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Subdivision of Buildings

What's in a Name?

Granny flats, duplex, dual occupancy, multiple residential occupancies - Freehold, Strata, Torrens or Community title - what's the difference?

This information will give you a guide to specific requirements for the various types of accommodation as outlined above. It also outlines issues relating to the land title which have an impact on seeking approval consents from the Council.

The main differences are about legal issues of the land title. Most blocks of land are either Torrens Title or Old Systems Title. These types of parcels are commonly referred to as Freehold Title. In some situations land may be leased land for which a lease of longer than five years or more requires a subdivision to be created.

Land Titles

The freehold allotments specified above may comprise several allotments in a parcel or holding of land. When it is proposed to build over several parcels of land, including internal boundaries traversing the parcel, Council may require consolidation of allotments so that in the event of an inheritance being left to different persons, the building does not create a complication of being structurally partly owned by different interests. These boundaries are also referred to in the Building Code as "fire source features" for which fire safety matters have to be considered in setbacks and for fire resistance of building construction. In the past some of the walls that were built on or near boundaries were called "party" or "common" walls.

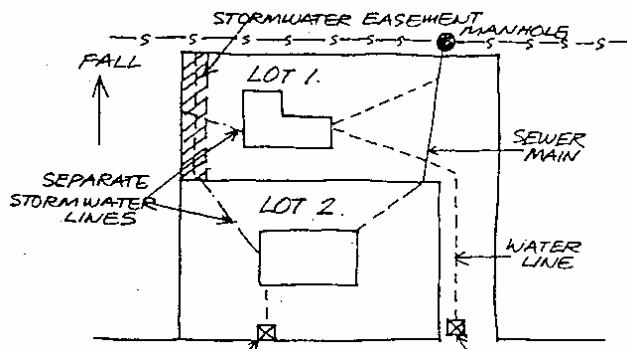
A Strata Title subdivision is usually the ownership of an internal space of a building within the rooms, with the title remaining as an allotment under common ownership. There may be dedicated utility lots set aside for specific purposes such as visitor car parking, waste storage area or special purposes, eg. a common driveway.

A Community Title is a similar concept of a Strata Title in that the allotment remains under common ownership with respective ownership of parts of the buildings and yard areas to individual property interests. There would be common allotments dedicated for sharing by the corporate ownership of the land and buildings. These forms of development can be staged developments, facilitating future development or a communal facility such as a country club, sporting and recreational facilities or other forms of development. The future development has to be stated in a Development Contract or Development Statement as to the time-table and ultimate concepts. This is a consumer interest documentation to overcome "rude shocks" with changes to the development or reneging on development proposals intended at the point of sale.

With Strata Title and Community Title there is a Body Corporate responsible for administering the internal affairs of the development and may impose various neighbourhood rules which are independent of Council requirements. Some of these rules may relate to the keeping of animals, use of areas, and external attachments to buildings.

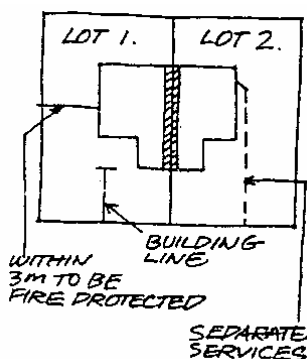
Land Subdivision

Where an allotment is being subdivided to facilitate two independently owned dwellings and the allotments will include surrounding land, each of the allotments has to have independent services including electricity, water, gas, stormwater and sewer. On some of the services, the metering is also required to be separate.



The requirements for subdivision will require separate connections and surcharge gullies for sewer and a septic tank. Where a stormwater drain is inter-connected, a legal easement is required to be secured where traversing the other parties land.

The allotment sizes exclude the driveways and are required to observe provisions within the DCPs for respective zoning within the Shire.



A semi-detached building can be erected with respective buildings on individual allotments. Where the situation occurs the common wall on the separating boundary has to be fire resistant and have sound transmission precautions in construction. Openings cannot penetrate through the party wall. All services have to be provided separately to these buildings in a manner similar to a detached dwelling.

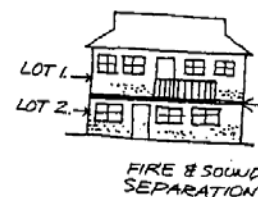
Multiple occupancies, including dual occupancy

Where multiple occupancy occurs on a common allotment, the separation of services is still required although some concessions may be given to stormwater disposal arrangements having a shared drainage line. It is advisable to have independent surcharge gullies to each of the units with an individual water stopcock which can shut off the water service to prevent undue inconvenience to respective occupancy owners.

There will be some degrees of fire resistance and sound transmission precautions that also have to be considered in these arrangements.

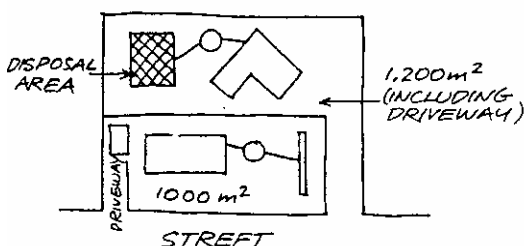
Duplex

A duplex is generally an overlay of one unit above another. They are more common to occur in properties that are Strata Title and do allow for sharing of some services, such as sewerage, stormwater. Electricity and water are usually separately metered.



