

Factsheet

Conveyancer Fact Sheet – Updated 2 October 2025

How conveyancers can assist in the delivery of affordable housing

This fact sheet has been produced by the Department for Housing and Urban Development (DHUD) to help conveyancers perform their key functions to assist the State's 15 per cent Affordable Housing Policy and the HomeSeeker SA website.

Using land management agreements with developers and land owners, DHUD is able to advertise affordably priced properties on the HomeSeeker SA website for purchase by eligible buyers.

What is an affordable housing Land Management Agreement?

Land Management Agreements (LMA) under sections 192 and 193 of the *Planning, Development and Infrastructure Act 2016* are used by the state government to provide terms relating to development, including securing affordable housing commitment as outlined in the Government Affordable Housing Gazette Notice.

How does this affect me as a Conveyancer?

When acting for a landowner and there is a Land Management Agreement for Affordable Housing to the Minister of Planning on the title, you will need to contact the Affordable Housing and Market Solutions (AHMS) team via homeseeker.partners@sa.gov.au to arrange consent for the land division or transfer of the property.

DHUD requires the following to rescind an LMA

- An up-to-date and accurate Affordable Housing Plan and sales report from the developer.
- The approved plan of division and land division document from the conveyancer.
- Confirmation that planning consent or building consent for any affordable housing properties has been granted.
- Any affordable housing properties being made available for home ownership have completed their exclusive listing period on HomeSeeker SA, which is 60 days in most cases.
- The terms of the LMA have been fulfilled up to the stage or part-stage of the development to which the rescission applies, or forms part of, to the reasonable satisfaction of DHUD.

Land Division

You will need to contact the AHMS team before you lodge a plan of division at the Lands Titles Office and request the Minister for Planning (or delegate) to consent under the terms of the LMA.

Please provide:

- a copy of the land division document
- final plan
- current title search
- proposed lodgement timeframe and
- whether you will be using the Premium Lodgement Service.

If you are using the Premium Lodgement Service, we recommend contacting us before lodging to assess whether the mode of issue needs to be amended.

The Minister or delegate may agree to a full rescission of the LMA if all allotments designated as affordable housing are under contract, awaiting settlement once the new titles have been issued. If they are not all under contract awaiting settlement, then the Minister or delegate may only agree to a partial rescission of the contracted allotments and the LMA may remain on the balance of the affordable housing allotments until settlement.

In the case of a larger division that is being completed in several stages over several years, the Minister or delegate will provide consent to each individual stage as it is progressed.

Transfer of land

If the land division proceeds with the Minister or delegate consenting to a partial rescission, and the LMA is still registered on the title of the affordable housing allotments. In that case, you will need to make sure that the LMA is noted in the Form 1 to be discharged at settlement.

You will need to contact the AHMS team in the lead up to settlement so that we can arrange a rescission to be lodged either before settlement occurs or in series with the Transfer on the day of settlement.

If the land is being transferred without having been developed, it will be transferred subject to the current LMA. This should be noted in the Form 1 as not being discharged at settlement. The new owner will need to be made aware that they will be bound by the terms of the LMA that the previous landowner entered into with the Minister. For example, if the previous landowner committed to providing 60 per cent affordable housing, then that is the amount of affordable housing the new owner will need to provide in their development.

You will need to provide the AHMS team at homeseeeker.partners@sa.gov.au with the new owner's contact information, so the AHMS team can follow up with them as to what their development plans are.

Processing Timeframe

Preparation and execution of a consent or rescission request may take up to 10 business days for an ordinary request. You should provide DHUD with as much notice as practicable.

Fees

The landowner will be responsible for any costs incurred in completing the land division and for any costs associated with preparing and lodging a standalone rescission document.

Disclaimer

The Minister for Planning or the Minister's delegate reserves the right to refuse the request for consent if the terms of the LMA are not being abided by the landowner.

Further Information

Affordable Housing and Market Solutions

Department for Housing and Urban Development

www.homeseecker.sa.gov.au/developers

homeseecker.partners@sa.gov.au