



# Sustainable Housing Principles

## 2.1 Land Titling and Service Infrastructure

# DESIGN GUIDELINES

FOR SUSTAINABLE HOUSING & LIVEABLE NEIGHBOURHOODS

*on behalf of the South Australian Housing Trust*



Government of South Australia

SA Housing Authority

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

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## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### Introduction

#### Background

Established in July 2018, the SA Housing Authority (SAHA) is a statutory corporation that administers the South Australian Housing Trust (SAHT) Act 1995.

The SAHA consolidates housing-related services and management of the housing stock; including strategy, service delivery, assets and related corporate supports; and plays a key role in enabling and supporting the State's modern, multi-provider housing system and in establishing an environment that promotes shared responsibility and ownership.

The SAHA is committed to providing housing that is socially and environmentally affordable and sustainable. To help achieve this, a suite of design guidelines for sustainable housing and liveable neighbourhoods that are applicable to all types of new residential construction, both rental and affordable have been developed.

The suite of design guidelines comprise the following:

- 1.1 House Design Guide
- 1.2 Amenity Targets
- 1.3 Apartment Design BCA Class 2 Construction
- 1.4 Housing Accommodation Schedules
- 1.5 Affordable and Market Housing
- 2.1 Land Titling and Service Infrastructure
- 2.2 Design Guidelines for Site Layouts
- 2.3 SAHT Universal Housing Design Criteria
- 2.4 Environmental Sustainability
- 3.1 Neighbourhood Renewal
- 3.2 Row and Terrace House Design
- 4.1 Housing Modifications
- 4.2 Generic Design Guidelines for House Renovations

Designers must understand and incorporate the requirements of these guidelines on all residential projects that involve land and properties owned by the SAHT. These guidelines assist designers in the interpretation of current policies and practices and include applicable features of the Good Design Guide SA historically published by Planning SA.

Some design compromise is acceptable to take into account site constraints and local planning conditions. All designs will be considered by the SAHA on merit. However, the minimum spatial dimensions needed to meet universal housing living requirements are generally not negotiable.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### This Design Guideline

The purpose of this guideline is to provide some direction on boundary/ownership requirements to the designers of both the buildings and the physical service infrastructure for new build group housing sites.

Land titling defines the legal boundaries that are created to enable separate ownership. The titling arrangements need to be considered at the commencement of the project and determine the physical servicing arrangements during the design stage of a housing development.

Conversely, the physical servicing costs/constraints may well determine the land titling option to be applied to the site.

The lodging of a proposed plan of division with the State Commission Assessment Panel (SCAP) is a whole of state development process in accordance with the legal requirements as set out in the *Planning Development and Infrastructure (PDI) Act, 2016*. This lodgement and assessment process initiates important design processes within other state agencies and prescribed bodies.

Financial services within the state rely on land ownership as the main form of security when lending money to clients. Land titling is a major determinant in the value of a property and the value of the SAHT's assets.

### Design Requirements

When designers provide yield design proposals to the SAHA for approval they need to also suggest future titling arrangements for the site.

On group sites these future arrangements need to demonstrate an understanding of perceived ownership and responsibility by the individual householders for the immediate environs of each dwelling. These arrangements are crucial for household security, neighbourliness, tenancy management and landscape maintenance.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### Land Titling Options

There are three types of titling options that can be issued in South Australia under the provisions of the *Real Property Act, 1886* (RPA):

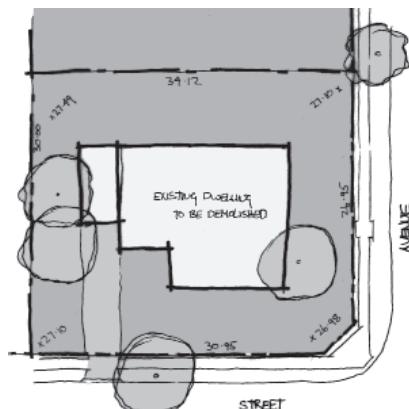
#### Conventional Title

A Conventional Title, or Ordinary Title, is a Torrens Title issued under the Real Property Act following the division of land into **allotments**.

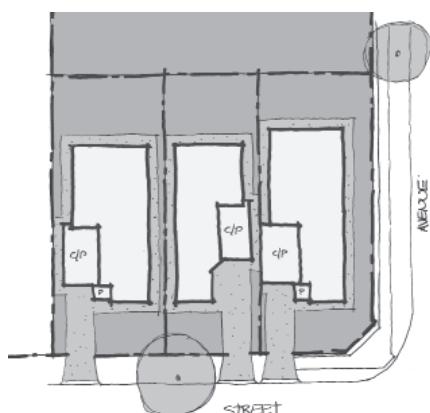
- The allotment must have direct access to a public street;
- The proposed land division is assessed as a development in accordance with the *PDI Act*; and
- A Conventional Title may have more than one dwelling constructed on a allotment, eg group housing site.

**Figure 1 : Conventional Title Development**

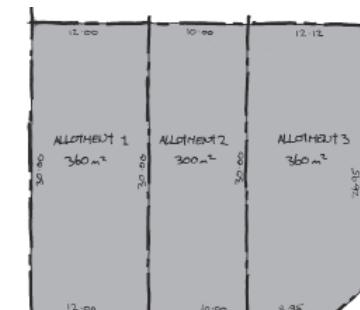
Step 1 - Obtain an existing detail and levels survey



Step 2 - Develop a proposed site plan / yield study as per SAHT requirements



Step 3 - The proposed land titling layout indicating conventional titling arrangements



## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

# Community Title

A community division is a plan dividing land into two or more lots and common property, as defined in the *Community Titles Act, 1996*.

- The lots can have common access to the street and the common property must be usable;
  - The lots and the common property are unlimited in height and depth with lateral boundaries;
  - The proposed community division is assessed as a development in accordance with the PDI Act; and
  - Community Titles are a form of Torrens Title as the Community Titles Act and the Real Property Act are to be read together as a single Act.

**Figure 2 : Community Title Development**

Step 1 - Obtain an existing detail and levels survey

**Step 2 - Develop a proposed site plan / yield study as per SAHT requirements**

### Step 3 - The proposed land titling layout indicating community titling arrangements



## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### Community Strata Title

When creating a Community Strata Title, the same rules exist as for the Community Title except:

- A community strata plan creates **strata lots** that have defined upper and lower boundaries as well as lateral boundaries, and must create one lot that is directly above or below another lot in a building; and
- Each strata lot must be wholly or partly within a building with the boundaries defined by reference to the building.

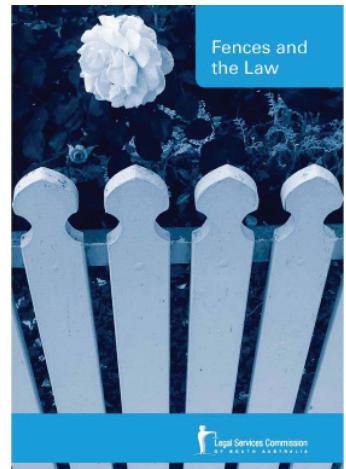
It should be noted that the SAHT owns properties that are titled within existing strata title schemes under the operation of the Strata Titles Act, 1988. From 1 January 2002, however, no new schemes can be created.

