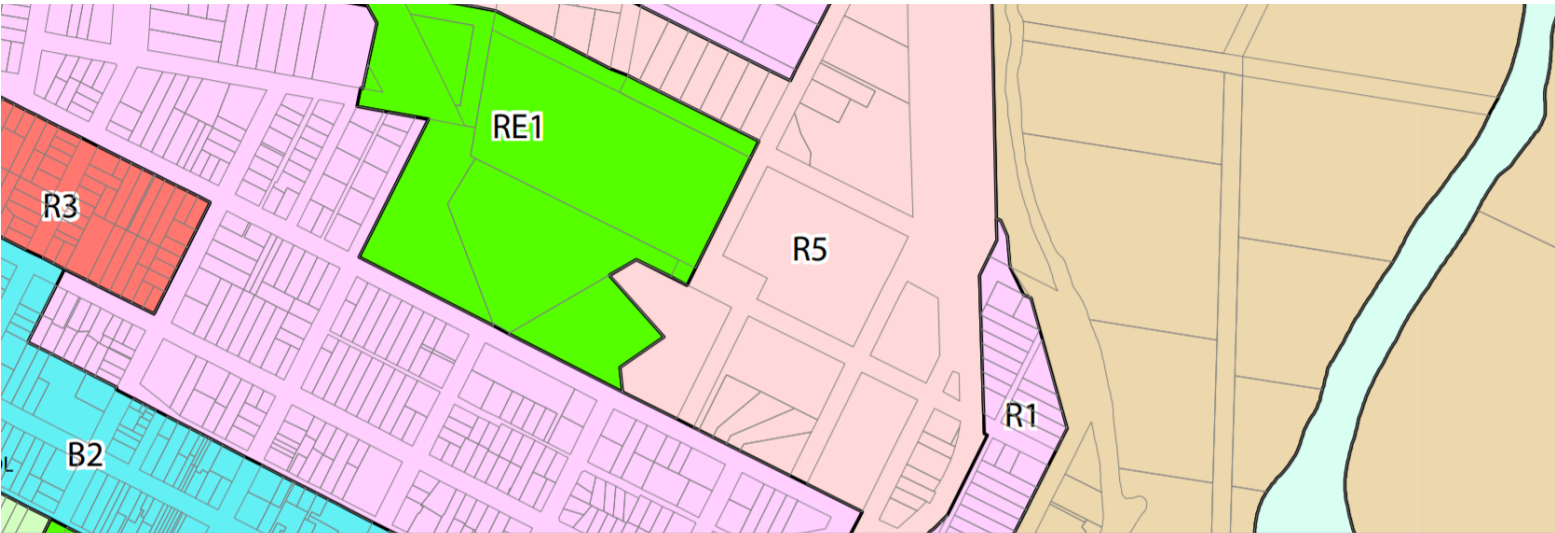


SUBDIVISION

Make sure you have the right information before you start.



WHAT IS “SUBDIVISION OF LAND”?

The Environmental Planning and Assessment Act 1979 defines ‘subdivision of land’ as:

“the division of land into two or more parts that, after the division, would be obviously adapted for separate occupation, use or disposition. The division may (but need not) be effected:

- (a) by conveyance, transfer or partition, or
- (b) by any agreement, dealing, plan or instrument rendering different parts of the land available for separate occupation, use or disposition”.

WHAT ARE THE DIFFERENT TYPES OF SUBDIVISION?

Torrens Title involves the creation of new allotments from an existing allotment. A Deposited Plan (DP) creates the legal identity of land. This may be achieved by:

- Boundary adjustments - realignment of a lot boundary
- Site consolidations - amalgamation of two or more lots into one lot
- The subdivision of an existing lot into two or more lots

Community Title involves the subdivision of land so that each lot has a separate title but also shares a common piece of land such as a pool, BBQ area, driveway, garden, etc.

Strata Title allows multiple occupancy and separate ownership of individual portions of a larger property. A Strata Plan (SP) and a share of common property such as gardens and driveways. Owners become members of the body corporate and may share responsibility for the whole property. Strata subdivision is most commonly used with dual occupancies, multiple dwelling development, apartment buildings and commercial and industrial buildings.

Stratum Subdivision is the horizontal subdivision of sections of a building into separate titles.

Most subdivisions of land are carried out under Torrens Title subdivision. The remainder of this fact sheet deals with Torrens Title subdivision only.

IS APPROVAL REQUIRED TO SUBDIVIDE?

Most subdivisions require development consent.

For some minor boundary adjustments, consent may not be required if the development meets the criteria contained in *State Environmental Planning Policy (Exempt and Complying Development Code) 2008 (Codes SEPP)*.

Strata subdivision can sometimes be approved as complying development if it meets the relevant standards set out in the Subdivision provisions of the Codes SEPP.

WHAT IS THE SUBDIVISION PROCESS?

There are three steps in the subdivision process:

Development Application (DA) An approval granted to subdivide land subject to certain conditions. Council's Development Application Guide outlines what information needs to be submitted with a DA, which includes the following:

- Completed DA Form
- Statement of Environmental Effects
- Plan of subdivision (see page 4 of the Development Application Guide)
- Site plan (to 1:100 or 1:200 scale) showing the existing buildings on the site in relation to the proposed boundaries.

Where buildings are to be retained or removed as part of the subdivision, additional information may also be required.

Subdivision Works Certificate (SWC) An approval for works required to complete the subdivision.

Subdivision Certificate (SC) A SC endorses the registration of a plan of subdivision, and is issued when all DA conditions satisfied and works completed. Commonly required information includes:

- a copy of the Development Consent
- a table summarising how the conditions of the above referred consent have been satisfied.
- where water and/or sewerage services are to be provided, a certificate of compliance from the relevant water supply authority.
- notice of arrangement of service provision from a telecommunication and energy supplier.
- a final occupation certificate for the existing and any new development to remain on the site.
- subdivision plans prepared by a surveyor (minimum of 5 copies required).
- the terms of any restriction on the use of land.
- Evidence of payment of any applicable contributions.

Some applications may also require the submission of bonds or guarantees, or confirmation that planning agreements have been satisfied.

Disclaimer

Any person using this document must do so on the basis that, not every scenario and issue can be addressed, and discussion with relevant staff at Council should be undertaken.

This document is subject to change without notice.

WHAT ARE THE LOT REQUIREMENTS?

The minimum lot size varies based on zoning and other factors. The Minimum Lot Size Maps in the Local Environmental Plans (Cootamundra LEP 2013 and Gundagai LEP 2011) determines the minimum lot sizes for subdivision of land.

WHAT ELSE DO YOU NEED TO CONSIDER?

There are several factors which must be considered when determining whether a site is suitable for subdivision, including:

- Development Control Plan requirements,
- Zoning and land use objectives;
- Physical constraints such as bushfire, flooding, geotechnical issues, sea level rise;
- Lot configuration;
- Access;
- Availability of public utilities, including water, sewer, electricity and roads;
- Restrictions on the use of land, such as easements;
- Loss of environmental quality, including removal of vegetation or impact on watercourses;
- Heritage implications;
- Solar efficiency of proposed allotments; and
- Development potential.

Bushfire prone land

Applications proposing residential subdivision on bushfire prone land will also require approval from the NSW Rural Fire Service (RFS).

These applications are classified as 'integrated' and referred to RFS as part of the process. A separate fee is to be paid to the RFS for this referral.

Need help?

If you have any further questions, please contact Council's Planning, Building and Compliance team on 1300 459 689 or mail@cgrc.nsw.gov.au