



RESIDENTIAL SUBDIVISION

What is subdivision?

Subdivision is the division of land into smaller lots and/or amalgamation of several lots into one larger lot.

The Western Australian Planning Commission (WAPC) is responsible for approving all subdivision applications and certain classes of strata subdivision applications in our State, including all green title, built strata, vacant and survey strata subdivision. Built strata subdivision applications of five lots and under are determined by Local Government.

The two basic types of subdivision are:

- Green Title (Freehold) Subdivision; and
- Strata Title Subdivision (includes strata and survey strata).

Green Title Subdivision: A green title property refers to land that generally has no common areas that need to be shared (unless otherwise indicated on the certificate of title).

Survey Strata Title Subdivision: A survey strata property refers to parcels of land within one parent property and may contain common property. Survey strata subdivision is generally associated with grouped dwelling development.

Strata Title Subdivision (also known as Built Strata): A strata title subdivision refers to parcels of land within one property. Strata subdivision plans will often show the parent property boundaries and building parcels. All other land will generally be common property.

Can I subdivide my land?

The potential to subdivide a lot is based on the size of the land and density code that is applied to the land. You can determine the density code and zoning of a property using the City's Online Maps, available on the City of Vincent website.

Lots are required to meet the minimum and average lot size requirements prescribed for the associated density code within State Planning Policy 7.3 Residential Design Codes – Volume 1 (R-Codes – Volume 1). The density code requirements are provided within Table 1 of the R-Codes. 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 in a non-battle-axe configuration.

Where a battle-axe configuration (involving common property or not) is proposed, a 4.0m wide vehicle access way is required. This can be reduced where an existing dwelling is being retained however the vehicle access way should be no less than 3.0m. Where a subdivided lot proposes vehicle access from a right-of-way, the rear lot is to be provided with a 1.5m wide pedestrian access way to the front of the lot.

What policies do I need to be aware of prior to subdividing my land?

The following policies may include development standards to be adhered to when subdividing residential land.

State Planning Policies

- State Planning Policy 7.3 Residential Design Codes – Volume 1 – This policy prescribes the applicable minimum and average site area requirements for density codes. The policy also prescribes minimum development standards to be adhered to when developing your land.

The above policy is available at www.dplh.wa.gov.au



WAPC Development Control Policies (DCP)

- DCP 1.1 – Subdivision of land (general principles) – This policy sets out the general principles, which will be used by the Western Australian Planning Commission (WAPC) in determining applications for the subdivision of land.
- DCP 1.3 – Strata Titles – This policy deals with those classes of strata title proposals which require the approval of the WAPC and sets out the criteria to be used in the determination of applications for that approval.
- DCP 1.7 – General Road Planning – This policy provides requirements for general road planning, such as road widening, rights of ways, etc.
- DCP 2.2 - Residential Subdivision – This policy sets out the WAPC's requirements for landowners intending to subdivide residential land. It assists to create a diversity of lot and housing types throughout the State.
- DCP 2.3 - Public Open Space in Residential Areas – The basic component of this policy is the requirement that ten percent of the gross subdivisible area of a conditional subdivision comprising five or more lots shall be given up free of cost by the subdivider for public open space.

The above policies are available at www.dplh.wa.gov.au

City of Vincent Schemes and Policies

- Local Planning Scheme No. 2 – The Scheme sets out the rules for development in the City that align with the City's direction and vision.
- Local Planning Policy 7.7.1 – Built Form Policy – The policy provides specific requirements to be complied with when developing properties.

The above documents are available at www.vincent.wa.gov.au

Please note there may be other policies and guidelines which may apply to your land.

Subdivision Process

Applications for subdivision are determined by the WAPC. All applications for subdivision (including amalgamation, boundary realignment, strata, survey strata and green title subdivision) are lodged directly with the Department of Planning, Lands and Heritage. Application forms, fees and further information on the subdivision process can be obtained from the Department of Planning, Lands and Heritage (www.dplh.wa.gov.au).

The City's role in the subdivision process is to provide the WAPC with a recommendation on a particular subdivision application, and then confirm that any conditions relevant to the Local Government that are applied to an approval have been met by the applicant (known as a subdivision clearance). Subdivision clearance is a separate process undertaken once conditional approval has been received.

Please note that the City is unable to provide advice on the design of a subdivision and cannot advise whether a subdivision proposal is likely to be supported.

Preliminary Subdivision Approval

If the WAPC supports the application, the applicant will receive a preliminary approval with conditions (Conditional Approval) 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 and levelling of land);
- Connection to services;
- Upgrading existing dwellings to comply with the R-Codes or Building Codes Australia (as amended); and
- Lots abutting a laneway will may be require road widening or to upgrade the laneway or to contribute to its future upgrade.

Once the applicable conditions are complied with, the owner/applicant is to lodge for subdivision clearance with the relevant agencies (i.e. Local Government conditions are to be cleared by the local government,



other agency condition are to be cleared by that specific agency, such as Western Power, Telstra, Water Corporation, etc).

Further information on subdivision clearance, please see the Subdivision Clearance Information Sheet.

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.

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.

Do you have more questions?

For further information, please contact the Department of Planning, Lands and Heritage on **6551 9000** or Landgate on **9273 7373**.

Please note, the City is unable to confirm if a proposal would be supported. However, the City's Duty Planner can provide general advice to applicants on the City's statutory requirements. A Duty Planner is available to talk to at the City's Administration Office Monday to Friday, 8.30am to 5.00pm, in person or on the phone.

Phone: 9273 6000

Email: mail@vincent.wa.gov.au

Address: Main Administration Building, 244 Vincent Street, Leederville 6007, WA

Disclaimer: *This information is produced by the City of Vincent in good faith and the City accepts no responsibility for any ramifications or repercussions for providing this information. Verification with the original Local Laws, planning schemes and other relevant documents is recommended for detailed references.*