### Definitions

#### *Boundary Fencing*

Reference should be made to the Fences Act, 1975 for the relevant procedures to be followed when fencing is to be erected on title boundaries.

A useful reference guide is “Fences and the Law” a booklet published by the Legal Services Commission of South Australia and can be downloaded from their website at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).



#### *Easement*

An easement is a right held by someone or body to make use of the land of another, eg, legal access to rear of allotment storm water drains is provided by the creation of an easement for drainage purposes. The easement can either be a service easement, often referred to as a statutory easement, eg, to Council; or a private easement, eg, to another person.

#### *Land Parcel*

The legal definition of a land parcel has distinct terminology. Land parcels created by conventional land division are referred to as allotments, and land parcels created by community division are referred to as lots. SAHT group housing is built on an allotment and can be divided into lots by Community Title if individual dwellings within the group are to be sold.

#### *Public Road*

A public street or road means that the public is entitled to use as a street, road or thoroughfare. Generally the ownership and maintenance of the public street or road is with the Council for the area.

#### *Private Road*

A private road is a legal term often appearing on older titles. It is no longer used. For design purposes, however, one can apply the same meaning as a right of way.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### *Right of Way*

A right of way is a full and free right to the proprietor of the right to pass and repass for all purposes. The proprietor of one property holds the right over another property.

### *Shared Space*

The space within a group housing site that is used by more than one occupant is defined as being shared space. If the group housing is community titled, then the shared space is delineated on the plan as common property and owned by the community corporation.

### *By-Laws (Rules)*

This is a compulsory document for all strata and community title schemes. It sets out the obligations of the corporation in administering the scheme and the rules by which the scheme is to be run.

### Drafting of Community Title By-Laws

The Community Titles Act 1996 requires developers of community schemes to draft individual by-laws that reflect the nature of the particular scheme. When drafting the By-Laws for Community Title development consultation with the Community Housing bodies involved will need to be undertaken to ensure that there are no anti-family or anti-sustainability provisions. Refer to design guideline 1.3 for a list of these provisions.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### General Principles for Titling and Servicing of Group Housing

When designing for group housing developments, the general principle is that the proposed development should be designed in such a way to enable it to be community titled at some future stage. Consideration to be given to the titling option that maximises the value of the asset without compromising the principle of providing appropriate and affordable housing which meets customer needs and which adheres to the social objectives of site safety and security. Preference is also to be given to creating smaller groups of housing to provide flexibility of decision making regarding future options for the housing asset, eg, up to ten dwellings. Factors to be considered include:

#### Land Titling Arrangements

Land titling arrangements to be considered at the commencement of the design stage:

- Obtain a copy of the current Certificate of Title to determine the site boundary dimensions and any legal constraints such as encumbrances, easements for services, rights of way to adjoining owners, etc;
- Consideration to be given to the agreed land ownership arrangements; and
- Titling option that maximises the value of the asset taking into consideration the existing titling.

#### Council Zoning

Research the Council zoning to determine the planning requirements for the site. The following are subject to the consent of Council, having regard to the principles of the development plan:

- The land area determines the size of the housing, particularly for single allotment sites, eg, 2 bedroom, 3 bedroom or 4 bedroom, as there are minimum private open space requirements;
- Setbacks from street alignments; and
- Minimum offset widths from houses and carports to legal boundaries.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### Existing Physical Service Infrastructure

Assessment of the existing physical service infrastructure, eg, sewer, water, fire service, electrical, site drainage, etc:

- Undertake desktop study to examine all plans showing the location of existing services (particularly utilising online GIS based information);
- Include site visits, where required, to identify physical site constraints, eg, fall of the land, regulated and significant trees, obstacles impacting on driveway access to streets, depth of existing sewer connections stormwater pits etc;
- Report on all site constraints and include options and approximate costs for solutions; and
- Arrange for the preparation of a detail and level survey of the site.

### Layout of Dwellings

For consideration to be given to the layout of the dwellings within group housing sites, refer to the design guideline 2.2 *Design Guidelines for Site Layouts*. In particular, the ownership of space needs to be clearly defined and designers are to include a plot of the proposed community title boundaries with the dwelling layouts.

### Common Property (Shared Space)

By definition, the common property will incorporate the shared space within the group housing site. There is a legal requirement that the common property delineated on a community plan be meaningful or usable. The common property boundary can follow a physical feature such as a fence or kerb line and is delineated by measurement. It can include:

- Common access roads;
- Common paths;
- Car parking;
- Rubbish bin enclosures and letterboxes;
- Position of water, gas and electricity meters; and
- Common landscaped areas, etc.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### Alteration and/or Provision of New Physical Service Infrastructure

Design the physical service infrastructure in accordance with the land boundary/ownership requirements.

#### *Water Supply*

- Separate water meter required for single dwelling allotments utilising existing water meters wherever possible; and
- Manifolds to be installed for metering of individual dwellings within multi dwelling allotments, including a separate meter for common area watering if required.

#### **Water**

Check with Council for local Water Industry development requirements in relation to rain water retention, detention or the use of recycled water.

#### *Fire Service Provision*

- The position of the existing street fire service, usually a hydrant or plug, must be checked;
- There are requirements for particular distances for fire truck hose lengths to be able to reach to structures on the site;
- On some group housing sites fire hose reach to the furthest unit may require the relocation or the provision of a new street fire plug while on others a fire main may need to be extended into the development; and
- The detailed requirements are set out in Australian Standard *AS2419.1 Fire hydrant installation - System design, installation and commissioning*.

#### *Sewer*

- Separate sewer connection required for each allotment; and
- Common sewer lines required within group housing sites.

#### *Electrical*

- Separate electrical connection required for each allotment;
- Common electrical service within group housing sites with switchboard to be accessible for meter reading to specific SA Power Network requirements; and
- Seek advice from the Authority on appropriateness and location of group and individual switchboards.

#### *Telecommunications*

- Telephone services to be provided through the National Broadband Network (NBN).

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### **Stormwater**

- Separate stormwater disposal to either the street or rear of allotment drain for each separate allotment;
- Common stormwater drainage within group housing sites with discharge to street gutter at multiple locations or if above a prescribed flow to street drainage;
- Easement required for rear of allotment stormwater drains. Confirm with the relevant Council for width required; and
- In determining stormwater management requirements for group sites initially utilise what design information is readily available through the various Council websites or through direct contact with a relevant Council Officer. Advice should then be sought from the Authority on specific utilisation of detention/retention/water quality devices which is particularly aimed at minimising ongoing maintenance.

### **Access Roads**

- Minimum entrance width to site to facilitate two cars entering and leaving, eg, 5.50 metres;
- Minimum roadway width depending on length of road, eg, 3.50 metres minimum, 5.50 metres where passing is required;
- Manoeuvrability for access to individual parking spaces to be in accordance with council requirements (refer design guideline 2.2 *Design Guidelines for Site Layouts*) and designed to Australian Standard AS2890.1 *Parking facilities - Off-street car parking*;
- Footpath does not need to be provided on small unit sites where pedestrians can use the roadway;
- Consideration be given to waste management and postal distribution by allocating adequate space for garbage bins and post boxes; and
- Preference be given to using internal shared driveways for service infrastructure, however, services crossing rear yards is allowable.



