

# Subdivision guide



A step by step guide to help you through the subdivision process

Subdivision is the process of dividing land into two or more lots. Each lot then has separate title and can be sold separately.

There are several steps involved in the subdivision application process, including applying for a planning permit and certification.

The differences between a planning permit and certification are explained below.

## Planning permit process

### Step 1 – Pre-application meeting

Council strongly encourages all applicants contact Council to organise a pre-application meeting before they submit an application for a subdivision planning permit.

This is a free service and assists Council to assess your application and help avoid delays in the approval process.

### Step 2 – Engage a suitably qualified town planning consultant.

To subdivide your land Council encourages you to engage a suitably qualified consultant to help you prepare a planning permit application for lodgment at Council.

### Step 3 – Prepare and submit your planning permit application.

For all planning permit applications:

1. Provide an online self assessment to determine whether a Cultural Heritage Management Plan (CHMP) is required; available from the Aboriginal Affairs Victoria website via the CHMP self assessment tool.
2. Obtain a full copy of the Land Title from Landata that is less than 3 months old, as well as copies of any restrictions, covenant or agreement on Title.
3. Provide a written submission explaining the nature and details of the proposal and how it responds to the relevant provisions of the Swan Hill Planning Scheme.
4. Provide a site plan drawn to scale with dimension and relevant boundary setbacks, as well as the layout of any existing and/or proposed buildings and works, driveways/access ways, car parking, landscaping and signage details (if relevant).
5. Provide a plan (if applicable) of all proposed building and works drawn to scale with dimensions and must show:
  - Floor plan of all buildings.
  - Building elevation, including building materials, colours and finishes.

- For flood prone land, the finished floor level must be shown.
  - Drainage plans.
  - Landscape plan.
6. You or your consultant can lodge the application through Council's new online portal system as we no longer require application forms. Note, all relevant documents are to be provided in PDF format.
  7. Please note there are fees for a planning permit application for subdivision that must be paid prior to processing the application. Once your application is lodged, and all the required documents have been provided, a Council officer will be in contact to advise the applicable fee and arrange payment.

## Step 4 – Planning application process

1. A planner will perform an initial assessment of the application and may require further information within 28 days of receipt of the application. If further information is requested the application is put on hold until this information is received. If the information is not received within the prescribed timeframe, the application lapses.
2. The application may be referred to servicing authorities, such as Lower Murray Water.
3. Council may also advertise the application, via a sign on site and notifying adjoining land owners and/or place an advertisement in the newspaper.
4. During the notification (advertising) process, if objections are received, consultation or mediation may take place, with the aim of identifying and understanding issues raised and to potentially agree on solutions.
5. Once the consultation period is finalised Council can make a decision on your application. If your planning permit is approved, it will contain conditions that must be satisfied in order for the subdivision to proceed. This may include conditions from servicing authorities or to complete works in accordance with the approved development (example drainage plans, vehicle crossovers etc).

## Certification process

### Step 1 – Engage a Land Surveyor

Licensed land surveyors are the only people qualified to determine the location of your title boundary and create new title boundaries. Land surveyors have access to SPEAR – the online system used by Councils and all parties involved in planning and subdivision processes.

The Association of Consulting Surveyors Victoria and the Institute of Surveyors can help you find a land surveyor.

### Step 2 – Apply to Council for Certification of Plan of Subdivision

The application for certification is a separate application to the planning permit application.

For all certification applications:

1. Following the issue of a planning permit you must engage a licensed land surveyor, if you haven't already done so as part of the planning permit process, to prepare a plan of subdivision that must now be certified by Council in accordance with the Subdivision Act 1988.

2. Most land surveyors are registered with SPEAR (Surveying and Planning through Electronic Applications and Referrals) and will lodge your certification application using this online program.
3. Please note there are fees for certification applications that must be paid prior to processing the application.
4. As part of the planning permit process, certain \*conditions were included on the permit that must be complied with for the subdivision to occur. The certification process is about complying with the planning permit conditions. (See examples of conditions on last page of this document).
5. Council will refer the application to the relevant servicing authorities for consent.
6. Unlike the planning permit process where there are certain set timeframes to abide by Council, the certification process is purely driven by the applicant (developer and/or licensed surveyor) not Council. However, Council can assist by providing advice.

### Step 3 – Obtain a Statement of Compliance

1. A statement of compliance is issued by Council once all the requirements of the planning permit are met and all the servicing authorities have consent to the issuing of the Statement of Compliance.
2. When planning permit conditions have been met, the land surveyor (applicant) can send Council a message via the SPEAR program, which will notify Council to either sign off the condition or to arrange an inspection, where applicable. Documents can also be emailed to [planning@swanhill.vic.gov.au](mailto:planning@swanhill.vic.gov.au) for approval.
3. Once all planning permit conditions are signed off Council issues a Statement of Compliance and Council's involvement in the application have ended. Following the issue of a Statement of Compliance it is the responsibility of your land surveyor to finalise the application so that it can be lodged with the Titles Office to receive new titles.

For further information, please contact Council's Planning Department on 50362352 or email [planning@swanhill.vic.gov.au](mailto:planning@swanhill.vic.gov.au)

\*See over for examples of types of conditions.



## EXAMPLES OF CONDITIONS PLACED ON SUBDIVISION PERMITS

Type of Condition	Stage	Responsible Party
Prior to certification of the plan of subdivision, landscaping plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.	Certification	Land Surveyor or Developer
Prior to certification of the plan of subdivision, flow paths of a 1% AEP storm need to be determined and the development designed such that no private property is inundated by this storm. These flow paths must be indicated on the plans and submitted to the Responsible Authority for approval. In rural areas natural flow paths across private property may be used.	Certification	Land Surveyor or Developer
Prior to certification of the plan of subdivision, the owner/permit holder must enter into and register on the title an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987.	Certification	Developer
<p>Prior to the issuing of a Statement of Compliance for the subdivision, the owner of the land must provide written confirmation from:</p> <ul style="list-style-type: none"> <li>• a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and</li> <li>• a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the tional Broadband Network will not be provided by optical fibre.</li> </ul>	Statement of Compliance	Land Surveyor
Prior to the issuing of a Statement of Compliance for the subdivision, all stormwater and surface water drainage from the land, buildings and works must be connected to the legal point of discharge by underground pipe drains to the satisfaction of the Responsible Authority. Effluent and/or polluted water must not be discharged to Council's stormwater drainage system from the land.	Statement of Compliance	Land Surveyor or Developer
Prior to Statement of Compliance of the subdivision, the owner must pay must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the Subdivision Act 1988. The valuation must be undertaken by a suitably qualified person as specified by the Subdivision Act 1988, and at no cost to Council.	Statement of Compliance	Developer