



SUBDIVISION CLEARANCE

This information sheet provides guidance on requirements for obtaining a letter of clearance for common conditions of subdivision approval that require the City's clearance.

This information sheet should be read in conjunction with the City's 'Subdivision Clearances Checklist'.

To ensure timely processing of your subdivision clearance application, please ensure that all works have been completed **prior** to submitting an application and the appropriate supporting information is provided (for example, forms, photos and plans).

WAPC CODE	CONDITION	CITY'S REQUIREMENTS
B1	All buildings and effluent disposal systems (delete as applicable) having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme, Building Act 2011, and National Construction Code Series/Building Code of Australia (as amended). (Local Government)	<p>This condition is imposed when an existing building is being retained. The existing building is to be setback from lot boundaries in accordance with the City's Local Planning Scheme and Building Codes of Australia (BCA).</p> <p>For example, the boundary alignment of a proposed subdivision may result in the existing building being located adjacent to the new lot boundary. The existing building would be required to comply with the BCA requirements and may need to be amended to comply with fire separation requirements. In this instance, a building permit would be required prior to lodging for clearance.</p> <p>Where an existing building is being retained, a site plan is required demonstrating the building is adequately setback from boundaries and other buildings is required.</p> <p>For further information on BCA requirements, please contact the City's Building Services team or a privately certified building surveyor.</p>
B5	Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) [INSERT VALUE] at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)	<p>This condition is imposed where existing buildings and structures are required to be demolished to facilitate the creation of the lots.</p> <p>This condition requires all buildings and structures (including, swimming pools, construction rubble and other deleterious materials) to be removed from site.</p> <p>Site photos demonstrating the site is clear from structures and materials is required for the City's assessment.</p>
B7	The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)	This condition is imposed where an existing dwelling is being retained. Compliance with, but not limited to the following R-Code requirements are to be complied with to satisfy this condition:



		<p>Clause 5.3.1 - Outdoor Living Areas</p> <p>An outdoor living area with a minimum area prescribed under Table 1 of the R-Codes is to be provided. The outdoor living area is also required to:</p> <ul style="list-style-type: none">• be located behind the street setback area;• be directly accessible from the primary living space of the dwelling;• have a minimum length and width dimension of 4m; and• have at least two-thirds of the required area without permanent roof cover. <p>The City can vary the above requirements however justification addressing the relevant design principles is to be provided as part of the application for the City's consideration.</p> <p>Clause 5.3.3 - Parking, Clause 5.3.4 - Design of Car Parking Spaces and Clause 5.3.5 - Vehicular Access</p> <p>Existing dwellings being retained must be provided with the following number of on-site parking bays:</p> <ul style="list-style-type: none">• 1 bay where the site is within:<ul style="list-style-type: none">◦ 800m of a train station; or◦ 250m of a high frequency bus route.• 2 bays where the site is not within the distances outlined above. <p>The vehicle parking bay/s, driveway and crossover must comply with Clause 5.3.4 and 5.3.5 of the R-Codes, the relevant Australian Standards (AS2890.1) and the crossover must be approved by the City. Further information on the crossover requirements is available on the City's website here.</p> <p>Clause 5.4.4 - Utilities and Facilities (Stores)</p> <p>Where a subdivision plan includes common property, an enclosed, lockable storage area, accessible from outside of the dwelling is to be provided, subject to the following requirements:</p> <ul style="list-style-type: none">• Where visible from the street, the design and materials must match the dwelling; and• Minimum area 4m²; and• Minimum dimension of 1.5m when provided external to a garage; or• Minimum dimension of 1m when provided within a garage. <p>A site plan and photos demonstrating compliance with the above requirements is required for the City's assessment.</p>
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<p>B11</p>	<p>Common walls being shown on the survey strata plan as prescribed "party wall easements", pursuant to Regulation 14G of the Strata Titles General Regulations 1996 and Section 5D of the Strata Titles Act 1985. (Local Government)</p>	<p>This condition is generally imposed when a lot is converted from a strata lot to survey strata or freehold lot and two or more existing dwellings being retained share a wall located on a shared boundary.</p> <p>The party wall easement is to be notated on the deposited plans of subdivision under Part IV of the Transfer of Land Act (TLA) or notated on the survey strata plan under section 5D of the Strata Titles Act (STA) (as amended).</p> <p>For further information, please visit www.landgate.wa.gov.au.</p>
<p>D4</p>	<p>The land being filled, stabilised, drained and/or graded as required to ensure that:</p> <ol style="list-style-type: none"> lots can accommodate their intended development; and finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting; and stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government) 	<p>This condition is imposed to ensure sites can accommodate their future development and would not cause impacts relating to levels, grading and/or drainage.</p> <p>The following should be considered to demonstrate clearance of the condition:</p> <ul style="list-style-type: none"> Sites should be appropriately graded so that the levels of the site match the levels at the boundaries. Retaining Walls may be provided as part of the subdivision works where the finished contour result in the slope across the lot parallel to the front or side boundary being greater than 1 in 25. If any filling of a lot is required, the fill material shall be clean, free draining, and free from foreign and organic matter as determined by an appropriate geotechnical investigation. For dust control, soil erosion and deposition, hydro-mulching or similar soil stabilising method needs to be implemented for the lot/s created under the subdivision. All retaining walls that are constructed as part of the subdivision shall be designed by a practicing Structural Engineer and certified. A building permit is required be obtained, unless exempt under the Building Regulations 2012 (see below). <p>In accordance with the Building Regulations 2012, a building permit is not required for the construction, erection, assembly or placement of a retaining wall that</p> <ol style="list-style-type: none"> retains ground no more than 0.5m in height; and is not associated with other building work or with the protection of land adjoining land on which the retaining wall is located; and



