

Guide – Steps in the Subdivision Process

A Planning Permit is usually required to subdivide land. The subdivision of land is usually subject to two processes that involve Council; firstly a Planning Permit Application to gain approval to subdivide land and secondly a Certification Application to ensure the plan of subdivision is correct and that statutory requirements are satisfied.

In most cases, a Land Surveyor would make an application to Council for the subdivision. We are advised that it costs around \$60,000 per lot to undertake a subdivision. Further detail about costs can be obtained from a Land Surveyor.

The key steps in the process are explained in the table below:

Step	Comments	Responsibility
Planning Permit	The Planning Permit application process determines whether it is appropriate to subdivide land.	Applicant – the person who lodges the planning permit application, this may be an individual, a land surveyor, planning consultant or other professional.
	The Planning Permit outlines specific conditions that must be met. These can include Servicing Authorities requirements, such as construction of vehicle crossings, drainage works and entering into agreements. The Planning Permit may also request the submission of amended plans.	Council determines the Planning Permit application. Referral authorities may direct Council to refuse to grant a permit or to require conditions on a permit.
	When proposing to subdivide land into three or more lots, or two or more lots if any lot could be further subdivided in the future, a contribution to public open space is required in the form of land or a monetary contribution based on the value of the land. Monetary contributions are used by Council to acquire land for open space or the improvement of existing open space.	
	The Planning Permit includes an expiry condition and it is important to be aware of this date. If the Planning Scheme changes, it may not be possible to extend the Planning Permit.	
Certification	<p>Certification is an administrative step to ensure that the Plan of Subdivision is satisfactory. It should be noted that a plan cannot be certified until such time as a Planning Permit has been issued.</p> <p>A Planning Permit may include conditions with requirements that must be satisfied before the plan is Certified.</p> <p>The Plan of Subdivision submitted for Certification is referred to the Servicing Authorities who check whether easements or reserves are required for their services.</p> <p>Once the Servicing Authorities have consented to the Plan of Subdivision the plan may be Certified if it is satisfactory. A Certified Plan is valid for five years, if the plan is not registered at the Titles Office within that time, the plan expires.</p>	<p>Land Surveyor submits the Plan of Subdivision to Council, along with a Form 1 certification application under the Subdivision Act 1988.</p> <p>Council certifies the plan when the conditions are met.</p> <p>The permit holder is responsible for managing the conditions on the permit. Some permit holders engage a Land Surveyor to manage the permit conditions. There will be a need to liaise with the servicing authorities (These could include: Barwon Water, Powercor, Downer, VicRoads, DELWP, CFA), as well as Council departments such as Infrastructure or Open Space Planning.</p> <p>Works cannot commence on the</p>

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	<p>Once a Plan of Subdivision has been certified, the Planning Permit cannot be extended.</p>	<p>subdivision until the Plan of Subdivision is certified.</p> <p>Council does not provide a project management service. If you are unclear about what action is required to meet permit conditions, you should liaise with your Land Surveyor.</p>
<p>Lodgement of the Certified Plan of Subdivision</p>	<p>The certified Plan of Subdivision is required to be lodged with Land Victoria</p>	<p>Land Surveyor</p>
<p>Statement of Compliance</p>	<p>A Statement of Compliance is the document required to conclude the subdivision process, allow registration of the subdivision at the Titles Office and the release of the new titles by the Titles Office.</p> <p>If civil works are required to be undertaken (e.g. construction of roads and drainage), engineering plans will be required to be approved by Council before the commencement of those works.</p> <p>Servicing authorities may also require design plans for the applicable service (e.g. power, water, sewer, gas) to be approved by them before the commencement of works.</p> <p>A Statement of Compliance is not issued until:</p> <ul style="list-style-type: none"> • Relevant conditions of the Planning Permit have been met. • Subdivisions works have been completed (unless an agreement is in place to secure completion). • Servicing authorities have given written consent. <p>The public open space contribution has been made (if required).</p> <p>Council will only issue a Statement of Compliance once it has received a letter from each Servicing Authority and a final inspection of the site has been carried out by a Council Officer.</p>	<p>Council issues a Statement of Compliance when the conditions are met.</p> <p>The permit holder is responsible for managing the conditions on the permit. Some permit holders engage a Land Surveyor to manage the permit conditions. There will be a need to liaise with the servicing authorities (These could include: Barwon Water, Powercor, Downer, VicRoads, DELWP. CFA), as well as Council departments such as Infrastructure or Open Space Planning.</p> <p>Council does not provide a project management service. If you are unclear about what action is required to meet permit conditions, you should liaise with your Land Surveyor</p>
<p>Section 173 Agreement</p>	<p>If the conditions on your planning permit require a Section 173 Agreement to be entered into, you should engage a legal practitioner.</p> <p>Note: Harwood Andrews have been engaged by Council to review all Section 173 Agreements. You may engage Harwood Andrews directly to prepare your agreement or you may engage your own lawyer. If the agreement is drawn up by a firm other than Harwood Andrews then</p>	<p>Your solicitor</p> <p>The owner is responsible for contacting Harwood Andrews direct on 5226 8533.</p> <p>Harwood Andrews will liaise with Council for signing and confirm</p>

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	<p>Council will forward the agreement to Harwood Andrews for review and they will liaise direct with you to confirm their checking/review fees.</p>	<p>registration</p>
<p>Access and Drainage</p>	<p>Your planning permit may contain conditions requiring access and drainage works to be provided to each lot before Statement of Compliance is released.</p> <p>Queries regarding access and drainage should be directed to Council's Infrastructure Department on 5261 0621.</p>	<p>Once the access and drainage works are completed, call Council's Infrastructure Department (5261 0621) direct to arrange an inspection.</p>
<p>Lodgement of the Statement of Compliance and any other plans or documents prepared by your land surveyor at Land Victoria.</p>	<p>This step allows the separate titles to be created</p>	<p>Your solicitor or conveyancer</p>