Allotment size

The allotment sizes will vary as to the availability of services. In some of the villages, clay soils would dictate that larger allotments are necessary for disposal of septic tank effluent.



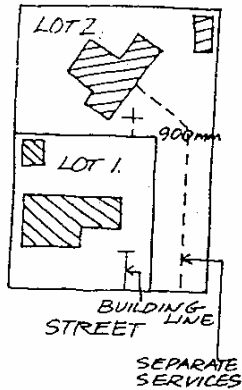
Septic Tanks

Where separate allotment titles are created, the joint use of a septic tank is prohibited. Each dwelling allotment is required to have a septic tank and effluent disposal system.

Joint sewerage lines

Where independent allotments are created for ownership, joint sewerage lines are not permitted. Where the allotment is a common ownership it is permissible to have a joint internal sewer drain, but it does provide complications if there are attempts in future years to subdivide into separate land titles.

Water services



Where individual land titles are created with a dwelling, a joint water service is not permitted. Where there is shared ownership of the allotment it is usual for separate metering to be required so that water consumption can be apportioned accordingly. A water stopcock which enables individual unit repairs to be conducted without disrupting the supply to other units is required.

Stormwater lines

A joint stormwater line is not permitted unless it is a shared ownership allotment. Unless there has been a drainage easement legally secured upon the Title to benefit access to that stormwater pipe.

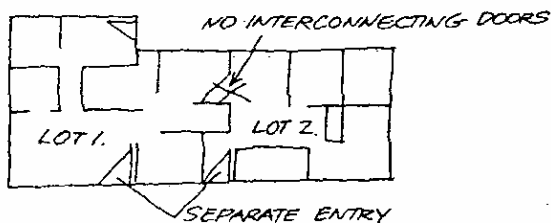
Stormwater disposal is normally to a street or piped stormwater drain. On site stormwater disposal for residential multiple occupancy in septic tank areas may disrupt the functioning of the septic tank system.

Fire safety

The closer proximity of buildings upon multiple residential occupancy does have fire hazards and increased fire safety issues would be encountered in walls bounding the respective units and extending to fire rated ceilings or to walls that go to the underside of the roof.



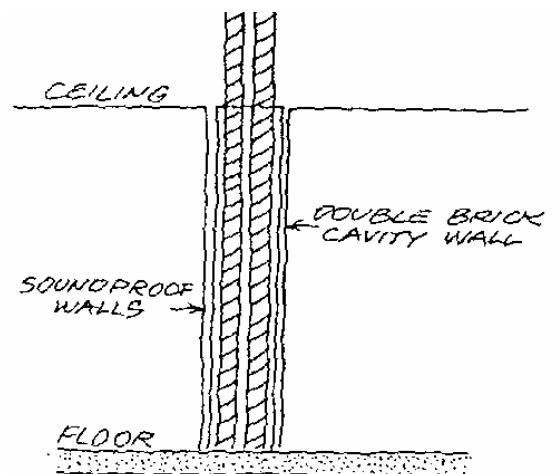
Fire exits



In semi-detached terrace or duplex style construction, inter-connecting doorways endanger the fire safety to each unit. Independent exit requirements without traversing other units is required in the design. This becomes more important if there is an inter-connecting "granny flat" relying on only internal entry from the other dwelling.

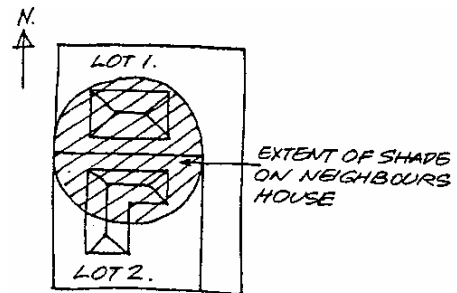
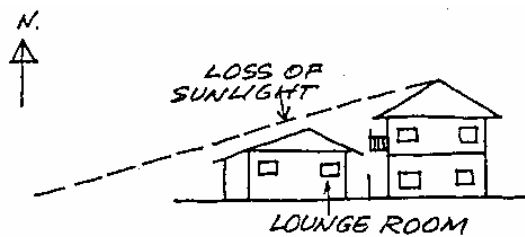
Sound transmission

For terrace and duplex style constructions and residential flat buildings, sound transmission precautions are required to be observed in the design and construction. This generally means specific construction with discontinuous wall leaves in addition to the fire safety construction requirements.



Siting

Council, when considering developments, is required to give appropriate assessment to privacy, amenity and other aesthetic issues. The effect of orientation also has a requirement to ensure that maximum solar access is afforded to each of the units.



Design

The requirements for facilities in each of the units limits the scope of sharing of common or communal facilities such as laundries, kitchens and bathrooms. Each unit should be independent and satisfy the Building Code of Australia.

Disabled access and “kid safe” design measures

Council has a list of issues that should be considered in design and with the future use of the units recognising that there are issues of child safety, decreased mobility of aged persons, arthritic conditions, and scalding precautions with hot water systems. This list of items is available free of charge from the Council.

Keeping of animals

The multiple occupancy of an allotment site brings certain problems with closer settlement if items such as dogs, poultry, are being contemplated in the yard areas. Often the Corporate Body of the Strata or Community Title may set their own rules which can be disclosed at the time of conveyancing transaction enquiries.