**Access road at “Inspire” in Noarlunga Centre**

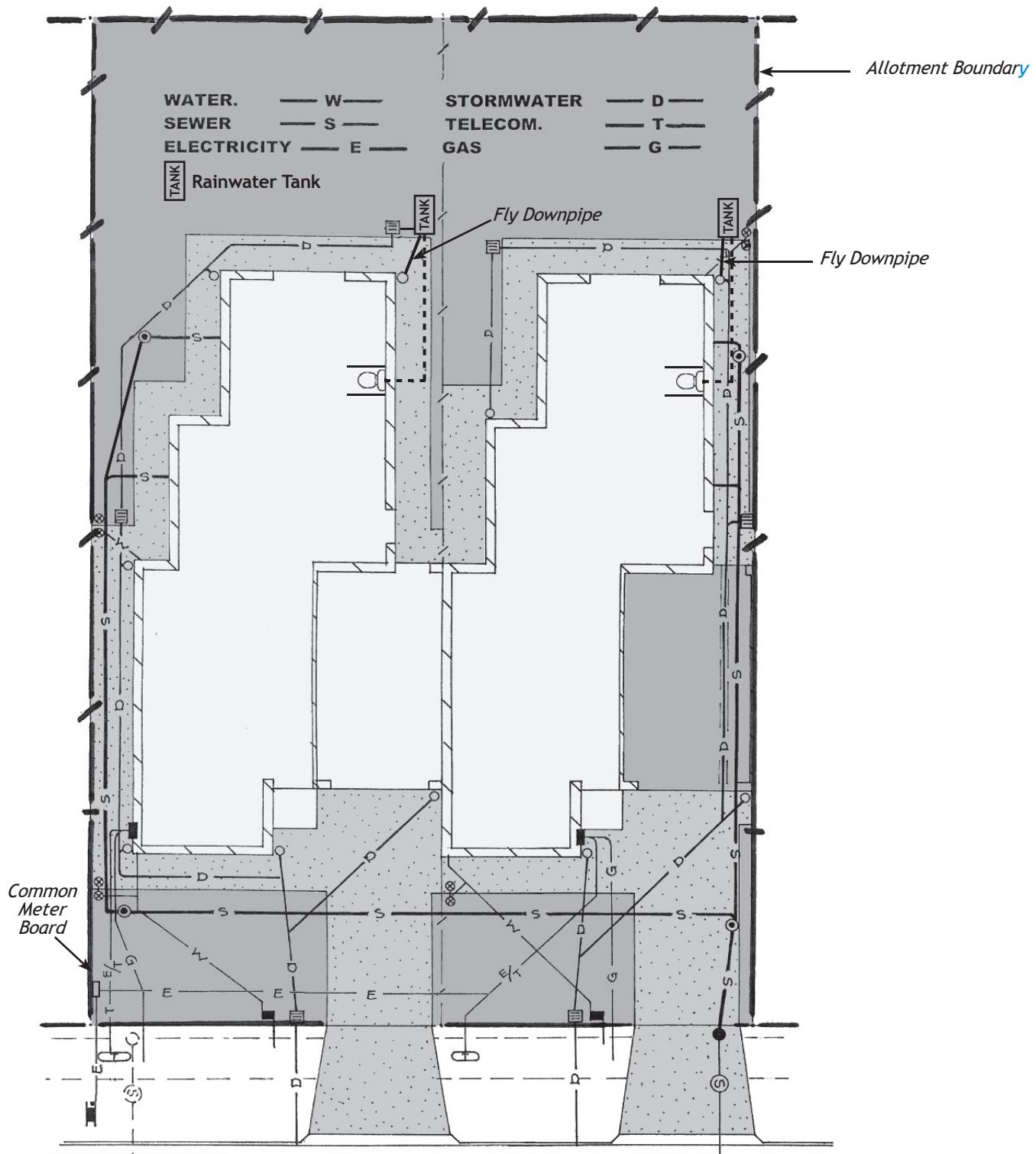
## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

**Figure 3.1 : Example 1 of an indicative servicing layout**

Indicative service layout for attached housing to enable future separation.

Note: with the exception of sewer and possibly electrical which can only be laid across the front of the units as shown, services to each unit are to be separate and contained within the allotted fenced area of the unit.

Check with SA Power Networks to see if a separate electrical service is possible



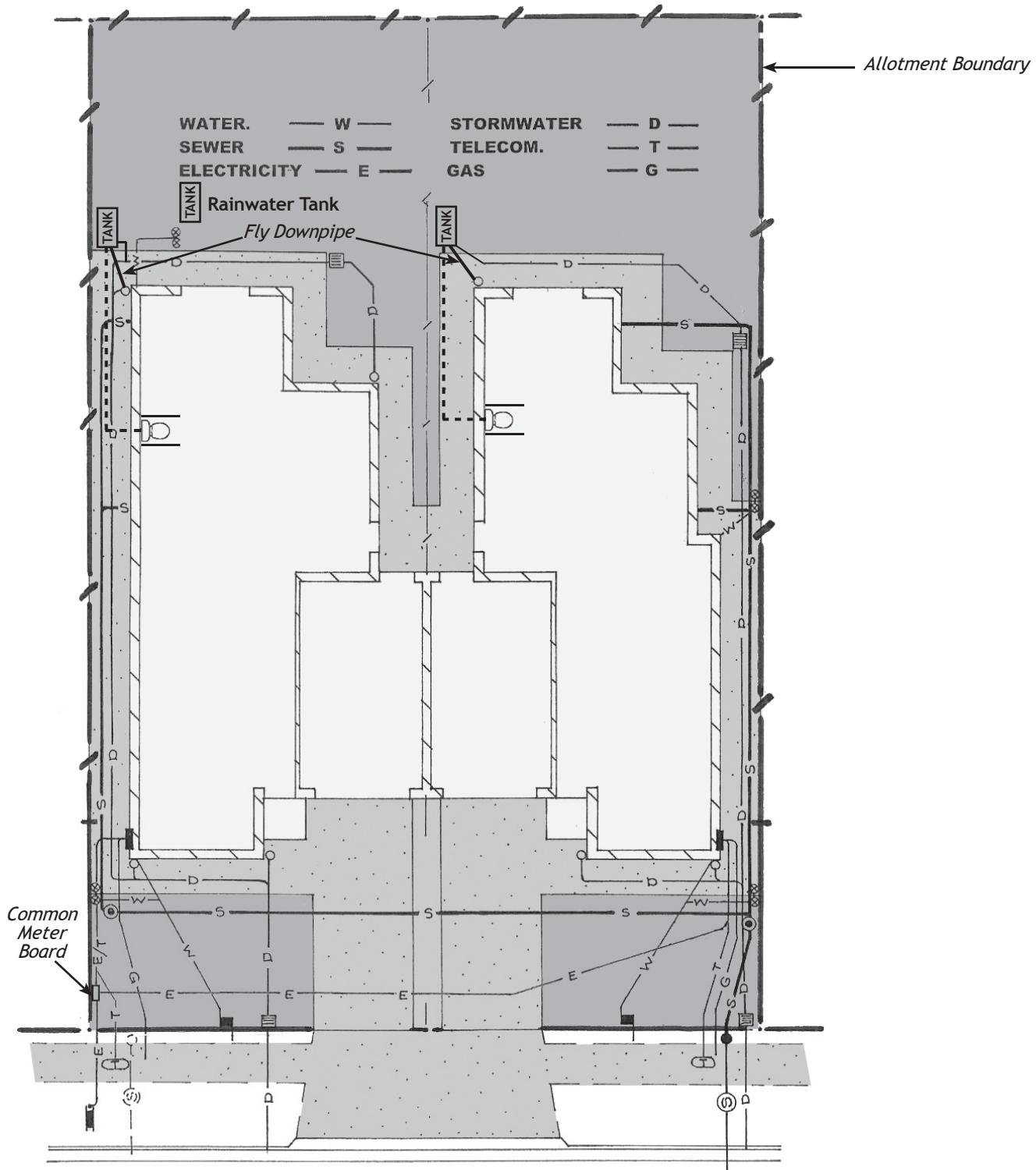
## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

