

Boundary adjustments and strata subdivisions



Certain types of subdivision can be done as exempt and complying development. This fact sheet explains boundary adjustments as exempt development and strata subdivision as complying development.

Check planning controls first

This fact sheet is for guidance only and may not contain all the information relevant to every property in NSW. You should refer to the [relevant planning controls](#) before beginning work, or seek professional advice on how the planning controls apply to your property.

The majority of the development that can be done as exempt or complying development in NSW is identified in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the policy). View the policy at the [Exempt and complying development policy web page](#).

Exempt development is minor building work that does not need planning or building approval. Fact sheet *Understanding exempt development* provides more information about exempt development.

Complying development is a joint planning and construction approval that can be granted by council or a private certifier. Fact sheet *Exempt and Complying Development* gives more information about complying development.

Exempt and complying development cannot be carried out on certain land.



Photo credit: NSW Department of Planning and Environment / Adam Hollingworth

Exempt development

Several types of land subdivision can be done as exempt development under the policy. These include:

- widening a public road
- creating a public reserve
- removing land from a lot that is intended to be used for public purposes, such as a drainage reserve or for public amenities
- subdivision to correct an encroachment on a lot.

These subdivisions only need to be for the purpose stated and no extra requirements or development standards apply.

Realignment of boundaries

A realignment of the boundaries between two or more lots is another type of subdivision which is specified as exempt development. These subdivisions must, however, meet the following requirements:

- The subdivision cannot be carried out on the site of any heritage item or draft heritage item listed in an environmental planning instrument (EPI) or draft EPI.
- It cannot create additional lots or any opportunity for additional dwellings.
- It must not make any lot smaller than the minimum size specified in an EPI, unless the lot is already under the minimum size and the boundary realignment increases its size.
- Realignment of the boundaries must not increase the fire risk to existing buildings.

- It also must not interfere with the provision of existing services on the lot. For example, if moving the lot boundary means the lot will no longer comply with the Building Code of Australia, or it affects the water supply or drainage to a lot, an easement may be necessary, or additional works to the affected building or drainage may be necessary.
- If the land is in a rural RU5 zone or any residential, commercial or industrial zone, any boundary adjustment must not change the area of any lot by more than 10% from the current size.
- If the land is located in a rural RU1, RU2, RU3, RU4, RU6 zone or any environmental zone, the boundary adjustment must not make more than a minor change to the area of any lot

Section 6.15 certificates

Before registering the plan of subdivision (sometimes referred to as the linen plans) with the Land Titles Office, the relevant local council must still endorse the plans under section 6.15 (previously section 109J) of the *Environmental Planning & Assessment Act 1979*.

Some councils will request information to show that the requirements for exempt development have been met. However, where the subdivision meets the requirements, the council cannot require applicants to lodge a development applicant for the subdivision. The council also cannot withhold their approval for the section 6.15 certificate.



Complying development

Strata subdivision allows you to divide land into 2 or more new strata lots that can be disposed of separately. The policy allows the strata subdivision of a building or separate building into strata lots as complying development.

Commercial offices, business, industrial and retail buildings, and residential buildings can all be strata subdivided as complying development.

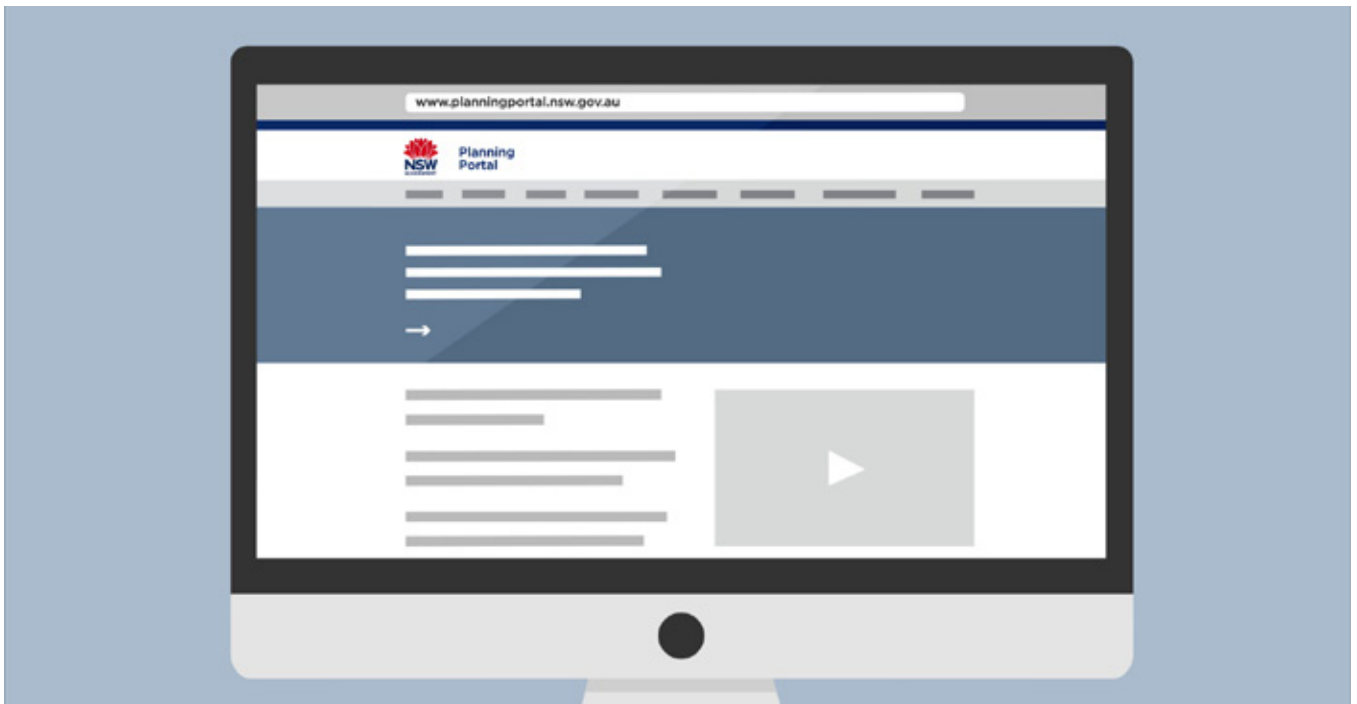
Residential buildings that can be strata subdivided as complying development include townhouse developments, apartment buildings, residential flat buildings and multi-dwelling housing (3 or more dwellings at ground level on the same lot).

Subdividing a dual occupancy (2 dwellings on one lot) is not complying development under the policy.

Development standards

For strata subdivision of a building, the subdivision is permissible only within 5 years of a development consent being granted, or a complying development certificate being issued for the building. The subdivision must follow all the conditions of the development consent or the complying development certificate applying to the development.

Note: The strata subdivision of a building may require the approval of other authorities. Owners must gain all approvals that are required. These approvals may be found in the registered interests on the land, the *Strata Schemes Management Act 2015* and the *Strata Schemes Development Act 2015*.



More information

To find out more, visit the [Exempt and complying development web page](#) or call the department's Codes Team on 02 8289 6600 or email codes@planning.nsw.gov.au.

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