

CLIENT INFORMATION- SUBDIVISION PROCEDURES



Below is a summary of what you can expect throughout the course of your subdivision:

Planning Permit & Subdivision (Certification) Approval Process

The process of subdividing land is coordinated through your local council. All General Surveying can assist you not only with the physical surveying and plan preparation aspects required to complete a subdivision, but will also guide you through the process and act as a point of contact between yourself and council, as well as numerous other parties involved throughout your development.

The subdivision process can be summarised as occurring in four (4) stages and must be undertaken in this order:

1. A planning permit is required for subdivision under the provisions of your local council's planning scheme. This process is controlled by the *Planning and Environment Act 1987*.
2. Certification of the plan of subdivision, which formally approves the subdivision under the *Subdivision Act 1988*.
 - Note: this process can run concurrently with step 1 however cannot be completed until a planning permit is obtained.
3. Obtaining a Statement of Compliance - this is the final approval from council stating that all requirements in the planning permit have been met.
4. Lodgement of the documents at Land Use Victoria - this allows the subdivision to be registered and new titles to be issued for each lot created by the subdivision.

1. Applying for a Planning Permit:

Applying to council for a planning permit is generally completed by either a surveyor such as AGS or a building designer/architect. In either case, AGS can assist with gathering the necessary survey data and preparing the required plans.

If you are simply subdividing some land from your property to create a vacant lot then AGS will apply for the permit. If you are building one or more new units as part of your development it can be a little more complicated. For any construction you will need a permit to develop the land – this process will be done by your designer together with the building plans and we generally recommend that the designer obtains the permit for subdivision at the same time which can save time and cost. If this is the case, AGS can complete the initial survey to re-establish Title boundaries and complete a site feature and level survey which will be required by the designer to prepare their plans. If you have already obtained a permit to develop but it does not include a permit to subdivide then AGS can apply for the subdivision permit on your behalf, which is usually a straightforward process.

If AGS is applying for the planning permit our office will gather and submit the following information to council:

- Planning Permit Application Form – this is performed online via SPEAR
- Full current copy of Title for the land, no older than 30 days
- The prescribed application fee - our office will advise the fee
- Proposed Plan of Subdivision
- Site & Context Plan and Design Response Plan
- Clause 56 Planning Report - prepared by our Town Planner
- Any other information required that is specific to the development e.g. STORM report, land capability assessment, vegetation report

Our subdivisions manager uploads the documentation onto SPEAR - an online platform which handles most aspects of the subdivision process and allows surveyors, councils and referral authorities (local authorities for water/sewer, electricity, gas etc.) to access and share documents.

Council will refer the application to the referral authorities. This can include the local authorities for sewer/water, electricity, gas and in some cases VicRoads, CFA, environmental health department and others. Each authority will give feedback on their requirements for the subdivision, and these may be placed in the planning permit. Council has a maximum of 60 days to assess the application however it generally takes a little longer due to time spent waiting on responses from referral authorities. A Planner will be assigned and reference numbers will be issued for following up on the application. After the 60 days, our office will have an indication of if and when your permit will be issued.

As part of the planning permit process council may request an advertising sign be placed on site to notify neighbours of the proposal. If this is required, our office will place the sign on site as directed by council for a minimum of 14 days and will remove the sign from site once the advertising period has ended. This 14 day period is additional to council's 60 day time limit. Neighbours have the opportunity to object to the application if they feel it should not go ahead. Any objections will be discussed with you and the planner from council. The advertising fee can vary from around \$40-\$100+ depending on the proposed development (council will advise).

Once issued, the permit will contain a number of conditions that will need to be met prior to the subdivision being finalised.

Some of these conditions may include but are not limited to:

- Car parking (for existing and proposed lots/buildings)
- Stormwater drainage
- Public Open Space contributions
- Landscaping
- Roads
- Connection of utilities such as electricity, gas, sewerage, telecommunications (NBN in most cases) and water
- Land capability assessments & soil testing
- Sewer and/or water main extensions
- Section 173 agreements (see below)

Upon receiving the permit our office will review the permit conditions and offer advice on how to satisfy all conditions as quickly as possible. In order to satisfy some of the permit conditions you will generally need to engage external contractors such as a plumber, electrician, telecommunications specialist, engineer, soil tester etc. It is your choice who you engage to complete these conditions and costs for these are not included in All General Surveying's fees.

Costs & Conditions:

Once a planning permit has been issued applications need to be sent to the water and power authorities to determine their servicing requirements (or "costs and conditions") for your proposed development. Our office can prepare and submit these applications on your behalf.

The authorities will return their costs and conditions –

Costs - You will need to pay the costs/contributions directly to each authority before they will consent to statement of compliance. The total cost for the authorities can range anywhere from \$500-\$10,000+ depending on the development but there will also be separate contractor fees to be aware of to complete the physical works (particularly for water/sewer works).

Conditions – The conditions/servicing requirements will need to be met before the authority will consent to statement of compliance. These can include new power pit/s, group power meters (for some unit developments), new water and sewer connections to each lot, and in some cases sewer or water main extensions.

AGS has no control over the costs and conditions set by the authorities, therefore any issues will need to be discussed directly with the relevant authority (AGS can assist in these discussions if required).