**Figure 3.2 : Example 2 of an indicative servicing layout**

Indicative service layout for attached housing to enable future separation.

Note: with the exception of sewer and possibly electrical which can only be laid across the front of the units as shown, services to each unit are to be separate and contained within the allotted fenced area of the unit.

Check with SA Power Networks to see if a separate electrical service is possible



## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### **Car Parking**

- Allocation for car parking to be provided in accordance with the planning requirements (for details refer design guideline 2.2 *Design Guidelines for Site Layouts*);

### **Area Lighting**

- To maintain security for tenants, lighting is to be provided for external paths, car parks/carports and roadways (for details refer design guideline 2.2 *Design Guidelines for Site Layouts*);

### **Landscaping**

- Due to ongoing maintenance, design to avoid strip landscaping along access roads, however, if required, minimum width to be 1000mm (for details refer design guideline 2.2 *Design Guidelines for Site Layouts*).

### **Regulated and Significant Trees**

- Protected as per legislation (refer to the *PDI Act*);
- Development approval required for pruning or removal; and
- During construction observe root protection and trunk protection requirements, eg protective fencing outside of the tree drip line and hand digging within the drip line.

For further information on regulated and significant trees go to the section on the SA government website at: [www.sa.gov.au](http://www.sa.gov.au).

## **Land Division Development Approval Process**

The lodgement of the proposed land division application with the SCAP initiates important design processes with other agencies including SA Water and Local Government. Other referral authorities include the Department of Planning, Transport and Infrastructure (DPTI) and the State Heritage Authority. Appropriate action is required by the developer to initiate processes with the telecommunications, gas and electricity providers.

For the key steps and indicative timeframes for the land division development approval process, refer to the process map (figure 4.1).

### **Issue of New Titles**

Property which is the subject of a land division, can be sold, ie, a contract signed, when development approval has been granted. Settlement generally will not occur until the plan is deposited in the Land Titles Office (LTO). The deposit of the plan in the LTO is a legal action under the Real Property Act. If further changes are required the land division process will need to commence again.

For the key steps and indicative timeframes for the issue of new titles, refer to figure 4.1.

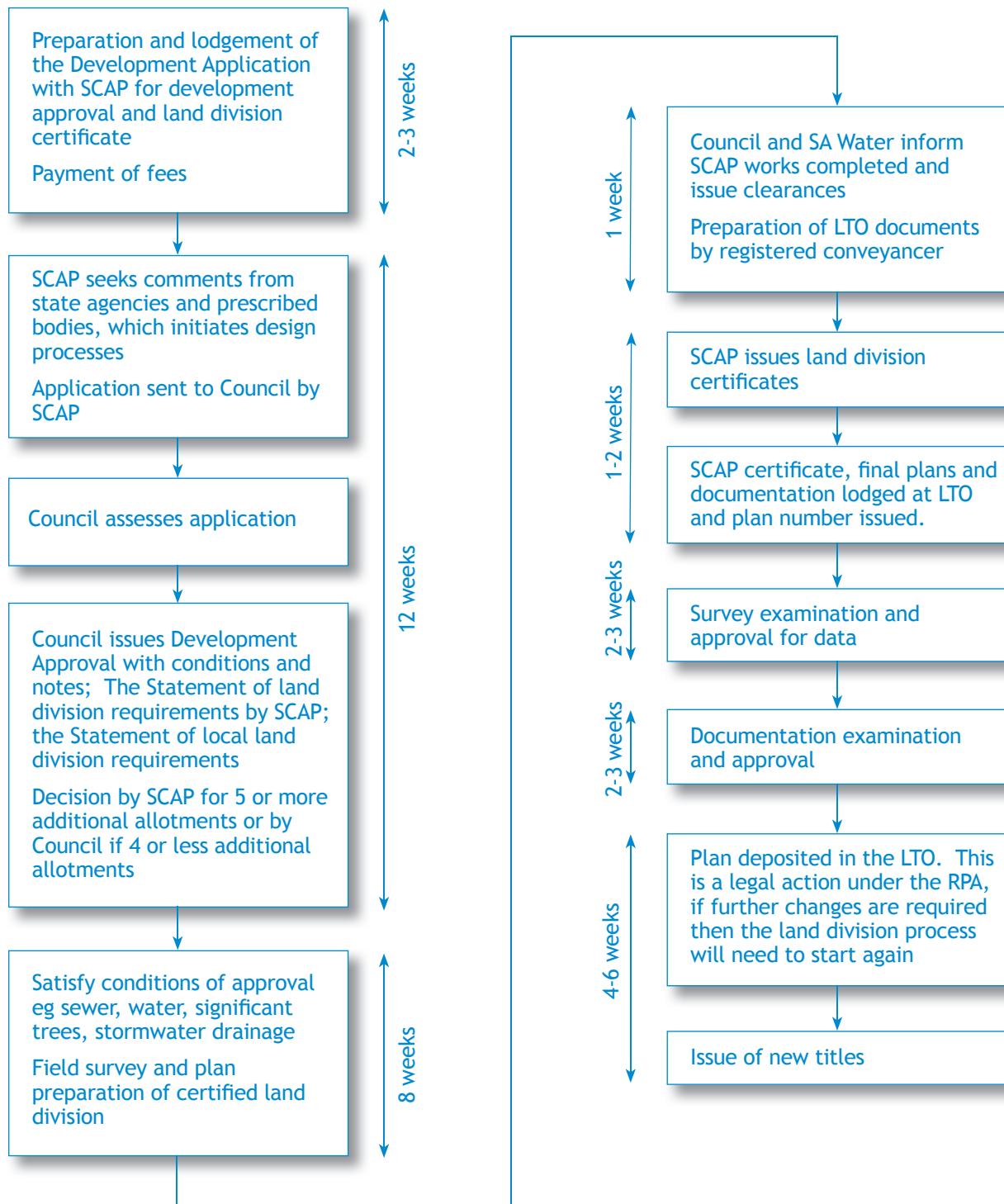
### **State Co-ordinator General**

The SAHA has access to the State Co-ordinator General for some planning approvals, which is only employed in specific circumstances with the process managed “in-house”.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

2

**Figure 4.1 : Land Division Development Approval Process and Issue of New Titles**



Note: For land divisions requiring construction there will be a longer timeframe for the development approval process.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### Provision of Land Titling and Service Infrastructure

The SAHA manages a period contract for all survey work on SAHT owned land, except for some work within urban renewal projects that are administered by a joint venture partner. The survey contract is administered by the SAHA's Specialist Surveyor who is a licensed surveyor and should be contacted for advice on survey related matters.

