

Applying to WAPC for Subdivision or Amalgamation of Land (Information Sheet)

The process of subdividing (“green title” or “survey strata”) or amalgamating land is lengthy, the time period ranging from about 4-5 months for uncomplicated proposals to several years in some instances. A number of different agencies and contractors are involved. Licensed Land Surveyors are integral to the process and therefore applicants should seek their services early in the process. In the case of large scale subdivisions, the services of a Town Planning consultant should also be sought as there are many more issues than can be outlined here.

The following is a summary of the application and approval process for “green title” and survey strata subdivision or amalgamation of land. A description of the City’s role in the process and requirements is included.

Application

Applications for “green title” or “survey strata” subdivisions or for amalgamation of lots are submitted by applicants or their Licensed Land Surveyor to the Western Australian Planning Commission (WAPC). An application form can be obtained from the WAPC or on their website at

<https://www.dplh.wa.gov.au/information-and-services/subdivisions,-development-and-property>.

This form specifies the plans and fee which are required to be submitted with the application.

Referral

The WAPC refers the applications to a number of government agencies and the relevant local government for comments. Those agencies and local government have 42 days in which to respond.

City of South Perth’s role and requirements

The Council of the City of South Perth has delegated to its Planning Officers the responsibility for responding to subdivision application referrals from the WAPC which do not involve the creation of a street. The Planning Officer considers the merits and statutory compliance of each application against the background of the operative Town Planning Scheme (incorporating the Residential Design Codes) and relevant Planning Policies. The Planning Officer then makes a recommendation to the WAPC.

A list of the relevant documents the City refers to, together with a list of the main references within the documents that are pertinent to subdivision is set out below. These matters could influence your decision to subdivide or the manner in which you decide to subdivide the land.

Town Planning Scheme No. 6 (TPS 6)

- *Zoning Maps* to identify the operative 'Zoning' (Eg. Residential) and 'density coding' (eg. R20). Ensure you take note of the Precinct name and number, and then refer to Table 1 of the R-codes.
- *Clause 4.2* regarding the meaning of Dual Density Codes (eg. R15/20) and the associated Performance Criterion in *Schedule 3.1 and 3.2*.
- *Clause 4.3(1) (h)* regarding inclusion of corner truncation in land area.
- *Clause 4.4* regarding corner lot subdivisions in certain circumstances.
- *Clause 6.2(A)* regarding replacement of existing building complying with the density. Please note that if the land is not already subdivided, this clause still prevents subdivision, but does permit redevelopment.
- *Clause 6.6* regarding proposals on Canning Highway or Manning Road.
- *Clause 6.13* regarding Tree Preservation.
Where an existing dwelling is proposed to be retained, also keep in mind:
- *Clause 6.3* regarding parking details.
- *Clause 6.10(2)* regarding driveway gradient requirements

Residential Design Codes (R-codes)

- Clause 5.1.1 together with Table 1 regarding calculating the maximum number of dwellings/lots permitted, minimum site area, additional site requirements, and variations to the minimum site area.

Where an existing dwelling is proposed to be retained, also keep in mind that the existing dwelling will be required to comply with all provisions of the R-Codes, any relevant Local Planning Policy and the Town Planning Scheme No. 6.

Policy P301 'Community Engagement in Planning Proposals'

- Any subdivision that involves the creation of a new road will require advertising to the wider community and determination by Council.

Municipal Heritage Inventory (MHI)

- If a property is listed within the City of South Perth Municipal Heritage Inventory, restrictions may apply in relation to demolition and subdivision. You are advised to contact to City's Planning department prior to any subdivision application to discuss heritage requirements.

Other Agencies Requirements

For WAPC or other government agency requirements, please consult those agencies directly.

It is recommended that inexperienced applicants gather this information together and obtain the advice of a Licensed Land Surveyor or Town Planning Consultant.

Conditional Approval or Refusal

When the WAPC has received comments from the relevant State and local government agencies, an officer at the Department for Planning and Infrastructure completes assessment of the application and makes a recommendation to the WAPC. The WAPC then either grants approval, with or without conditions, or refuses the application. Most commonly, approval is granted subject to conditions. The most common conditions recommended by the City of South Perth relate to the following:

- Adjusting proposed lot boundaries to achieve the required setback distance from existing buildings or to achieve required minimum lot area;
- Demolishing existing outbuildings located on a proposed new lot, or any building which would “straddle” a proposed lot boundary;
- Providing truncations at corners of existing streets (8.5m) or where access legs join rear lot proposed driveways (4.25m);
- Preservation of existing trees where desirable and practicable;
- Providing alternative parking structures or bays to serve existing dwellings; and
- Requiring that the existing dwelling be provided with a storeroom.

The WAPC’s conditional approval remains valid for three years, during which time the applicant must complete all the remaining steps towards “Final Approval”, as outlined in the remainder of this information sheet.

Clearances

To fulfil the conditions, the applicant usually seeks the services of a Licensed Land Surveyor and various contractors. When the conditions of approval have been fulfilled, the applicant’s Licensed Land Surveyor applies to the relevant State and local government agencies for clearance letters. When the Surveyor writes to the City of South Perth requesting a clearance letter, the WAPC reference number must be quoted, and the particular conditions requiring a clearance from the City must be identified. **Please note that the City charges fees for providing this service. Additional fees may be charged if more than one site visit is required in order to clear the conditions.**

Final Approval

When the applicant’s Licensed Land Surveyor has obtained all necessary clearance letters, these letters are lodged with the WAPC, accompanied by a Form 1C and Diagram or Plan of Survey. The Application for Final Approval must be lodged within 3 years of Conditional Approval being granted. The WAPC then issues final approval.

Issuing of Certificate of Title

Once final approval has been issued by the WAPC, the applicant's Licence Land Surveyor, Settlement Agent, Solicitor or the current owners of the parent title submit an 'Application for New Titles' to the Landgate with the prescribed fees. Landgate then creates the new Certificates of Title for each of the new lots. The new lots are then available for development and / or sale.

Appeal Rights

Any person may appeal to the State Administrative Tribunal (SAT) against the WAPC's refusal of a subdivision or amalgamation application or against conditions of approval.

Please note that appeals can only be lodged by an applicant or his/her representative. There are no 'third party' (e.g. neighbours) appeal rights. However, if an appeal is lodged by an applicant, The State Administrative Tribunal may receive or hear submissions in respect of an application from a person who is not a party to the application if the Tribunal is of the opinion that that person has a sufficient interest in the matter" (Section 242 of the *Planning and Development Act 2005*.)

Lodging an appeal with State Administrative Tribunal

Applications for appeal are made directly to the State Administrative Tribunal. Information on how to appeal can be found on their website www.sat.justice.wa.gov.au.

Relevant publications

All the of the City's forms and fee schedules can be obtained from the City's offices at the Civic Centre or can be viewed and downloaded from the City's website at www.southperth.wa.gov.au.

Publications from other agencies are available directly for the respective agencies website.

Should you have any further questions regarding this or any other matter, you are welcome to contact one of the City's officers by telephone or via email enquiries.

City's Offices: Civic Centre, cnr Sandgate St and South Tce, South Perth

Telephone: 9474 0777 **Email:** enquiries@southperth.wa.gov.au

Fax: 9474 2425 **Web:** www.southperth.wa.gov.au