

RESIDENTIAL SUBDIVISIONS

Introduction

This fact sheet provides summary information on requirements for subdivisions in residential areas. It is not a definitive document but provides general, overview information to assist the public in understanding the requirements and processes applicable to residential subdivisions.

What is Subdivision?

All subdivision of land (i.e. the 'cutting up' of land into new lots) in Western Australia is controlled by the Western Australian Planning Commission (WAPC) which sets minimum standards and requirements in various policy documents (principally the 'Residential Design Codes' and Development Control Policy 2.2 'Residential Subdivisions' – see www.wapc.wa.gov.au under 'Publications').

There are two basic types of subdivision:

- Freehold (Green-Title) subdivision; and
- Strata-Title subdivision.

Freehold Subdivision

Properties that are created independently of each other in a freehold lot are also classed as 'single house' lots. For the purposes of subdivision and planning approval, survey strata properties with no common property are classed as 'single house' lots, (refer definitions under the Residential Design Codes).

Strata Subdivision

Properties that are owned separately but form part of a group and often involve some 'common property' are classed as 'grouped dwelling' lots (refer definitions under the Residential Design Codes).

Is the Land Suitable for Subdivision?

The following criteria must be satisfied to permit subdivision of land:

- The property must be connected to deep sewerage unless proposed lots will be over 700m² (contact the Water Corporation - phone - 13 13 95);
- The block must be large enough to be subdivided as defined by the Residential Design Codes. The minimum lot size for new lots depends on the zoning of the land. This can be checked on the City's website www.stirling.wa.gov.au under 'City Plans', 'District Planning Scheme' 'Scheme Maps';
- The minimum and average lot sizes which may be permitted in each zone are detailed in the Residential Design Codes ('R-Codes) under 'Design Element 1 – Housing Density Requirements' (Table 1 of the Codes is attached). It should be noted that rear battle-axe lots which do not involve any common property have different size requirements to lots involving common property or in a non-battle-axe configuration;
- A 4.0m wide vehicle access to rear blocks is normally required. Pedestrian access, where vehicle access from a laneway is proposed, is normally required to be a minimum of 1.5m wide. Access from a laneway is not always permitted, and may be subject to specific requirements. Check the City's 'Developments Abutting Rights of Way' policy for further information; and
- A public open space contribution may be required in accordance with Development Control Policy 2.3 – Public Open Space in Residential Areas.

What Approvals are Required ?

Western Australian Planning Commission Approval (WAPC)

The Western Australian Planning Commission grants subdivision approvals for residential subdivisions (excluding built strata's with 5 or less units, which require Local Government Approval).

Local Government Approval

Built strata subdivision approvals for 5 or less dwellings are granted by the City's Approval's Unit (where the dwellings are already constructed and the subdivision is occurring around them).

What Must I Submit ?

Application for subdivisions (excluding built strata subdivision of 5 or less lots, which are made with the City) should be made to the Western Australian Planning Commission.

The following information is required to be submitted for all subdivision applications:

- Application Form (Form 1A);
- Survey Plan (This must be carried out by a licensed land surveyor); and
- Application Fee.

Note: A checklist of submission requirements can be obtained from the WAPC www.wapc.wa.gov.au under 'Applications'. Fees are also specified under 'Products and Services'.

Subdivision Process

A flow chart detailing the subdivision process is attached at the rear of this fact sheet.

Subdivision Referral

Subdivision applications submitted to the WAPC are referred to the relevant Local Government (as well as other agencies) for comment. Once a subdivision application is received by the City, the staff will:

- Assess the application;
- Notify the WAPC of whether the application complies with the City's requirements. Where an application complies with the requirements, the City will recommend conditions to be imposed on the application.

Preliminary Subdivision Approval

If the WAPC supports the application, the applicant will receive a preliminary approval with conditions that are required to be met prior to the issue of final approval.

Common conditions placed on applications include:

- Preparation of the lot for development (e.g. clearing of land, construction of fences etc); and
- Connection to services.

Lots abutting a laneway will often also be required to upgrade the laneway or to contribute to its future upgrade.

Reconsideration / Appeal of Conditions and Decisions

A request to reconsider the conditions or the decision may be made to the Western Australian Planning Commission within 28 days of the date of approval.

If the applicant is still not satisfied with the conditions or the decision after the reconsideration is determined then the applicant may appeal the decision and or the conditions to the State Administrative Tribunal within 60 days of the date of approval or refusal, depending on the application type.

Carrying Out of Works

The conditions imposed on the preliminary approval require a certain level of work to be undertaken prior to the clearance of these conditions. Once all necessary work is completed, in accordance with the conditions, clearance of the conditions may be obtained.