Land division applications are monitored through the approval processes (figure 4.1). The SAHA's Land Division Administration Officer should be contacted regarding progress for all SAHT land division applications.

The responsibility for feasibilities on the physical service infrastructure requirements and the coordination with government agencies, councils and utilities is with SAHA's Land Development Engineer and Land Development Project Officer. They should be contacted for advice on physical service infrastructure requirements on all SAHT development sites.

The Land Development Engineer administers the civil engineering design work for land development and residential house construction delivered through a panel of external engineers.

## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

### Small Groups of Housing on Conventional Titles

Figure 5.1 : Plan Showing Housing Layout

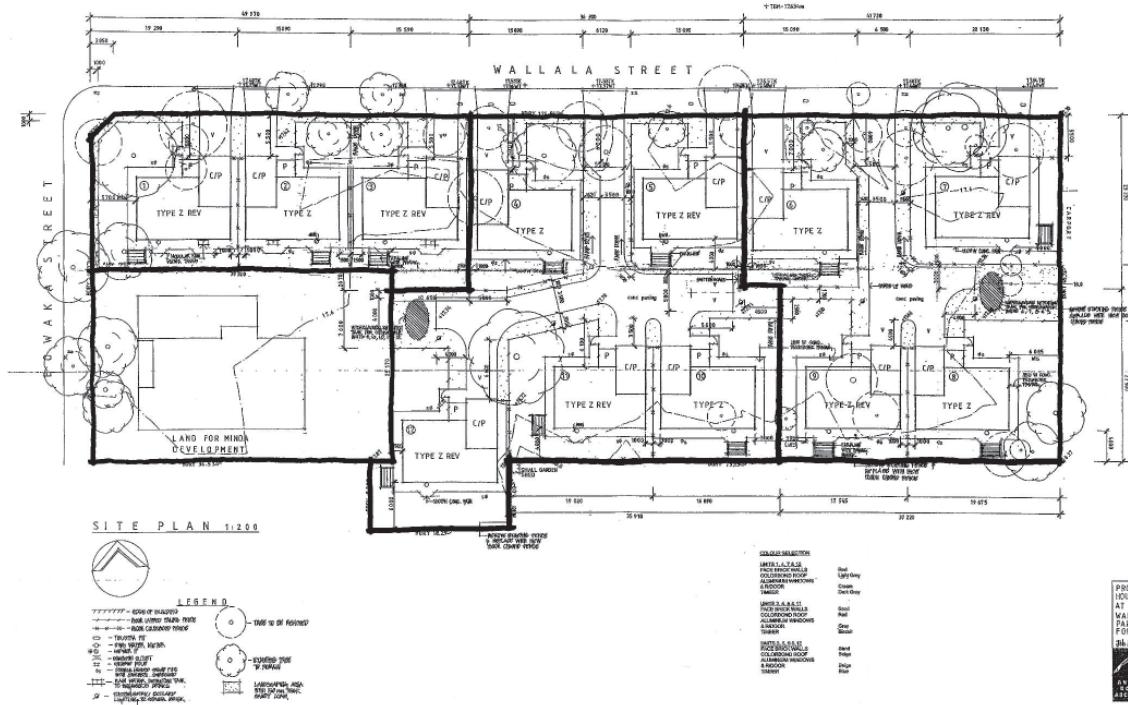
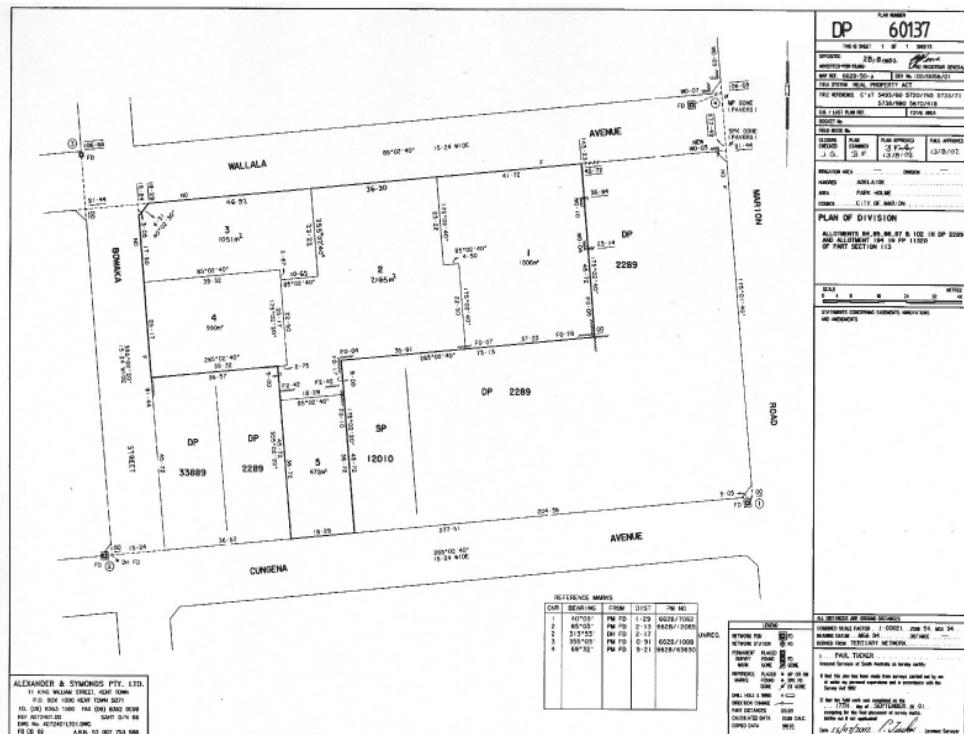


