

DEVELOPMENT APPROVAL FOR LAND DIVISIONS NEW ROADS

DO I NEED DEVELOPMENT APPROVAL FOR A LAND DIVISION?

The Development Act 1993 specifies that development approval must be gained before land can be divided into separate allotments. This applies whether it is a boundary change between neighbours, one or more allotments being created, or a large scale development of numerous allotments.

More information about land divisions can be found on Land Division - Guide for Applicants on the Department Planning, Transport and Infrastructure website.

If you want to subdivide or change the boundaries of your land it is highly recommended you contact the relevant Council staff to discuss your application and the development requirements. If you want to subdivide or change the boundaries of your land it is worthwhile preparing a simple sketch plan of your ideas. A copy of the certificate of title will help you and provide details of the land description or property address.

Council's engineering division will also be able to advise on requirements for construction and alteration to roads and drainage, etc.

WHAT IS THE PROCESS?

As plans need to be surveyed, it may be useful to engage an **agent** (e.g. a licensed surveyor) to investigate and prepare the application. An agent can provide professional advice on fees, procedures and requirements, and also lodge an application on your behalf. An agent should also be able to advise on Lands Titles Registration Office requirements.

Once an application is lodged with the Development Assessment Commission (DAC) it is forwarded to Council and to any government agencies which may need to be consulted (e.g. SA Water Corporation, Commissioner of Highways, etc)

Council is the relevant decision-maker for the majority of land division applications and will issue the planning decision in most cases. The responsible decision-making authority (i.e. Council or the DAC) will assess the application against Council's Development Plan.

Development approval may include Development Plan conditions of consent and also land division requirements of Council and the DAC. These requirements generally relate to any necessary road and/or drain construction, provision of water, sewer and power services, and 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 the DAC.

Once all conditions and requirements have been fulfilled and Council advises the DAC that it's requirements have been met, DAC will issue the final Land Division Certificate of Approval which may then be lodged with the Registrar General for deposit in the Lands Titles Registration Office.

It is possible to enter binding contracts for construction of roads and services. If a contract is entered into, the Certificate of Approval can be issued prior to final construction of any roads or services. Please contact Council's engineering division for further information regarding this.

IS PUBLIC NOTIFICATION REQUIRED?

Some types of land division will require public notification. Council staff (or DAC staff) will be able to advise when public notification is required and what objection rights exist. Please refer to Council's Development Information Leaflet – Public Notification for further information.

DOCUMENTS REQUIRED AS PART OF A LAND DIVISION APPLICATION

- copy of Certificate of Title/s for the relevant property/ies;
- in accordance with Schedule 5 of the Development Regulations 2008, a Plan of Division, drawn to scale, that includes the following:
 - all existing and proposed allotments, including measurements and areas of each allotment;
 - the location of the proposed road reserve and road pavement widths (if applicable);
 - all existing street names;

- all proposed street names (if applicable);
- the location of all existing buildings, structures and objects (including easements, rights of way, etc);
- the topography of the site (i.e. contour levels);
- the location and position of any buildings intended to be retained on the land and approximate location and position of any buildings which are to be demolished or removed;
- the location of trees/significant vegetation;
- any other significant features of the land;
- any proposed fencing, particularly fencing adjoining reserves/screening reserves;
- the north point;
- reference to the volumes and folios of all certificates of titles to the land proposed to be divided;
- reference to the volumes and folios of all certificates of titles of adjoining land and of the land on the opposite side of any abutting road;
- the contours of the existing surface of the ground and levels of all proposed allotments, reserves and parcels of land, all abutting roads, where the land is to be filled or graded, both existing contours or levels and proposed contour levels must be shown;
- the positions and construction of new permanent marks; and
- a heading which contains specific information for the Lands Title Registration Office and/or General Registry Office
- a Dust Management Plan (this is required for large scaled land divisions - please speak to Officers in the Development Services Division for further information.)

IN ADDITION TO THE ABOVE, THE APPLICANT IS REQUIRED TO SUBMIT FOR APPROVAL, DESIGN PLANS FOR ALL THE ENGINEERING WORKS ASSOCIATED WITH THE LAND DIVISION, INCLUDING

- road hierarchy, design and construction standards.
- kerb profile design and details;
- a detailed drainage design is required which has been designed for the whole of the proposed development. If necessary, due to existing land form, include areas outside the proposed development but within the drainage catchment affecting the development;
- drainage computations are required to be prepared by a qualified and experienced Engineer and

submitted with the detailed engineering drawings for the proposal;

- footpath design and details;
- crossing places design and details.

PLEASE NOTE

A Development Application and supporting material (i.e. Plan of Division, Certificate(s) of Title, etc.) shall be submitted to Council through the Development Assessment Commission. Information associated with engineering works shall be lodged directly with the City of Mount Gambier.

The information contained here is a guide only. It is recommended that the advice and assistance of the Development Services Division be sought before undertaking any development.

Please contact the Operational Services with any other queries (08) 8721 2555 (Option 2).

