

What is subdivision?

Subdivision is defined in Section 3 of the *Planning and Environment Act 1987* as:

‘the division of land into two or more parts which can be disposed of` separately’.

How do I subdivide my land?

Subdivision of land can be a complex process. In nearly all circumstances, a planning permit is required to subdivide land.

It is firstly necessary to determine whether the land can be subdivided. If the land can be subdivided, an application for a planning permit must be lodged with Council, with assessment against the relevant provisions of the [Cardinia Planning Scheme](#) undertaken.

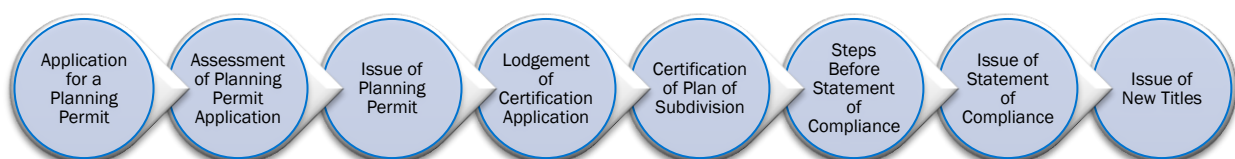
If a planning permit is issued by Council for the subdivision, an application must then be lodged for ‘certification’ of the plan of subdivision within a specified timeframe.

Certain actions may be required by conditions on the planning permit before the plan of subdivision can be certified, including actions that require collaboration with or approval of other authorities (such as South East Water or AusNet).

Once the plan of subdivision is certified, further actions may be required before a ‘statement of compliance’ can be issued for the subdivision – including provision of works, services and payment of public open space and development/infrastructure contributions.

Once a statement of compliance is issued, the plan of subdivision can be lodged with Land Use Victoria (i.e. the titles office), and new titles for the land issued.

The below chart indicates common stages of the subdivision process, noting each stage varies in length of time and complexity.



Can I subdivide my land?

Whether a planning permit is able to be issued for subdivision is dependent on the Zone of the subject land and any Overlays or other controls that apply under the [Cardinia Planning Scheme](#).

Check the Zones and Overlays that apply to your land via [VicPlan](#).

The fact a permit *can* be granted for a particular proposal *does not indicate or imply a permit should or will be granted*. Council will assess any application lodged against the relevant facts and provisions of the Cardinia Planning Scheme, as applicable.

Land in Residential Zones

In most circumstances, a planning permit *may* be issued allowing subdivision of land within a residential zone (i.e. General Residential Zone and Neighbourhood Residential Zone). Minimum lot sizes are generally not provided within these Zones, however may apply under other provisions of the Cardinia Planning Scheme.

Subdivision for residential purposes in these Zones must meet the requirements of Clause 56 (Residential Subdivision) of the Cardinia Planning Scheme, as well as any other requirement of the Zone.

Land in the Low Density Residential Zone

Similar to the above, in most circumstances, a planning permit *may* be issued allowing subdivision of land within the Low Density Residential Zone. However, minimum lot sizes apply to land within the Low Density Residential Zone – with these found in the Zone and the Schedule to the Zone that applies to the land.

If subdivision is proposed, all lots must be at least the specified minimum lot size.

If a subdivision does not propose all lots equivalent to or larger than the minimum lot size, the subdivision is prohibited and Council cannot issue a planning permit.

Many Low Density Residential Zone areas of Cardinia Shire are not connected to reticulated services (i.e. sewerage, water etc), and many of these areas are densely vegetated. This often complicates potential subdivision and may mean subdivision is not possible.

Land in the Urban Growth Zone

Planning decisions in the Urban Growth Zone are controlled by Precinct Structure Plans (PSPs) – long-term plans that guide urban development in a specific area. They describe how the land is expected to be developed and how and where services and infrastructure are planned to support the development of new communities.

If a PSP applies, a planning permit issued for subdivision must be generally in accordance with the PSP and must meet any other requirements or conditions specified in the PSP or Schedule to the Urban Growth Zone. This can include minimum lot sizes and density per net developable area.

For further advice, contact Council's Growth Area Planning team.

Land in Rural Zones

Similar to the Low Density Residential Zone, all rural zones (i.e. Green Wedge Zone, Green Wedge A Zone, Rural Conservation Zone and Special Use Zone – Schedule 1) prescribe a minimum lot size.

These minimum lot sizes can be found in the Zone and relevant Schedule to the Zone. If subdivision is proposed, all lots must be at least the specified minimum lot size.

If a subdivision does not propose lots equivalent to or larger than the minimum lot size, the subdivision is prohibited, and Council cannot issue a planning permit.

Land in Other Zones

Requirements for subdivision in other zones not listed above may vary. For further advice, contact Council's Statutory Planning team.

What about Boundary Realignments?

A boundary realignment is a type of subdivision where the shared boundary between two or more lots is moved. Such subdivisions are also sometimes known as 're-subdivisions', or 'NICO' (not in common ownership) subdivisions. These types of subdivisions generally do not create additional lots.

In some specific circumstances (particularly in rural zones), a permit *may* be able to be granted for a boundary re-alignment where the new lots are smaller than the specified minimum lot size. These circumstances vary, but generally the below requirements (or similar) must be met:

- *The subdivision is the re-subdivision of existing lots, the number of lots is not increased, and the number of dwellings that the land could be used for does not increase.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

Certain *very minor* boundary re-alignments may not require a planning permit, if specified exemptions in [Clause 62.04 \(Subdivisions not Requiring a Permit\)](#) are met.