Figure 5.2 : Deposited Land Division Plan

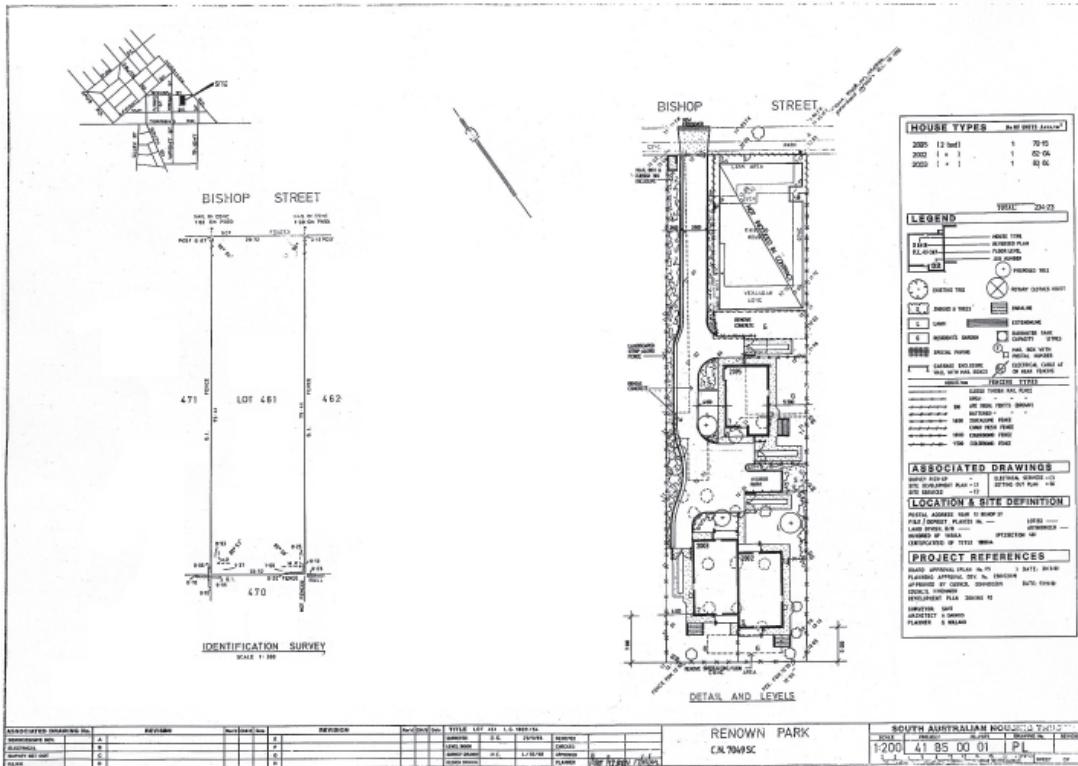


## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

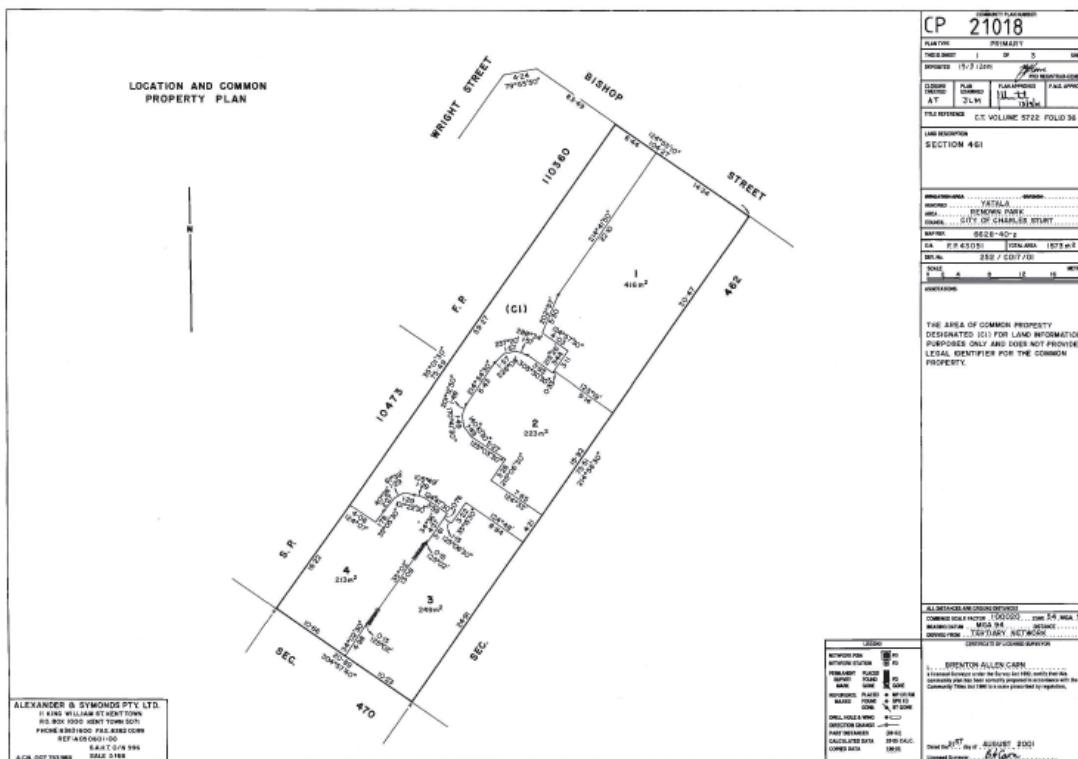


# Community Titled Group Housing Site

**Figure 6.1 : Plan Showing Housing Layout**



## **Figure 6.2 : Community Division Plan**

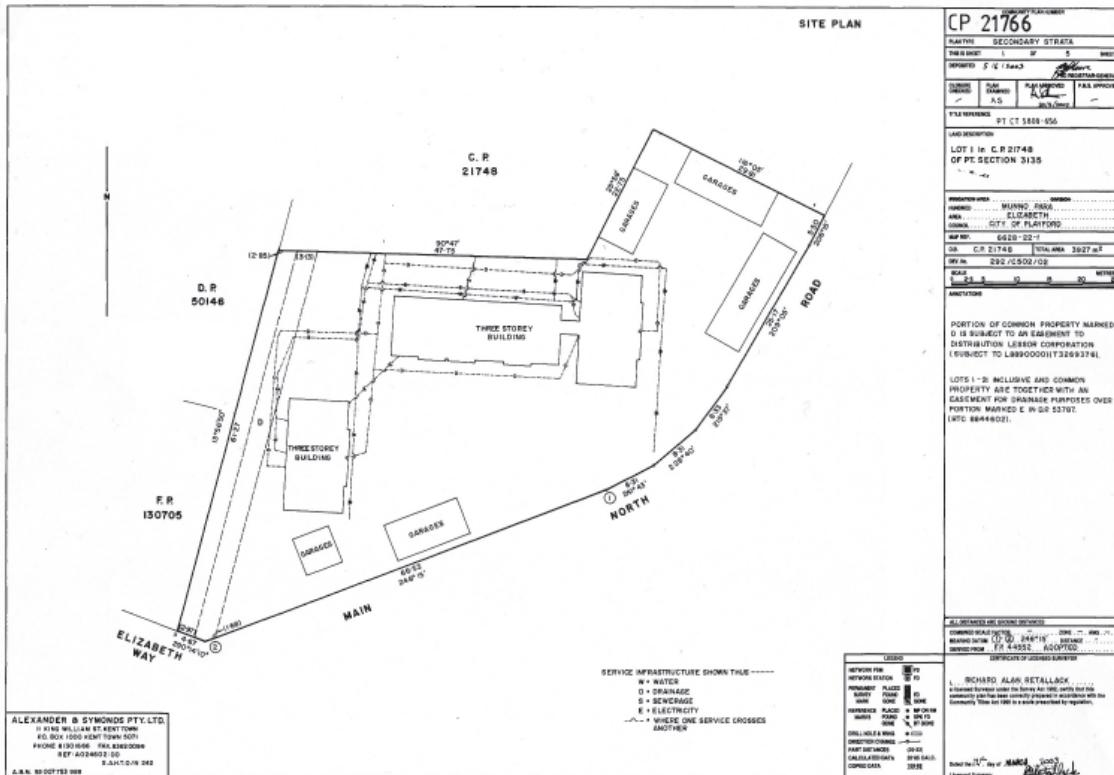


## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

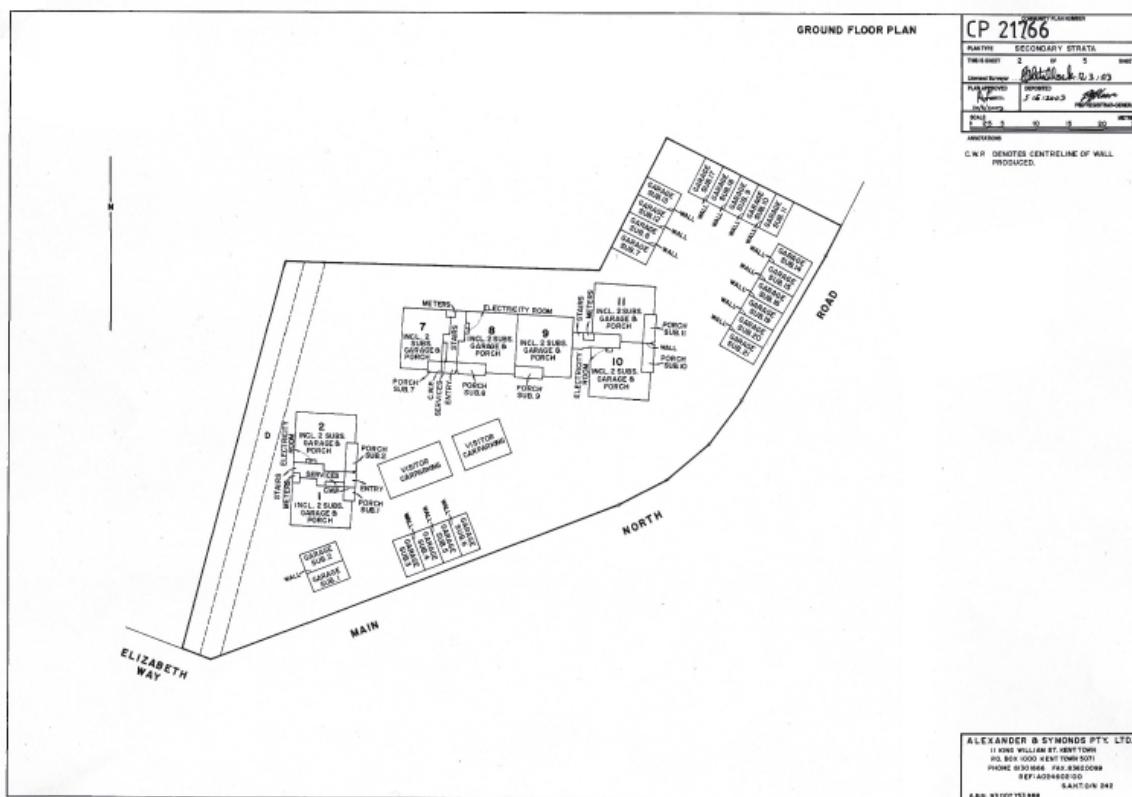


## Flats Titled as Community Strata Lots

## Figure 7.1 : Community Strata Plan - Sheet 1



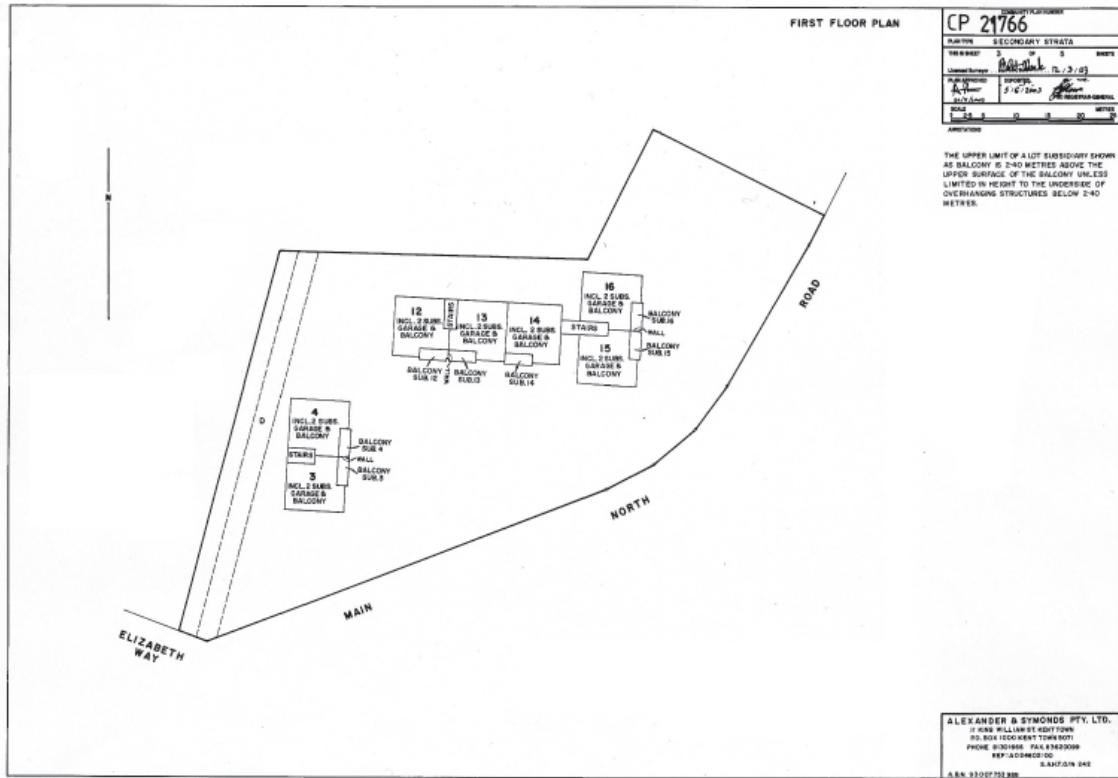
**Figure 7.2 : Community Strata Plan - Sheet 2**



