

Guide to Subdivision Applications and Fees

Application for Approval of Freehold or Survey Strata Subdivision

Notice to applicants - Consent to the disclosure of information

In the interests of transparency, the agenda and minutes of meetings of the Western Australian Planning Commission may appear on the PlanningWA Website, which is a website that is available to the public. Accordingly, in signing this form, you acknowledge that except for information about your business, professional, personal or commercial and financial affairs, the information you have provided in support of your application may be placed on the website.

Important information for applicants

- 1 Please read this application guide and schedule of fees, and the form 1A carefully for further information on these matters. An application may not be accepted and will be returned to the applicant with the submitted fee if requirements are incorrect or incomplete.
- 2 The WAPC is responsible for determining applications for freehold and survey strata subdivisions under the *Planning and Development Act 2005* and *Strata Titles Act 1985*. The information required for an application is authorised by regulation 25 of the Planning and Development Regulations 2009. There are penalties for providing false information.
- 3 Applications for a freehold and survey strata subdivision require a fully completed form 1A with any additional information attached, the correct application fee, eight copies of the subdivision plan for 40 lots or less and 12 copies of the plan for more than 40 lots and any supporting documentation.
- 4 All subdivision plans must be based on an accurate and up-to-date feature survey (survey of existing physical features and improvements such as driveways, buildings as specified in the form 1A). A feature survey is not required when applying for amalgamation approval.
- 5 The applicant must sign the application. All landowners or their agents with written authority must also sign the application.
- 6 The application fee must accord with the schedule of fees current at the date of submission.
- 7 Applicants must check that there are no restrictive covenants applying to the land, or if there are, attend to the resulting liabilities and obligations. The WAPC is only bound by the terms of restrictive covenants created under statute in favour of a public authority.
- 8 Applicants must state the application type freehold or survey strata subdivision, on part 5 of form 1A. A separate application is required for each application type. Application fees for cancelled applications will not be refunded if the application has been referred to external agencies.
- 9 Applicants must state if the application includes Crown land on part 3 of the form 1A. If the application area includes Crown land, applicants must indicate 'yes' on the form 1A and ensure part 3 or a letter of consent is signed by an authorised officer, State Land Services, Department of Regional Development and Lands.

State Land Services can be contacted at:

Perth (Head Office)

Gordon Stephenson House
140 William Street
PO Box 1143
West Perth WA 6872
Tel: 6552 4400
Fax: 6552 4417

Bunbury

Austmark Bunbury Tower
61 Victoria Street
Bunbury WA 6230
Tel: 9791 0861
Fax: 9791 0835

Kununurra

State Government Offices
Cnr Messmate and Konkerberry Drive
PO Box 630
Kununurra WA 6743
Tel: 9168 0255
Fax: 9168 1048

Note: Not to be contacted or used to submit applications. Please see list of Department of Planning office locations where applications can be lodged.

Subdivision process

- 1 The WAPC refers applications to the relevant local government and service providers. Applications may be referred to any public body, local government or private utility for objections or recommendations. The nature of individual proposals and/or factor/s affecting the subject land will determine to which public bodies and private utilities the application will be referred.
- 2 The WAPC will consider a report on the application. The report takes into account any region scheme and/or local planning scheme, relevant WAPC policies, comments from referral agencies, physical attributes or conditions of the site and other relevant matters.
- 3 The WAPC may approve an application with or without conditions, or refuse an application.
- 4 Subdivision approval is valid for three years for subdivisions of five lots and less, and four years for subdivisions of six lots and more (s 145 *Planning and Development Act 2005*). The applicant is to apply for WAPC endorsement prior to approval expiring before registration of title can proceed. Western Australian planning legislation does not allow for any extension of this time.
- 5 If the WAPC decides to refuse an application or to approve an application subject to conditions, under the *Planning and Development Act 2005*, the applicant may lodge a request with the WAPC to reconsider the refusal or conditions. The request must be lodged in writing on a form 3A within 28 days of the decision. The request must include information to explain why the WAPC should reconsider its decision and must be accompanied by the correct application fee.
- 6 Section 251 of the *Planning and Development Act 2005* provides a right to apply to the State Administrative Tribunal for a review of a decision of the WAPC to refuse an application or to impose conditions of approval. An application for a review to the tribunal is to be submitted in accordance with part 14 of the *Planning and Development Act 2005* and part 2 of the State Administrative Tribunal Rules 2004, within 28 days of the date of the decision. The tribunal can be contacted at:

Level 4
12 St Georges Terrace
Perth WA 6000
Ph: 9219 3111 Fax: 9325 5099

- 7 Following a decision to approve an application subject to conditions, the applicant is responsible for fulfilling the conditions in consultation with the relevant local government, public body or private utility.
- 8 The WAPC will endorse a subdivision on a plan or diagram that has been certified correct by the Western Australian Land Information Authority (Landgate). The WAPC must be satisfied that the plan is in accordance with the approval and that all conditions have been complied with.
- 9 The applicant can then apply to Landgate for new titles. Applications for title must be made within two years of the WAPC endorsement date. Landgate can be contacted at:

1 Midland Square
Morrison Road (cnr Great Northern Highway)
Midland WA 6936
Ph: 9273 7373 Fax: 9273 7666

Accompanying information

In addition to the requirements of the form 1A, the following information and plans should accompany the application where applicable:

- details of any excavation, fill or earthworks in excess of 300 mm above the existing ground level;
- any alterations to an existing drainage system and/or methods of dealing with stormwater drainage;
- availability of services such as water, sewer, electricity, gas; applicants wishing to nominate a service provider are encouraged to provide this information in a covering letter to the WAPC (information about these services can be obtained from the relevant service provider);
- relevant provisions of any operative and/or proposed local planning scheme, guided development scheme, region scheme or amendment affecting the subject land (information about these issues can be obtained from the local government in which the subject land is located, and in the case of region schemes and/or amendments the Department of Planning);
- details of any heritage significance associated with the subject land (information concerning heritage significance can be obtained from the Heritage Council of WA and/or the local government in which the subject land is located);
- nearby land uses, activities and previous uses that may affect the proposal such as unexploded ordnance (explosive devices), contaminated sites, poultry farms or aircraft flight paths (information about these issues can be obtained from the Fire and Emergency Services Authority of WA (unexploded ordnance), Department of Environment and Conservation (DEC) and/or the local government in which the subject land is located);

- environmental features that may affect the proposal including native vegetation, rivers and watercourses, wetlands and catchments (information about these features can be obtained from the DEC and/or the local government in which the subject land is located);
- details of any proposed staging of subdivision of the land;
- information concerning how any conditions resulting from formal environmental assessment of the subject land will be addressed (if applicable, this information can be obtained from the Environmental Protection Authority or DEC);
- details of approved structure plans or structure plan provisions relevant to the subject land (if applicable, this information can be obtained from the local government in which the subject land is located); and
- any other matters relevant to the proposal.

Acid sulfate soils

The State Government has published acid sulfate soils risk mapping which is referred to in the WAPC's Acid Sulfate Soils Planning Guidelines. If your land falls within a 'high to moderate' acid sulfate soils risk area a condition may be imposed on any approval issued requiring you to submit an acid sulfate soils self-assessment and possibly conduct a site investigation and implement an acid sulfate soils management plan.

Not all of the state is covered by the risk mapping, and it is possible that pockets of acid sulfate soils may be found in areas shown on the risk maps as having a 'moderate to low' risk where acid sulfate soil occurrence is generally greater than 3 m below natural surface.

Accordingly, form 1A asks you whether the characteristics of the site or your local knowledge lead you to form the view that your land is located in an area where there is a significant risk of disturbing acid sulfate soils.

A general description of the locations where acid sulfate soils are likely to be found (eg low-lying, wet areas) is set out in appendix 3 of the WAPC's Acid Sulfate Soils Planning Guidelines.

More information is available from the Planning website at <http://www.planning.wa.gov.au/bulletins>

Contaminated sites

Applicants are required to provide information on previous potentially contaminating activities carried out on the site, and whether the site has been classified or reported under the *Contaminated Sites Act 2003* (CS Act).

Guidelines and fact sheets available from DEC advise you on how to determine whether a site has previously supported a potentially contaminating activity, and how to access information on reported contaminated sites in Western Australia.

If any site or sites within the application area have been classified you must indicate 'yes' and provide a copy of a basic summary of records (BSR) with the form 1A. Where the application area contains more than one contaminated site a BSR must be provided for each site.

If the application area contains any site that has been reported or is required to be reported under the CS Act and the site is currently under assessment by DEC, you must indicate 'yes' and provide a copy of a letter from DEC notifying the applicant that the site has been reported and is under assessment.

More information is available from the DEC website at <http://www.dec.wa.gov.au/contaminatedsites>

Liveable Neighbourhoods

Liveable Neighbourhoods is an operational policy for the design and assessment of structure plans (regional, district and local) and subdivision of greenfield and urban infill sites where 20 or more lots are to be created. A view only copy of Liveable Neighbourhoods is available from the PlanningWA website at <http://www.planning.wa.gov.au/LiveableNeighbourhoods>

In addition to the general information requirements (section 7) of the form 1A, applications that are to be assessed under the Liveable Neighbourhoods policy should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods. The application information guide contained in the policy document details the information requirements to accompany the form 1A.