		<p>c) is not work of kind to which section 76, 77, 78 or 79 relates.</p> <p>All retaining walls which do not satisfy the above requirements require a building permit. For further information on BCA requirements, please contact the City's Building Services team or a privately certified Building Surveyor.</p> <p>Completion of works should be demonstrated by:</p> <ul style="list-style-type: none"> • Providing written notification identifying what works have been completed; and/or • If required, providing a pre-works geotechnical report. If any remediation work is required, the owner/applicant is to provide a post geotechnical report certifying that all subdivision works have been completed as per the pre-work geotechnical report; and/or • After completed subdivision works, a post site-survey is to be submitted to confirm that the site levels matches those of the adjacent boundaries.
<p>T11</p>	<p>All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's Liveable Neighbourhoods policy/ DC 1.7 General Road Planning. (Local Government)</p>	<p>This condition is imposed where a site is located on a corner of two streets and a truncation is required to ensure that adequate sight lines are provided and there is sufficient land to accommodate services and any future road widening.</p> <p>The WAPC conditional subdivision approval will usually provide an advice note to confirm the truncation length required. Alternatively, please contact the City to confirm the truncation requirements.</p> <p>The truncation is required to be shown on the deposited plan / survey strata plan for the City's assessment.</p>
<p>T12 / T13</p>	<p>A [INSERT VALUE] metre truncation is to be provided at the junction of the access way and the proposed [INSERT VALUE] rear lot. (Local Government)</p> <p>OR</p> <p>A [INSERT VALUE] metre truncation is to be provided at the junction of the access way and the [INSERT VALUE] road reserve. (Local Government)</p>	<p>This condition is imposed where truncation are required to provide adequate sight lines and manoeuvring space to a lot and to provide adequate space for services.</p> <p>The WAPC conditional subdivision approval will usually provide an advice note to confirm the truncation length required. Alternatively, please contact the City to confirm the truncation requirements.</p> <p>The truncation is required to be shown on the deposited plan / survey strata plan for the City's assessment.</p>



<p>T15</p>	<p>The portion of the right-of-way abutting the [INSERT VALUE] boundary of the subject land and any portion/s of the right of way required to be widened for the purpose of this subdivision being sealed, drained and paved to its full width and the remaining portion of the right-of-way from the [INSERT VALUE] boundary to the existing nearest constructed road being made trafficable. (Local Government)</p>	<p>The condition is imposed to lots abutting a right of way, which is not a minimum width of 6m.</p> <p>Where the width of the right of way is not 6m, the balance of the width is equally shared between lots adjacent to that portion of right of way which it abuts. For example, if the right of way is 5m wide and both properties on either side of the right of way have not been developed, each lot would be required to cede 0.5m of their land to the right of way so that its width increased to 6m.</p> <p>Widening of the right of way is to be undertaken by the owner / applicant. In doing so, it is necessary to liaise with the City's Engineering team for specifications, approval of drawings and inspection of works. Final inspection of the works should occur prior to lodging for subdivision clearance.</p> <p>The City's specification for right of ways is available here.</p> <p>All works are to be completed prior to lodging for subdivision clearance.</p>
<p>T20</p>	<p>Suitable arrangements being made with the local government for the provision and/or upgrading of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)</p>	<p>This condition is imposed where the subdivision results in a new vehicle access point or driveway which requires a new or upgraded crossover to the street.</p> <p>Please liaise with the City's Engineering team for specifications, approval of drawings and inspection of works. Further information on the crossover requirements is available on the City's website here.</p> <p>All works are to be completed prior to lodging for subdivision clearance. Alternatively they can be bonded on agreement with the City's Engineering team.</p>
<p>T23</p>	<p>Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government)</p>	<p>This condition is imposed where the subdivision results in a redundant crossover.</p> <p>The crossover is required to be removed and the verge made good. Please liaise with the City's Engineering team for specifications, approval of drawings and inspection of works.</p> <p>All works are to be completed prior to lodging for subdivision clearance. Alternatively they can be bonded on agreement with the City's Engineering team.</p>



<p>T25</p>	<p>The proposed rear lot(s) being provided with a 1.5/1 metre wide pedestrian access leg(s) clear of any encroachments or projections associated with the existing dwelling/s including pipework, water heater systems, air-conditioning units, eaves or other such projections associated with the existing dwelling(s), to the satisfaction of the Western Australian Planning Commission. (Local Government)</p>	<p>This condition is imposed to ensure pedestrian access legs (PAL) are provided clear of any encroachments and/or projections.</p> <p>Any encroachments are to be removed or to be relocated to a minimum clearance height of 2.2m above the ground level.</p> <p>Where a PAL is 1.5m wide, there may be encroachments provided they do not protrude greater than 0.5m (i.e. A 1m wide PAL free of encroachments should be provided at all times).</p> <p>The PAL is to be shown on the deposited plan / survey strata plan and any encroachments notated (including their clearance height). Site photos are also required for the City's assessment.</p>
<p>W6</p>	<p>All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)</p>	<p>This condition is imposed to all subdivision applications to ensure any effluent disposal systems have been removed, filled with clean sand and compacted.</p> <p>Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.</p>

Do you have more questions?

The City is unable to confirm if a proposal would be supported in the absence of a formal application. However, applicants can discuss their applications with the City's Urban Planners. Urban Planners can provide general advice to applicants to confirm how conditions can be cleared and information required to lodge a complete application.

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.