

Subdivision and subdivision clearance applications

What is subdivision?

Subdivision is the division of land into smaller lots. The subdivision process is the same for the amalgamation of several lots into a larger lot.

Can I subdivide my land?

The potential to subdivide is generally based on the size of the land and the density code (known as an R-Code) that is applied to the land.

You can determine the density code and zoning of your property by visiting joondalup.wa.gov.au and using the City's Mapping Online tool.

Please note that the City is unable to provide advice on the design of a subdivision or associated development, and cannot advise on whether a proposal will be supported. This is because the Western Australian Planning Commission (WAPC) is the determining authority for subdivision applications.

The WAPC has various policies that may affect the ability to subdivide a lot, and you should make your own enquiries in regard to those policies.

How many lots could I subdivide my property into?

The minimum lot sizes which are permitted under each density code are detailed in Table 1 of the R-Codes viewable at planning.wa.gov.au/Residential-design-codes.aspx

For example, a site with a density code of R20 requires a minimum site area of 350m² and an average site area of 450m² per dwelling/lot (not including a single house on a battleaxe lot). This means that an initial minimum lot area of 900m² is generally required before a site can be subdivided or a second dwelling developed.

Consideration also needs to be given to the shape of the lot and whether or not an existing dwelling is to be retained or removed to facilitate a subdivision. Consideration should also be given to the City's Local Planning Policies such as *Subdivision and Dwelling Development Adjoining Areas of Public Space Policy* and the *Residential Development Local Planning Policy*.

A suitably qualified licenced land surveyor or planning consultant should be able to help you with these requirements, including the policies of the WAPC.

Is there a minimum lot size for non-residential lots?

Currently, the City's *Local Planning Scheme No. 3* (LPS3) and associated policies do not prescribe minimum lot sizes for non-residential land (i.e. land zoned 'Light Industry', 'Commercial' etc.). However, it is recommended that when considering subdividing non-residential lots that consideration be given to the existing approved land uses to ensure sufficient building setbacks, car parking and landscaping as prescribed in LPS3 and associated policies can be facilitated.

What is the difference between a strata subdivision and a green title subdivision?

Strata lots are created under the *Strata Titles Act 1985* and green title lots are created under the *Transfer of Land Act 1893*. Visually there is often no difference between a strata and green title subdivision, however, a green title subdivision does not include any shared or common property. The land which forms a green title lot is exclusive to that lot, whereas a strata subdivision may include common property such as a driveway, car parking, or a bin pad area.

What is the subdivision approval process?

Once you have determined whether your site is large enough to subdivide, an application is made directly to the WAPC. This includes the following applications:

- Amalgamation
- Boundary realignment
- Strata
- Survey Strata
- Green Title

Application forms, fees and further information on the subdivision process can be obtained from the WAPC's website (via Department of Planning, Lands and Heritage).

The WAPC has 90 days to make a determination, of which 42 days are provided to service agencies and the relevant local government to make comment or recommend conditions of approval should the application be supported.

What happens once I have a conditional subdivision approval from the WAPC?

Subdivision approval is usually granted subject to conditions. Approval for a subdivision of up to five lots are valid for three years, and approvals for subdivisions consisting of five lots or more are valid for four years. This means that within the identified approval period, the conditions of that approval need to be fulfilled to the satisfaction of the relevant agencies (e.g. Local Government, Western Power, Water Corporation). This process is known as 'clearance of conditions' or 'subdivision clearance'.

Once all the relevant conditions have been fulfilled and notification of this obtained from each relevant agency, the strata or deposited plan can be endorsed by the WAPC and new titles issued through Landgate.

How do I request clearance of the conditions of subdivision approval?

In order to request clearance of the subdivision conditions from the City of Joondalup for the Local Government conditions, the request needs to be made in writing and include:

- A completed Subdivision Clearance Checklist;
- One copy of the Deposited Plan/Survey Strata Plan;
- Any supporting information that may be required by the City to demonstrate how each condition has been met;
- Where applicable, evidence that any required notifications under Section 70A or restrictive covenants under section 129BA of the Transfer of Land Act 1893 have been lodged with Landgate; and
- The subdivision clearance fee. Refer to the City's website for Planning Services Fees and Charges.

You can lodge a request for subdivision clearance:

- Online (preferred) – please refer to the City's e-applications service;
- In person – visit the City of Joondalup Administration Centre, 90 Boas Avenue, Joondalup; or
- By post – post your application to the City at PO Box 21 Joondalup WA 6919.

A subdivision clearance application must only be lodged once all work has been completed to meet the conditions of subdivision approval.

Once clearance is submitted the property will be inspected to check that relevant conditions have been met. If, following the inspection, it is found that the relevant requirements have not been met, an email or letter will be sent to the applicant to inform them of what is required.

When the City is satisfied that the conditions have been met, a clearance letter will be addressed to the applicant and will be accompanied by an endorsed Deposited Plan or Survey Strata Plan.

I need help preparing an application for subdivision or subdivision clearance, where can I get assistance?

A suitably qualified licenced land surveyor, planning or subdivision consultant can assist with the preparation of applications for subdivision and subdivision clearance. Services provided include drawing up plans, lodging applications and assisting with technical requirements to satisfy conditions.

My property isn't large enough to subdivide at the current density. Can I apply for a higher density to allow for my property to be subdivided?

The re-coding of an individual lot (or spot re-coding) is generally not supported as this is not consistent with orderly and proper planning for an area. In addition, the City has developed a Local Housing Strategy which identifies areas within the City that have been identified for higher density development. As such, approval is unlikely to be granted if you are looking to re-code a single lot independent of a broader area review.

Further information

For further information, please contact the City's Planning Services on **9400 4100** or email info@joondalup.wa.gov.au

For further information on making an application for subdivision approval and associated fees, please contact the Department of Planning, Lands and Heritage on **6551 8002** or planning.wa.gov.au