

SUBDIVISION

CHECKLIST FOR APPLYING FOR DEVELOPMENT APPROVAL/ SUBDIVISION CERTIFICATE

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".*

TYPES OF SUBDIVISION

There are different types of subdivision:

- **Torrens Title**
A Deposited Plan (DP) creates the legal identity of land.
- **Strata Title**
A Strata Plan (SP) is the subdivision of a parcel of land to allow multiple occupancy and separate ownership of individual units.
- **Community Title**
A Community Plan reflects the development of planned communities where some of the land is shared.

APPROVAL PROCESS

Where consent is required for subdivision, the following process is to be followed:

- **Development Application (DA)** approval to subdivide the property; and
- **Subdivision Certificate (SC)** to authorise the registration of a plan of subdivision.

Both require the applicant to complete Council's [Development Application Form](#) and submit any necessary plans and documents.

DEVELOPMENT APPLICATION (DA)

Typically, the applicant needs to submit the following:

- Completed DA Form
- Statement of Environmental Effects addressing the relevant planning policies and detailing the proposal
- Plan of subdivision showing the proposed boundaries of the proposed lot(s) and any restrictions on the land (such as easements and covenants) that exist or are being proposed, and identifying any shared areas and/or car parking spaces.
- 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.

BUSHFIRE PRONE LAND

Applications proposing residential subdivision on land identified as being prone to bushfire attack will require approval from the Rural Fire Service (RFS). To confirm whether the site is bushfire prone, check the 149 Planning Certificate for the land.

These applications are classified as 'integrated' development and will be referred to the RFS as part of the DA process. These applications are also advertised in Council's public notices as required by planning legislation.

A separate cheque is required to be submitted with the DA made payable to the Rural Fire Service for the amount of \$320 for their advice.

SUBDIVISION CERTIFICATE (SC)

A Subdivision Certificate endorses the registration of the approved plan of subdivision. Typical submission requirements include:

- a copy of the Development Consent issued to the applicant as part of the DA approval process.
- 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 7 copies required).
- the terms of any restriction on the use of land.
- a copy of the receipt of payment of any Section 94 development contributions that were applicable for the development.

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

FURTHER INFORMATION:

- [Council's website](#)
- [NSW Department of Land & Property Information \(LPI\) website](#)
- Relevant planning legislation: legislation.nsw.gov.au

ENQUIRIES

Council's Duty Planners are available on business days between 8:30am and 4pm at the Penrith Civic Centre and until 5pm by phoning 4732 7991.