

Must I use an Agent?

There are no legislative requirements for the applicant 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 the Development Assessment Commission: A certified survey plan shall be lodged with the Development Assessment Commission for Certificate purposes.

A surveyor can prepare an appropriate 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 further requirements of either the Council or the Development Assessment Commission.

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

Note: Plans creating more than 5 allotments must be confirmed for accuracy of details by a licensed surveyor.

How long will it take to get approval?

The length of time for a land division application to be assessed can vary greatly and will depend on the impact, complexity and size of the application.

For the majority of land divisions applications the Development Regulations require the relevant authority to issue the Development Approval within three months of lodgment.

When the Council is the relevant decision-making authority for an application, the Development Assessment Commission is required to provide the council with a report (within two months of the application being lodged) incorporating its land division requirements for inclusion in the Development Approval. The other government agencies have 4 weeks to respond to the DAC.

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

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LAND DIVISION - General

Land Division

The division of land (an allotment) constitutes development under the Development Act 1993 and applies to proposals to realign property boundaries and / or the creation of new allotments.

Types of Land Divisions

1. Community Title Land Division
2. Boundary Re-alignments
3. Division of new Allotments

Application Requirements

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

These include:

1. Completed Application Form
2. Application Fees
3. Plan of Division (9 copies)
4. Certificate of Title
5. Supporting Documentation

Land Division Applications

Step 1: Lodgment of Application

A Land Division application must be lodged with the Development Assessment Commission (DAC). The DAC will determine the applicable fees and also conduct any referrals required to relevant State Government agencies such as ETSA, SA Water or the Native Vegetation Council. The DAC can attach conditions it deems appropriate, or as directed by referred State Agencies.

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

Once the DAC has referred the application to appropriate agencies, the application is referred to Council.

Council is required to assess the land division proposal against the Kangaroo Island Development Plan, which contains guidelines for land division, including minimum allotments sizes and road frontages for all areas.

Council will also consider the fundamental infrastructure requirements of the Land Division under Council jurisdiction, ie kerbing, crossovers, paths, lighting, roads (as applicable) and CWMS connection.

Note: Electricity, telecommunications and water are not within the jurisdiction of Council.

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 DAC and Council. These conditions often relate to construction of roads and connection to services.

Step 3: Certificate of Approval from Development Assessment Commission (DAC)

It is the applicant's responsibility to comply with any planning conditions or land division requirements to the satisfaction of Council and the DAC. Once the DAC is satisfied all its conditions and requirements are met, and Council has advised the DAC that its conditions have also been satisfied, the DAC will issue the Final Land Division Certificate, which is then lodged with the Registrar General for deposit in the Land Titles Registration Office

Step 4: Lodgment with Lands 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 plan of division and to be issued with new Certificate of Titles.

This application must include:

- Original plan of division
- Current Land Division Certificate of approval from the DAC
- 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)

This process will typically be managed by your land surveyor or agent.

