



ADLV LAW

FIERCELY ON YOUR SIDE

SOLUTION BRIEF

Land subdivisions



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Dividing a parcel of land into two or more separate titles can be great way to improve the overall value of your investment. Set out below are the key steps in this process.

01

Contact your Council and prepare a 'Plan'

First you will need to get a copy of your Council's planning guidelines and requirements. If you are thinking about buying a parcel of land to subdivide, then you should study these requirements carefully before buying, to make sure your proposed subdivision is possible.

Taking into account the Council's requirements, you then prepare a 'plan' of how you would like to divide the land. If you intend to create a Community subdivision you will need to include any 'common property' on your plan.

02

The Development Application Assessment process

Your surveyor will carry out the necessary surveys to identify the boundaries and easements on your plan, and then prepare and lodge the Development Application with the Development Assessment Commission (DAC). Your surveyor will also prepare a fully certified Land Division Plan or Community Division Plan (depending on the type of subdivision, see below).

Your surveyor will monitor the progress of your Application, and advise what fees are payable and when. As part of this process, your Application will be forwarded to your Council, SA Water and any other relevant Government body.

The Development Assessment Commission will provide a report to your Council which will include any requirements that need to be satisfied. For example, road construction, the provision of water, sewer and power services, and any open space requirements. Your Council will then provide a Planning Decision Notification.

When the Development Assessment Commission, SA Water and Council's conditions have been satisfied, the Development Assessment Commission will issue the final Land/Community Division Certificate of Approval to your surveyor.

03

Issuing new land titles

The process for your subdivision will depend on whether it is a simple Land Division or a Community Division.

Land Division

If your plan involves a simple Land Division your conveyancer will lodge the Land Division Plan at the Land Titles Office for examination and approval.

The Application document is prepared in accordance with the Land Division Plan and needs to be signed by the owner of the property. If there is a mortgage, encumbrance or caveat registered on the Title, these parties must also consent to the Application.

The Application is then stamped and lodged at the Land Titles Office for examination and deposit. Upon the deposit of the Land Division Plan, new Titles for each lot will be issued in accordance with the Land Division Plan.

Community Division

In the case of a Community Division your conveyancer will engage a Valuer to prepare the statutory 'Lot Entitlement Sheet'. The Community Division Plan is then lodged at the Land Titles Office for examination and approval.

The Application document is prepared in accordance with the Community Division Plan and signed by the owner of the property. If there is a mortgage, encumbrance or caveat registered on the Title, these parties must also consent to the Application.

Your conveyancer will prepare a Scheme Description and By-Laws in accordance with the Community Division Plan, and have the Scheme Description approved by Council.

The Application is then stamped and lodged at the Land Titles Office for examination and deposit. Upon the deposit of the Community Division Plan, new Titles will be issued for each lot in accordance with the Community Division Plan.

This process is likely to take between 5 and 9 months to complete (but may take longer), depending on the complexity of the division, and the conditions imposed by DAC and your Council.



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What next?

You will need a team of experienced professionals to make your subdivision a reality, including a surveyor, conveyancer and possibly a valuer. If things do not proceed smoothly, you may also require the services of an experienced property lawyer.

If you would like to speak to someone about putting this team together, call us on 1300 654 590 or email us at wehelp@adlvlaw.com.au.

Further information can also be found on our website at www.adlvlaw.com.au.