

### WHO APPROVES SUBDIVISION OF LAND?

All subdivision of land in Western Australia is controlled by the Western Australian Planning Commission (WAPC) who process and determine subdivision applications. The WAPC sets minimum standards and requirements for residential subdivision in a number of Policy documents, the most relevant being the Residential Design Codes (R-Codes) and Development Control Policy 2.2 'Residential Subdivisions' which can be found under the 'Publications' section on the WAPC's website: [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

Although Local Government does not share the decision making powers, it is nonetheless an important partner in the subdivision process through the provision of comments and recommendations on all subdivision within the municipal boundaries and is responsible for ensuring that any conditions relating to the Local Government are satisfied prior to the issue of new titles.

The WAPC also commonly refers to and imposes conditions relating to servicing authorities such as the Water Corporation, Western Power, Telstra etc. These authorities are similarly required to ensure that each condition relevant to them is satisfied prior to the issue of new titles.

### WHAT TYPES OF SUBDIVISION EXIST?

There are two basic types of subdivision:

FREEHOLD SUBDIVISION	STRATA TITLE SUBDIVISION
Properties that are created independently of each other in a freehold lot are classed as 'Single House' lots. For the purposes of subdivision and planning approval, survey strata properties with no common property are also classed as 'Single House' lots (refer to the definitions in the RCodes).	Properties that are owned separately but form part of a group and often involve some 'common property' are classed as 'Grouped Dwelling' lots (refer to the definitions in the R-Codes).

### DO I HAVE SUBDIVISION POTENTIAL?

A lot must be large enough to be subdivided as defined by the R-Codes. The minimum size for new lots depends on the density coding over the land. The Shire's Town Planning Scheme No. 6 (TPS 6) maps check on the Shire's website or with the Executive Manager of Development Services. The minimum and average lot sizes which are permitted under each density code are detailed in the R-Codes under Table 1 – General site requirements for all houses and grouped dwellings.

It should be noted that rear battle-axe lots with no common property have different size requirements and these are shown in column 4 of Table 1. It is also important to note that a driveway with a minimum width of 3.6 metres is required to provide access to rear lots and the minimum vehicle manoeuvring turning circle is 6.5 metres.

### WHAT IS THE SUBDIVISION PROCESS?

#### Preparing a Subdivision Application

All subdivision applications made to the WAPC must include a plan of subdivision which has been prepared in accordance with the WAPC's guidelines. Alternatively licensed land surveyors are able to survey your lot,

provide advice on how best to subdivide the land, prepare subdivision plans and lodge subdivision applications with the WAPC on your behalf.

*\*Please note that the Shire is unable to recommend any professionals, e.g., Licenced Land Surveyors.*

### **Application to WAPC**

Application for subdivision must be made directly to the WAPC who require the submission of:

- Application Form (Form 1A)
- Proposed subdivision plan
- Application fee

A copy of the Form 1A, checklist of submission requirements and a fee schedule can be obtained from the WAPC website under the 'Subdivision Guides, Forms and Fees' section.

Please refer to their website for latest forms and guides.

### **Referral to Relevant Authorities**

Subdivision applications submitted to the WAPC are referred to the Local Government as well as other relevant authorities for comment. Once a subdivision application is referred to the Shire of Merredin, staff will assess the application and advise the WAPC as to whether it complies with the requirements of the Shire of Merredin TPS 6, and any relevant Local Policy. If the application complies with the relevant requirements, the Shire will recommend support subject to appropriate conditions.

### **Preliminary Subdivision Approval**

If the WAPC supports the application, the proponent will receive a conditional approval with a range of conditions that are required to be met prior to the issue of final endorsement by WAPC and new Titles by Landgate. Common conditions include:

- Preparation of the lot for development (i.e. clearing of land and construction of fences);
- Connection to services such as water, sewer, gas, telecommunications; and
- Any other requirements (e.g. demolition, retention of vegetation etc.)

Conditions will be worded to indicate which agency is the clearing agency.

### **Reconsideration/Right of Appeal to Conditions**

A request to reconsider the conditions of a subdivision approval may be made to the WAPC within 28 days of the approval. If the proponent is still not satisfied with the conditions or the decision after reconsideration, the proponent may appeal the decision and/or the conditions to the State Administrative Tribunal within 28 days of the reconsidered decision.

### **Carrying out of Works**

The conditions imposed on the preliminary approval usually require a certain level of work to be undertaken prior to the clearance of the conditions. Once all necessary work is undertaken in accordance with the conditions, a clearance application must be lodged with the relevant authority. This can be undertaken by the land surveyor on behalf of the landowner if required/requested.

### **Clearance of Conditions**

To gain clearance of Local Government conditions from the Shire of Merredin, the proponent is required to submit a clearance request after the required works have been undertaken.

The proponent is required to:

- Lodge a clearance request with the Shire (including cover letter and signed checklist);
- Lodge two copies of the deposited plan or strata plan with the Shire of Merredin;
- Pay any relevant developer contributions, cash in lieu for open space; and
- Pay the associated clearance fee (including fee for common property and/or POS lots).

The Shire of Merredin will then:

- Inspect the property;
- Check that all conditions have been met;
- Issue a clearance letter provided that all relevant conditions have been met; and
- If any conditions have not been met the Shire will inform the applicant in writing and a new clearance application will be required, with evidence of how the conditions have been met, once the works are complete.

### **Final Approval – Endorsement of Plan**

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

### **Lodge Plan for Registration**

Following final approval from the WAPC, the proponent must lodge the endorsed Deposited Plan/Strata Plan at the Land Title Office of Landgate to obtain new Titles.

### **DISCLAIMER**

This information sheet contains limited information and is intended as a guide only. Verification with the original Acts, Regulations, Local Laws, Planning Scheme and other relevant documents is recommended. The Shire of Merredin disclaims any liability for damages sustained by any person acting on the basis of this information.