Local planning scheme amendment and structure planning

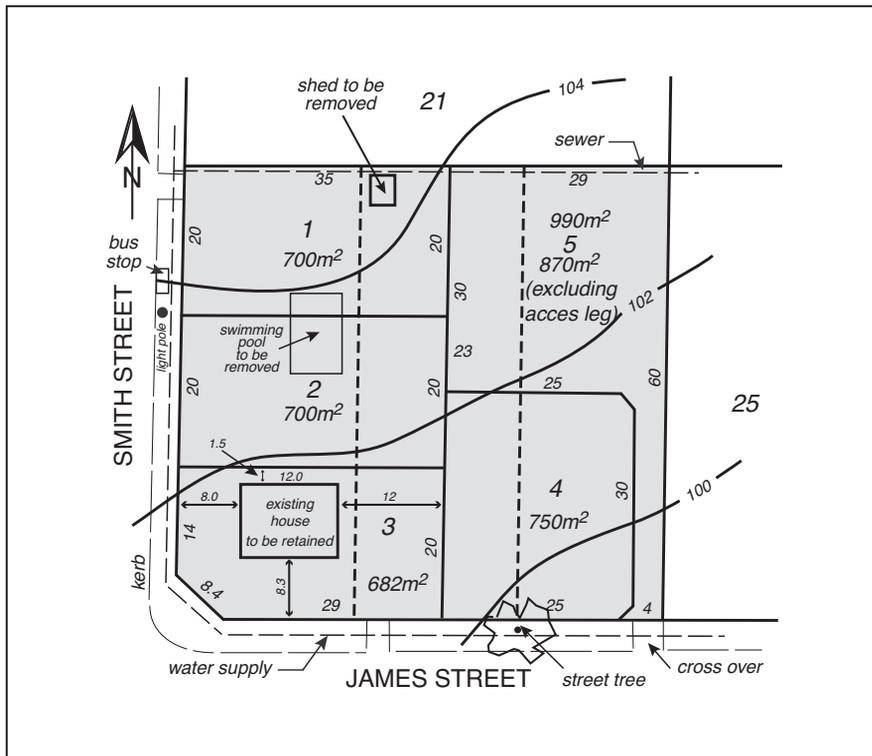
- 1 For land that is subject to a proposed local planning scheme and/or region scheme amendment, a subdivision application lodged prior to gazettal of the amendment affecting the subject land may be regarded as premature and may be refused.
- 2 Local planning schemes may require structure plans to be prepared and endorsed by the relevant local government and the WAPC as a means of facilitating orderly subdivision and development. A subdivision application lodged prior to the endorsement of a suitable structure plan by the WAPC may be regarded as premature and may be refused.

Plans of subdivision

Subdivision plans are to incorporate the information listed in the form 1A. Examples of the acceptable standard of plans are set out below (for illustrative purposes only):

Example - residential subdivision in existing urban areas

Proposed subdivision of lots 22, 23 and 24 Caudelup



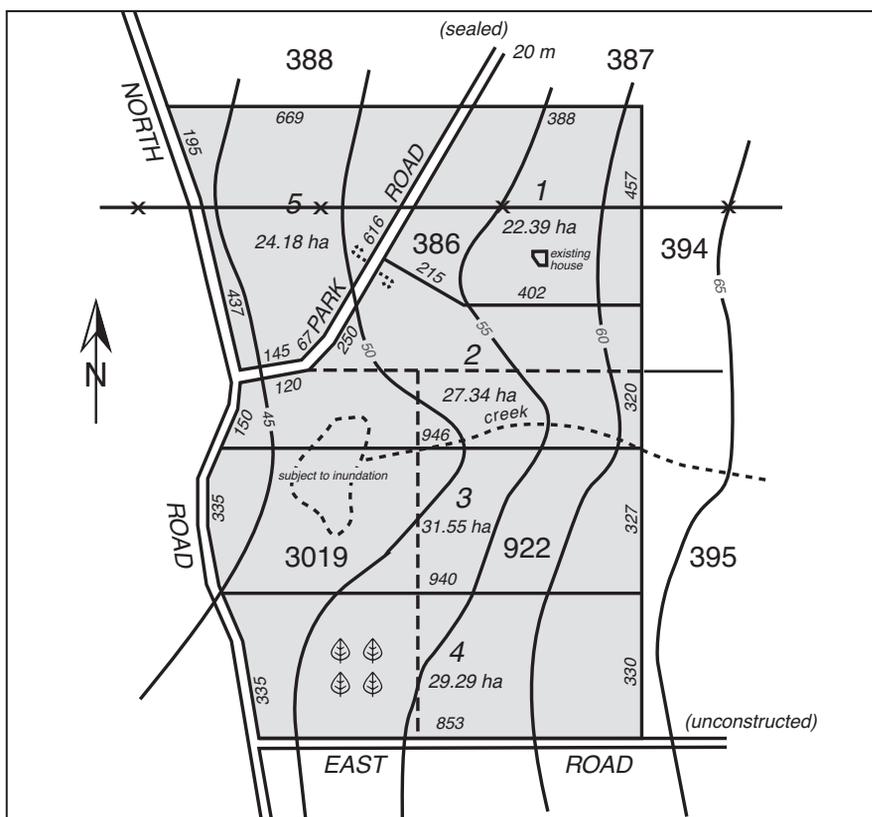
- proposed boundary
- - - existing boundary
- application area