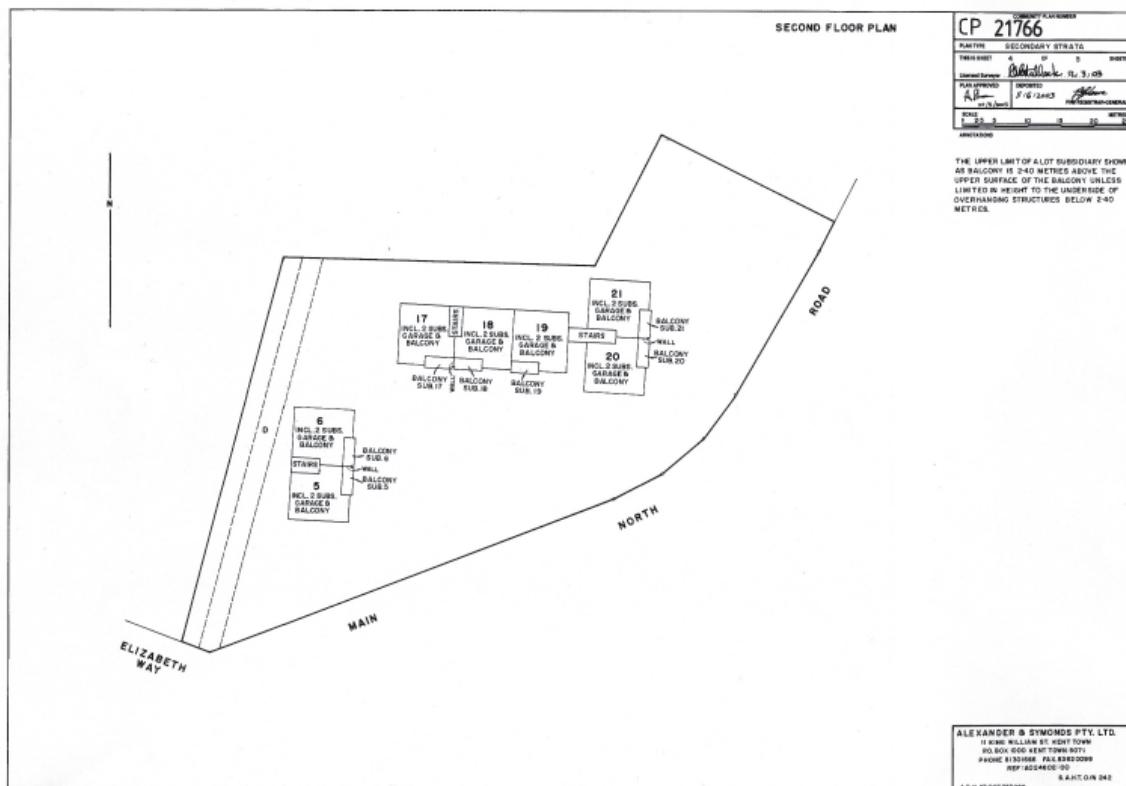
## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE



### Figure 7.3 : Community Strata Plan - Sheet 3



#### **Figure 7.4 : Community Strata Plan - Sheet 4**

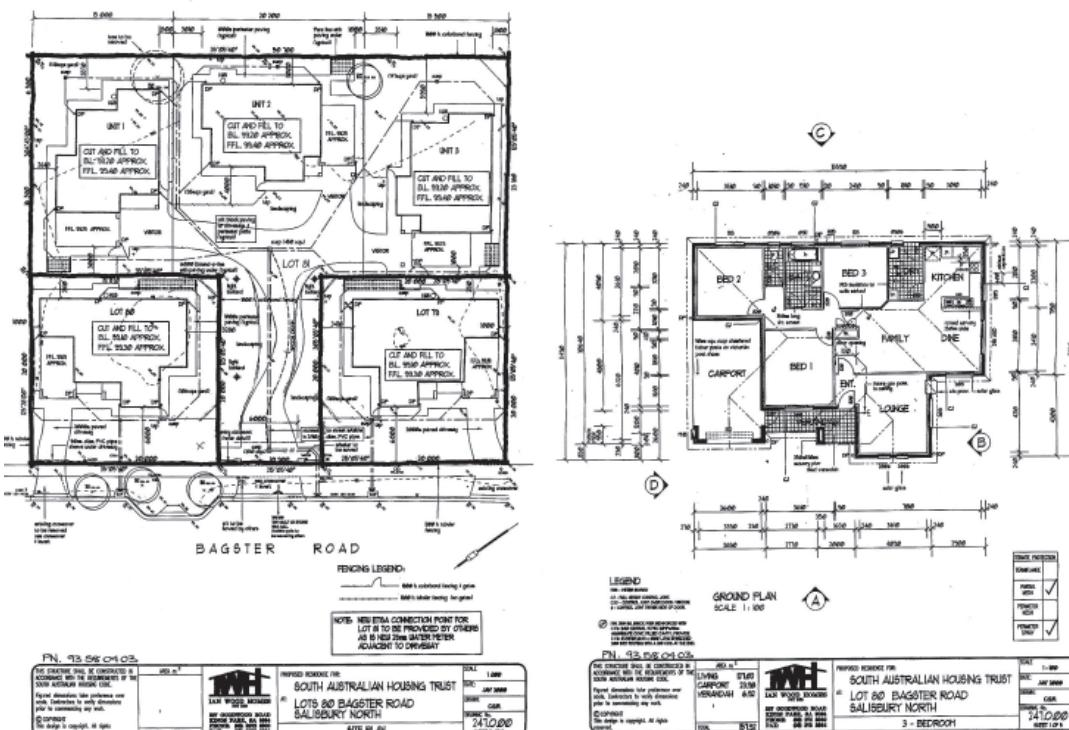


## 2.1 LAND TITLING AND SERVICE INFRASTRUCTURE

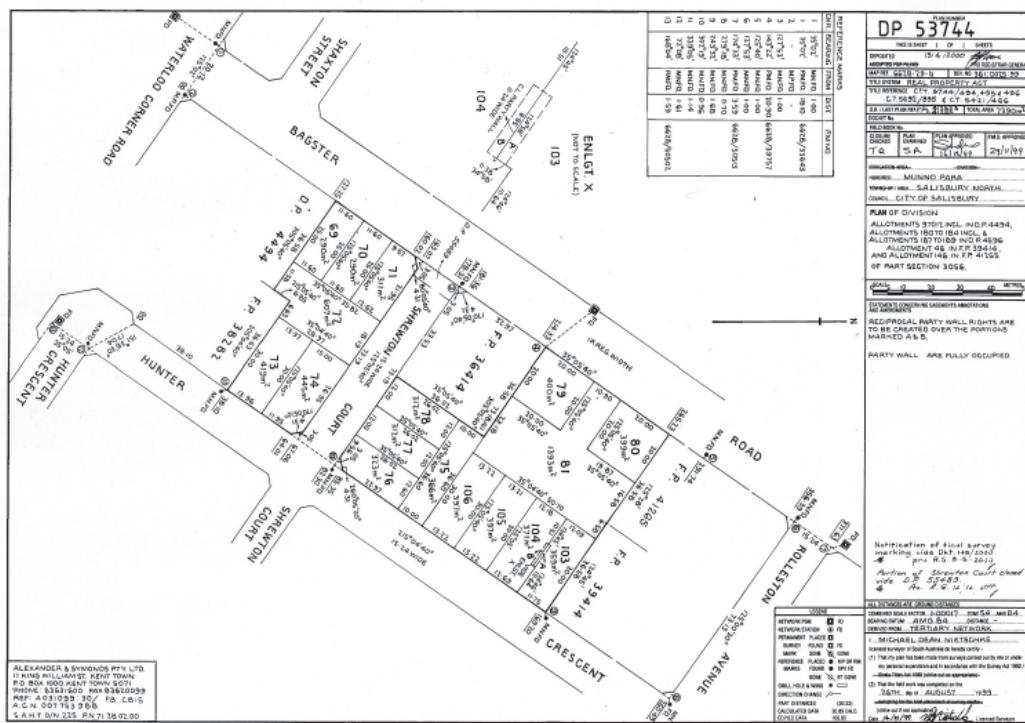
### Group Housing on Conventional Title

(with separately Titled Dwellings Fronting the Street)

**Figure 8.1 : Plan of Housing Layout**



**Figure 8.2 : Deposited Land Division Plan**





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