



HUME CITY COUNCIL CAN MY PROPERTY BE SUBDIVIDED?

Subdivision is the division of land into two or more lots which can be sold separately.

This fact sheet is designed for people who want to investigate the possibility of a “rear yard” subdivision allowing them to sell some of their land. It also provides an understanding of the land subdivision process and to provide a general overview of how the process works.

The first thing to know is that Council will generally not approve a subdivision (issue a Statement of Compliance) unless the site has an approved Development Permit.

What is a Development Permit and why do I need one?

In most situations (such as “rear yard” subdivisions) a planning permit for development will need to be issued first. This process ensures that any new lots created are suitable for residential development and subdivision.

The purpose of the Development Permit is to demonstrate that land can be built on, that new development meets the requirements of Clause 55 of the Hume Planning Scheme and that designs are based on good urban design principles. The permit process looks at things such as:

- Building heights and setbacks from boundaries
- Overshadowing of adjoining lots
- Car parking requirements for new and existing dwellings
- Private outdoor spaces for the existing and proposed dwellings
- Impact on adjoining properties and future occupants

A planning application for development of the land must be accompanied by a comprehensive set of plans and documents. These are submitted together with the relevant fees and other requirements of Council.

Specific information on Clause 55 of the planning scheme can also be found at:

<https://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-scheme/planning-scheme?f.Scheme%7CplanningSchemeName=Hume>

Once on this website, select the drop down menu titled 50 Particular Provisions and read all of the detail under Clause 55 to 55.06.

Application forms, fact sheets, checklists and more detailed information listing Council's specific requirements can be obtained by contacting our office on 9205 2802 or via Council's website www.hume.vic.gov.au Look under the Building and Planning heading.

Useful fact sheets to view are:

- Multi Dwelling checklist
- Decision Timelines for Planning Applications
- Understanding the Advertising Process of a Planning Application

How long will the Development Permit take?

In accordance with the *Planning and Environment Act 1987*, a Council has 60 Statutory days to determine an application; however additional days may be added if advertising is required, additional information is required, a referral authority is involved or objections to the proposal are received. Refer to the Decision Timelines fact sheet for further information. Once a Development Permit is issued, you can then proceed to subdivision.

Significant benefits are achieved for all parties if documents and plans are prepared and lodged by professionals. Council encourages "first time" applicants to engage a town planner, architect or designer who can manage the process for you.

Subdivision

Subdivision is complicated and has certain legal requirements and therefore the applicant must be a Land Surveyor whose professional skills enable them to prepare the documents and manage the process for you. Surveyors are listed in the Yellow Pages and on the Surveyors Registration Board of Victoria website www.surveyorsboard.vic.gov.au.

There are three main stages to a subdivision permit which may take several months to complete:

1. **Permit** – Applications are referred to the servicing authorities (water, sewer, gas electricity etc) for assessment of their requirements. The permit will list any conditions to be met prior to Statement of Compliance. Some of these conditions may require you to carry out works or to pay bonds in lieu of works and may also attract additional fees.
2. **Certification** – Subdivision plans are lodged by a licensed Land Surveyor. These plans are then endorsed by Council if they are in accordance with the permit. **All service authorities need to consent to the plan being certified.** At this time, a contract of sale may be entered into but settlement cannot occur until after the Statement of Compliance is issued.
3. **Compliance (Statement of Compliance)** – Once all planning permit conditions and service authority requirements have been met, a Statement of Compliance will be issued. Documents are then lodged with Land Use Victoria. New titles are then issued and the lots can be sold. Your solicitor or conveyancer will deal with this stage.

Subdivision before development

Whilst it is possible to apply to subdivide your land before construction, you must first obtain a Development Permit prior to subdividing your land. This will enable all development matters to be considered in the planning process.

You can subdivide and sell the lots even if you do not wish to carry out the construction of the dwellings as long as a Statement of Compliance and new titles are issued.

In such circumstances, it may be a requirement of the permit for you to enter into an agreement with Council under Section 173 of the *Planning and Environment Act 1987* to ensure that development occurs as per the endorsed plans or any requirements for infrastructure works required by a permit condition. The agreement would be attached to any new title.

To obtain more detailed advice, please contact our office on 9205 2802.

Disclaimer: Please note this checklist is for standard information required for lodgement. Additional information may be required by the assessing planning officer after registration.