

Who should read this guide?

Anyone who is considering dividing their land.

Does everyone who wants to divide their land have to apply for approval?

Yes. In South Australia, Development Approval must be gained before land can be divided into separate allotments. This applies whether it is a relatively minor boundary change between neighbours; one or more allotments are being created; or a large scale development involving the creation of numerous allotments is planned.

Types of Land Divisions

The possible options for new land titles are as follows.

Torrens Title

A Torrens title land division is the division of land into at least two allotments, which are held independently of one another. There are no shared facilities or infrastructure.

Community Title

A Community title is the division of land into at least two allotments and an area of common property. Common property relates to those parts that do not form part of an allotment and typically includes the service infrastructure and driveways that are shared.

Community Strata Title

In a Community Strata scheme, there must be at least one allotment that exists above another and the allotment boundaries must be defined by reference to parts of the building. The structure itself forms part of the common property and it is therefore the responsibility of the corporation to maintain and insure it.

Strata Title

It is no longer possible to create new strata divisions, but existing strata schemes can continue and are regulated under the Strata Titles Act.

The Assessment Process

Lodging your Land Division Application

Engage a Land Surveyor to prepare and lodge your application.

Your land division application must be lodged with the State Planning Commission (SPC) via the Electronic Land Division Lodgement (EDALA) site. (Refer to 'Other Resources' for link overleaf.)

Your application will then be forwarded to the City of Adelaide (Council) for assessment and may also be sent to other government agencies for their assessment. Agencies have 28 days (or in some instances longer) to provide comments on your application.

Assessment by City of Adelaide

Council is the decision-maker for most land division applications in the city and will issue the planning decision in most cases¹.

Council will assess each land division application against the relevant provisions of the *Adelaide (City) Development Plan* and ensure that the proposed allotments allow for functional development that is consistent with the desired character of the relevant zone.

The *Development Plan* outlines minimum allotment sizes – area and dimensions – for the different zones and policy areas in the Council area.

Council may require that an application for the proposed dwelling/s to be constructed on the site be submitted if allotments are of either a small size or irregular configuration.

The assessment takes into account any existing buildings or structures on the site to determine whether the proposed new boundaries will affect the requirements of the *National Construction Code* (NCC).

Land Division

The *National Construction Code* requirements include:

- fire source features (please note: a property boundary is considered a fire source feature)
- any existing openings in or near the boundaries
- the consolidation of Certificates of Title.

You may need to provide Council staff access to the property for their inspection.

Some types of land division applications also require notification to the neighbours and, in some instances, the public.

The feedback from neighbours are considered in the assessment.

If the application is supported by Council, conditions will be applied including those required by referral agencies.

Certificate of Approval from the State Planning Commission

If your application to divide your land is approved, the approval may include conditions of consent and/or requirements of Council and the State Planning Commission (SPC).

These requirements will generally relate to any necessary road and/or drain construction; the provision of water, sewer and power services; and provision of open space. It is the applicant's responsibility to comply with any planning conditions and/or land division requirements to the satisfaction of Council and SPC.

Once the SPC is satisfied that all its conditions and requirements have been met and Council has advised the SPC that its requirements have been met, the SPC will issue the final Land Division Certificate of Approval.

Lodgement with Lands Titles Office

The Land Division Certificate of Approval may then be lodged with the Registrar-General for deposit in the Lands Titles Registration Office and the new Certificates of Title will be issued.

Land Divisions related to buildings with a value of over \$10 million

For land division applications that relate to development over \$10 million are assessed by the State Commission Assessment Panel (SCAP). SCAP are the relevant authority if a Certificate of Occupancy for the building has not been issued. (Refer to Schedule 10 4B of the *Development Regulations 2008*). SCAP will refer the application to Council for comment regarding any technical matters such as traffic and matters related to the National Construction Code.

Other Resources

- Department of Planning, Transport and Infrastructure at www.dpti.sa.gov.au
- Electronic Land Division Lodgement Site www.edala.sa.gov.au

Further Information

For further information or to discuss your specific requirements, please contact Council's Development Assessment team on **08 8203 7185** or d.planner@cityofadelaide.com.au.

¹ Council assesses proposed divisions against the *Adelaide (City) Development Plan*