



LAND DIVISION

The division of land constitutes development under the Development Act, 1993. Approval is required pursuant to the Development Act, 1993 and the Real Property Act 1982 and applies to proposals to realign property boundaries and/or creation of new allotments.

Types of Land Divisions

1. Community Titles
2. Boundary Realignment
3. Creation of Additional Allotments

Application Requirements

Schedule 5 of the Development Regulations sets out the requirements for land division applications.

These include:

- Completed Application Form
- Application Fees (as prescribed by Schedule 6 of the Development Regulations)
- Plan of Division (9 copies)
- Certificate of Title (2 copies)
- Supporting Documentation

The Land Division Process

Step 1: Lodgement of Application

A Land Division application must be lodged with the State Commission Assessment Panel (SCAP). The SCAP will determine the applicable fees and also organise any referrals required to relevant state government agencies such as ETSA, SA Water or the Native Vegetation Council.

The SCAP can attach any conditions it deems appropriate.

Step 2: Referral to Council for Assessment and Issuing of Development Approval

Once the SCAP has referred the application to appropriate agencies, the application is referred to Council. Council is required to assess the land division proposal against the *Mid Murray Council Development Plan*, which contains guidelines for land division, including minimum allotment sizes and road frontages for all areas.

Once an assessment has been undertaken and if a decision to approve the application has been reached Council will issue a Development Approval. This approval may include conditions of consent pertaining to the requirements of the SCAP and Council. These conditions often relate to construction of roads and services.

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 and the SCAP. Once the SCAP is satisfied all its conditions and requirements are met, and Council has advised the SCAP that its conditions have also been satisfied, the SCAP will issue the Final Land Division Certificate, which may then be lodged with the Registrar General of deposit in the Land Titles Registration Office.

Step 4: Lodgement with Land 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 Titles.

This application must include:

- Original plan of division;
- Current Land Division Certificate of approval from the SCAP;
- Duplicate 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

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 applicants. 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 requirements of either the Council or the State Commission Assessment Panel.

It is worth noting approximately 85% of all applications are lodged by agents (surveyor, conveyancer) acting on behalf of an owner or applicant.

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 Development Regulations require the relevant authority to issue the Development Approval within three months of lodgement.

During this three month period the SCAP 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 SCAP.

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

Further Information

The State Commission Assessment Panel
101 Grenfell Street
Adelaide SA 5000

Telephone: (08) 1800 752 664

For more detailed information refer to:

- Guide for Applicants – Land Divisions,

Published by Planning SA and available at www.planning.sa.gov.au

Or contact Council's Planning Department on (08) 8564 6020.

Information Sheets

Information sheets are available to help answer many of your Planning enquiries.

We also have many information guides available regarding Building and Health Issues.

These information sheets are available from our Mannum, Cambrai and Morgan offices. You can also see them on our website at www.mid-murray.sa.gov.au



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