Section 173 agreement

As part of the planning permit an agreement may be entered into, generally between yourself and council. There are two common reasons for this –

1. When an on-site stormwater drainage pump system is required as part of your development, council may require that you enter into an agreement with them to declare that you (or future owners) are responsible for the maintenance of the system and the amount/quality of stormwater that leaves the site and enters into the council drains out in the street.
2. When building forms part of the permit (also often referred to as a 'development permit') you will generally be required to complete the construction up to 'lock-up stage' before the subdivision can be finalised and registered. Some councils allow you as the developer to complete the subdivision and obtain new Titles prior to completing the construction, in which case you would need to enter into a section 173 agreement with council ensuring that the buildings that have been approved by council will be constructed in accordance with the permit.

A section 173 agreement must be prepared by a solicitor. AGS can assist you in what is required however you will be responsible for engaging the solicitor, paying the required

professional fees and ensuring the section 173 agreement is prepared in time for your subdivision to be finalised and registered.

2. Applying for Certification (Subdivision):

In most cases an application for a planning permit and an application for certification are submitted together and will run concurrently. Doing this will help speed up the completion of your subdivision and you can start completing conditions on the permit while the certification process is progressing.

When applying for certification our office will submit the following information to Council:

- A signed Application for Certification (Form 1) - required to be signed by the owner
- Council's Application fee (currently \$174.80 as at Nov 2019) -paid by client/developer
- Plan of Subdivision (drawn by our office)

Again, this information is submitted to Council online via SPEAR. A SPEAR reference number will be issued for the subdivision. You can view the application at any time via the SPEAR website - <https://www.spear.land.vic.gov.au/spear/>

Similarly to the planning permit process, council will refer the application to the referral authorities. Each authority will review the plan of subdivision to ensure any easements, restrictions etc. are suitable to meet their requirements. If the authority requires changes to the plan they will notify us and we will make the necessary amendments and re-submit the plan via SPEAR. Should any major changes to the plan be required our office will contact you to discuss these prior to making the amendments.

When each authority is satisfied with the plan of subdivision they will give their consent for council to certify the plan. Once all authorities have given their consent then both council and AGS will sign the plan and council will certify the plan of subdivision (The plan MUST be signed by a Licensed Surveyor). The certified plan will be the plan that is ultimately registered at Land Use Victoria (LUV) when new Titles are issued.

Once certified, there are generally no changes made to the plan – any changes will require a “re-certification” of the plan by council which carries a fee, so to avoid unnecessary costs it is important that the plan is correct prior to the signing and certification taking place.

A plan certified under the *Subdivision Act 1988* has a life of 5 years from the date certification was issued. The plan and the planning permit both lapse if it is not registered at the Titles Office within that time.

3. Statement of Compliance (SOC):

A Statement of Compliance is the final approval from Council that is required before the subdivision can be lodged at Land Use Victoria. Council will issue their statement of compliance once the following has been completed:

- Statement of compliance has been consented to by ALL referral authorities
 - This means all electrical, water, sewer, drainage etc. works will need to be completed.
- Plan of Subdivision has been certified

- ALL conditions in the planning permit have been met, such as
 - Open space contributions have been made
 - Telecommunications
 - Any section 173 agreements required have been entered into

Once statement of compliance is obtained, AGS will ensure all necessary survey documentation (usually Abstract of Field Records and Licensed Surveyor's Report) is completed that will need to be lodged at Land Use Victoria to enable the subdivision to be registered.

4. Lodgement of documents at Land Victoria:

Our office will 'release' the following documents to your designated solicitor or conveyancer via SPEAR:

- Certified Plan of Subdivision
- Abstract of Field Records
- Licensed Surveyor's report

The solicitor/conveyancer will then lodge the above documents together with an application form, a copy of Title and the prescribed fee to Land Use Victoria, where the subdivision will be registered. If your property has a mortgage over it, the bank will need to consent to the subdivision and make the Title 'available' so the subdivision can be registered. Your solicitor/conveyancer will have fees for the lodgement of the subdivision; you should obtain fee estimates for this prior to engaging someone to act on your behalf.

Once lodged, it can take around 2-4 weeks for the subdivision to be registered and your new Titles to be issued.

Land Use Victoria lodgement fees are required to be paid at the time of lodging the documents and you should be advised of these costs by your solicitor/conveyancer. These costs start from approximately \$1000 and vary by how many lots are being created. For an exact price you can refer directly to the Land Victoria 'Forms, guides and fees' at <https://www.propertyandlandtitles.vic.gov.au/> and selecting "Subdivision Act" or consult your solicitor/conveyancer.

Fees & Contributions:

Throughout the subdivision process, there are a number of fees to council and/or external contractors that All General Surveying does not handle. AGS will assist you in when and how to make some of these payments, which include but are but are not limited to:

- Planning Permit Application Fee (council)
- Certification Application Fee (council)
- Advertising Fee (council)
- Open Space Contributions (council)
- Development Levy
- Council Engineering fee
- Service Authority fees (Costs & Conditions, Telecommunications)
- External contractors such as Plumbers, Electricians, Engineers etc

- Council's Design & Checking Fee (also known as an Inspection Fee)
- Land Use Victoria fees for lodgement of Certified Plans
- Professional fees for relevant parties (Conveyancer or Solicitor)

For your perusal, please see enclosed a list of Engineers, Land Capability Consultants, Building Surveyors, Plumbers and Architects/Draftspersons to assist with your development. Furthermore, a copy of our Subdivision Process Flowchart is also enclosed for your information.

We hope you find this information useful and we look forward to helping you through the subdivision process.

Should you have any further questions please feel free to contact our office from 8:30am til 4:30 pm Monday to Friday on 5221 2057 or alternatively Keryn, our Subdivisions Manager, can assist you via email on kerynb@allgeneralsurveying.com
