the relevant authority on the land division Council provide comments to SCAP to consider in their assessment of the application.

### **Issues considered by Council during assessment**

The following items may be considered during the assessment of the application:

- The suitability of allotment to accommodate future development in accordance with the Development Plan
- Connection to essential services such as water supply, sewer, power and CWMS.
- Stormwater collection and disposal
- Safe and convenient access. Road network connection to adjoining land and layout and dimension of roads. Coordination of roads with adjoining land parcels.
- Bushfire protections measures (access, tuning area, water supply)
- Existing infrastructure adjoining the site
- Land gradients and cut and fill requirements
- Preservation of native vegetation and regulated and significant trees
- Preservation of natural and/or cultural (heritage) features
- Buffers to adjoining conflicting land uses
- Buffers/reserves to watercourses and creeks
- Land subject to flooding
- Existing buildings and structures
- Land Management Agreements and Bonding Agreements
- Impacts on existing and future land uses (e.g. will it result in the loss of productive production land)
- Water resource and water management impacts

**Timeframe for assessment**

Processing of applications depends on a number of different factors. In the case of a merit application the initial approval can take up to three months but this is also dependent on the scale and the complexity of the proposed division. With non-complying applications processing times can commonly extend up to 12 months and in some instances longer. In the event where the application is approved with requirements, the applicant may lodge a financial guarantee (bond) with Council, SA Water and ETSA Utilities in order to allow for the plan to be lodged at the Land Titles Office prior to completion of all works.

**Contact details**

Development & Regulatory Services  
Duty Planner  
(08) 8408 0400

**Further information**

Adelaide Hills Council  
[mail@ahc.sa.gov.au](mailto:mail@ahc.sa.gov.au)  
[ahc.sa.gov.au](http://ahc.sa.gov.au)  
PO Box 44  
Woodside SA 5244