Clearance of Conditions

To gain clearance of all the conditions the applicant is required to liaise with the relevant referral authorities (i.e. Western Power, Telstra etc.) after the required works have been undertaken.

To lodge a clearance request with the City, please refer to the **City's Subdivision Clearance Information Sheet and Checklist** for submission and clearance requirements.

Following receipt of your clearance request, an officer from the City will process the subdivision clearance request documentation and inspect the site to determine whether the conditions have been fulfilled. If the City is satisfied that all conditions have been completed then a letter of clearance to the WAPC will be forwarded to your surveyor.

In the event that the conditions have not been complied with the application for clearance will be refused. It is incumbent on the applicant to ensure all works have been completed prior to lodging the clearance request. Further applications for clearance will require payment of further clearance fees.

Applicants are advised to refer to the City's Subdivision Clearances Information Sheet for further information on how the City considers common conditions to be satisfied.

Final Approval

Once all conditions have been cleared, and the necessary 'clearance letters' obtained from all the relevant authorities, the applicant must apply (on Form 1C with copies of clearance letters attached) to the WAPC for endorsement of the Deposited Plan (i.e. final approval).

Lodge Survey Plan for Registration

Following final approval from the WAPC, the applicant must lodge the endorsed Survey Plan at the Land Title Office of the Department of Land Information to obtain new Title documents.

Enquiries

General enquiries may be made to the City's staff on 9205 8555, in person at the City's offices between the hours of 8.30am and 4.30pm, Monday-Friday, or to the Department of Planning on 6551 9000 or Landgate on 9273 7373.

Further information may be available on the **City's website:** www.stirling.wa.gov.au, or the **WAPC website:** www.wapc.wa.gov.au

DISCLAIMER

This publication is intended to provide general information only. Verification with the original Acts, Regulations, Local Laws, planning schemes and other relevant documents is recommended for detailed references.

Table 1 – Residential Design Codes

Table 1: General site requirements for all single house(s) and grouped dwellings; and multiple dwellings in areas coded less than R30

1 R-Code	2 Dwelling type	3 Minimum site area per dwelling (m ²) ◆	4 Minimum lot area/rear battleaxe (m ²) ▼	5 Minimum frontage (m) ▼	6 Open space		7 Minimum setbacks (m)		
					min total (% of site)	min outdoor living (m ²)	primary street	secondary street ●	other/rear
R2	Single house or grouped dwelling	Min 5000	-	50	80	-	20	10	10
R2.5	Single house or grouped dwelling	Min 4000	-	40	80	-	15	7.5	7.5
R5	Single house or grouped dwelling	Min 2000	-	30	70	-	12	6	* /6
R10	Single house or grouped dwelling	Min 875 Av 1000	925	20	60	-	7.5	3	* /6
	Multiple dwelling	1000	-	20	-	-	7.5	3	* /6
R12.5	Single house or grouped dwelling	Min 700 Av 800	762.5	17	55	-	7.5	2	* /6
	Multiple dwelling	800	-	20	-	-	7.5	2	* /6
R15	Single house or grouped dwelling	Min 580 Av 666	655	12	50	-	6	1.5	* /6
	Multiple dwelling	666	-	20	-	-	6	1.5	*
R17.5	Single house or grouped dwelling	Min 500 Av 571	587.5	12	50	36	6	1.5	*
	Multiple dwelling	571	-	20	-	-	6	1.5	*
R20	Single house or grouped dwelling	Min 350 Av 450	450	10	50	30	6	1.5	*
	Multiple dwelling	450	-	20	-	-	6	1.5	*
R25	Single house or grouped dwelling	Min 300 Av 350	425	8	50	30	6	1.5	*
	Multiple dwelling	350	-	20	-	-	6	1.5	*
R30	Single house or grouped dwelling	Min 260 Av 300	410	-	45	24	4	1.5	*
R35	Single house or grouped dwelling	Min 220 Av 260	395	-	45	24	4	1.5	*
R40	Single house or grouped dwelling	Min 180 Av 220	380	-	45	20	4	1	*
R50	Single house or grouped dwelling	Min 160 Av 180	380	-	40	16	2	1	*
R60	Single house or grouped dwelling	Min 120 Av 150	380	-	40	16	2	1	*
R80	Single house or grouped dwelling	Min 100 Av 120	380	-	30	16	1	1	*

All standards for single house or grouped dwellings within R100, R160 and R-AC areas are as for the R80 Code

Legend

- ◆ subject to variations permitted under clause 5.1.1 C1.4
- ▼ only applies to single houses
- secondary street: includes communal street, private street, right-of-way as street
- indicated not applicable
- * see Tables 2a and 2b and clause 5.1.3
- Av. average site area