Land Affected by Overlays

Overlays are planning controls that seek to address a particular issue or provide a specified outcome, with large areas of land within Cardinia Shire affected by various Overlays. Common Overlays affecting land that are relevant to subdivision include the below:

- Development Plan Overlay
- Restructure Overlay
- Public Acquisition Overlay
- Environmental Significance Overlay
- Heritage Overlay
- Design and Development Overlay
- Bushfire Management Overlay
- Land Subject to Inundation Overlay
- Floodway Overlay

In addition to permit requirements and/or exemptions provided in a Zone, a planning permit may be required under an Overlay for subdivision.

If your land is affected by the Public Acquisition Overlay, Restructure Overlay or Development Plan Overlay, it is strongly encouraged to contact Council for proposal-specific advice.

Vegetation Removal

A planning permit is required to remove, destroy or lop vegetation in many areas of Cardinia Shire.

If your proposal results in the removal of vegetation, a planning permit may be required – whether or not a planning permit is required for the proposed use/development.

Certain subdivisions may also result in the consequential loss of vegetation, meaning a permit is required for vegetation removal even when this is not physically proposed.

Restrictive Covenants and Section 173 Agreements

Many parcels of land within Cardinia Shire are affected by Restrictive Covenants or Section 173 Agreements. These documents are registered on the title of the land, and may restrict or prohibit certain types of land use or development or mean the land cannot be further subdivided.

In most circumstances, Council cannot issue a planning permit if the proposal would breach or be inconsistent with a restrictive covenant or Section 173 Agreement.

Council does not have copies of these documents and cannot provide them. They can be obtained from the [Landata \(Titles Office\) website](#).

Referral of Applications

Many planning permit applications for subdivision require referral to third party authorities, including (but not limited to):

- The relevant water, drainage and sewerage authorities.

- The relevant electricity supply or distribution authorities.
- The relevant gas supply authority.
- The Country Fire Authority.
- The Head, Transport for Victoria (VicRoads).

Council undertakes the referral as part of the planning permit application process.

Who can assist?

A registered land surveyor generally prepares a plan of subdivision, and (as well as private town planning consultants) can assist with preparing, lodging and managing a planning permit application for subdivision – as well as outlining the information that should accompany an application.

For more detailed project/site specific advice (including written confirmation of whether subdivision is possible or likely to be supported by Council), it is encouraged to [request planning advice in writing](#) or arrange a [pre-application meeting](#) with Council's Statutory Planning Team.

Frequently Asked Questions

1. Should I propose development of land before, at the same time or after subdivision?

In most circumstances, it is preferable to propose development of land (such as construction of additional dwellings) prior to subdividing the land, as this simplifies both processes.

2. Why can't I subdivide my rural property?

Rural land is land that is outside the Urban Growth Boundary (UGB). The UGB exists to designate the 'end' of urban areas and maintain the rural character and landscape of land outside this boundary.

In Cardinia Shire, much of the land outside the UGB is within a 'Green Wedge' – areas critical to Melbourne and Victoria for agricultural, historic, environmental and cultural reasons.

Subdivision of this land (including subdivision for urban or rural residential purposes) is acknowledged to result in fragmentation of this land and may affect or detrimentally impact the valuable characteristics as listed above.

Minimum lot sizes exist within the rural zones to protect, maintain and enhance these valued characteristics, as supported by other policy within the Cardinia Planning Scheme.

3. Will I have to make a financial contribution?

In many circumstances, a financial contribution to Council must be paid before a statement of compliance can be issued (i.e. before the subdivision is completed). The process and amount vary on the location of the land, type of subdivision and relevant requirements.

These contributions are required by legislation and/or provisions of the Cardinia Planning Scheme, including:

- Development Contributions Plan Overlay
- Infrastructure Contributions Plan Overlay
- Clause 53.01 – Public Open Space Contribution and Subdivision
- Section 18 of the *Subdivision Act 1988*

These contributions are collected by Council and used towards provision of public open space, community infrastructure and facilities, engineering works, and provision of various services/facilities – among other things.

To pay a contribution or for more information, please contact Council for further advice.

Important

The fact a permit can be granted for a particular proposal does not indicate or imply a permit should or will be granted. Council will assess any application lodged against the relevant facts and provisions of the Cardinia Planning Scheme, as applicable.

Any advice provided within this fact sheet is preliminary advice only and subject to change. Council endeavours to provide clear and accurate advice based on the information provided and the relevant provisions of the Cardinia Planning Scheme.

The advice within this fact sheet is current at the date of publishing but may be impacted by subsequent changes to the Planning Scheme, legislation, the proposal, referral advice, site inspections, the public notification process, and any other change of circumstance.

Further Advice

For general advice, please contact Council's Statutory Planning team on the details below.

For more detailed project/site specific advice (including written confirmation of whether a planning permit is required or is able/likely to be granted), it is encouraged to:

- [Request planning advice in writing](#);
- Arrange a [pre-application meeting](#) with Council's Statutory Planning team; or
- Seek further, independent advice from a qualified third party.

Contact Us

In Person: Visit us at our Civic Centre, 20 Siding Avenue, Officer.

Email: mail@cardinia.vic.gov.au

Phone: 1300 787 624

Web: www.cardinia.vic.gov.au

Translation Information

If you need an interpreter, call the [Translating and Interpreting Service \(TIS National\)](#) on [131 450](#) to speak to an interpreter. Ask them to phone Cardinia Shire Council on [1300 787 624](#)

National Relay Service (NRS)

TTY: 133 677 (ask for 1300 787 624)

Speak and Listen (speech-to-speech relay): 1300 555 727 (ask for 1300 787 624)