Original areas:
 Lot 22 - 1382 m²
 Lot 23 - 1276 m²
 Lot 24 - 1156 m²
 Total area - 3814 m²
 No of existing lots - 3
 No of proposed lots - 5

Scale - 1: 1000

Example - rural subdivision

Proposed subdivision of locations 386, 922 and 3019 Caudelup



- ×—×—× power line
- 🌳 vegetation
- proposed boundary
- - - existing boundary
- application area

Original areas:
 Loc 386 - 57.60 ha
 Loc 922 - 41.36 ha
 Loc 3019 - 35.82 ha
 Total area - 134.78 ha
 No of existing lots - 3
 No of proposed lots - 5

Scale - 1: 10 000 at A3

Application fees

Valid from 1 July 2013

The WAPC collects fees for applications made under the *Planning and Development Act 2005* and the *Strata Titles Act 1985* and associated regulations. The WAPC reviews its fees annually.

The relevant application fee is payable at the time of lodgement of the application. Applications will not be accepted and may be returned to the applicant if not accompanied by the correct fee current at the date of submitting the application. Cheques should be made payable to WAPC. Fees are exempt from GST.

Form 1A - Application for approval of freehold or survey strata subdivision

Amalgamation \$2,101

2 lots up to and including 100 lots \$2,912 plus \$66.47 per lot

101 lots and greater \$9,559 plus \$22.22 per lot for every lot in excess of 100 lots

A fee will apply for an application for approval of freehold or survey strata subdivision (form 1A).

Applications proposing multiple lots amalgamated into a single lot attract a fee of \$2,101. Application proposing two (2) lots up to and including 100 lots attract a fee of \$2,912 plus \$66.47 per lot. For example where five lots are proposed the application fee is \$2,912 plus \$332.35 (five lots multiplied by \$66.47) which totals \$3,244.35.

Applications proposing 101 lots or greater attract a fee of \$9,559 plus \$22.22 per lot for every lot in excess of 100 lots. For example, where 105 lots are proposed the application fee is \$9,559 plus \$111.10 (five lots multiplied by \$22.22) which totals \$9,670.10. For the purpose of calculating the number of proposed lots, each common property lot is counted as one lot, areas reserved for the purpose of a pedestrian access way, right of way, truncation, road widening, drainage reserve or recreation reserve are not counted as lots.

Form 2A - Amended plan/s for application for approval of freehold or survey strata subdivision

Amalgamation \$734

2 lots up to and including 100 lots \$1,089 plus \$23.30 per lot

101 lots and greater \$3,419 plus \$3.50 per lot for every lot in excess of 100 lots

A fee will apply for considering a variation to a subdivision plan (amended plan) as part of the application for approval of a freehold or survey strata subdivision plan prior to determination of the application. Amended plans for applications proposing multiple lots amalgamated into a single lot attract a fee of \$734. Amended plans for applications proposing two (2) lots up to and including 100 lots attract a fee of \$1,089 plus \$23.30 per lot. For example, where five lots are proposed the application fee is \$1,089 plus \$116.50 (five lots multiplied by \$23.30) which totals \$1,205.50.

Applications proposing 101 lots or greater attract a fee of \$3,419 plus \$3.50 per lot for every lot in excess of 100 lots. For example, where 105 lots are proposed the application fee is \$3,419 plus \$17.50 (five lots multiplied by \$3.50) which totals \$3,436.50. For the purpose of calculating the number of proposed lots, each common property lot is counted as one lot, areas reserved for the purpose of a pedestrian access way, right of way, truncation, road widening, drainage reserve or recreation reserve are not counted as lots.

Form 3A - Request for reconsideration of WAPC decision to approve/refuse freehold or survey strata subdivision

Amalgamation \$996

2 lots up to and including 100 lots \$1,221 plus \$27.76 per lot

101 lots and greater \$3,997 plus \$5.40 per lot for every lot in excess of 100 lots

A fee will apply for an application to the WAPC to reconsider a refusal under section 144(1) or reconsider a condition/s under section 151(1) of the *Planning and Development Act 2005*. Reconsideration of an application proposing multiple lots amalgamated into a single lot attract a fee of \$996. Reconsideration for an application proposing two (2) lots up to and including 100 lots attract a fee of \$1,221 plus \$27.76 per lot. For example, where five lots are proposed the application fee is \$1,221 plus \$138.80 (five lots multiplied by \$27.76) which totals \$1,359.80.

Reconsideration of an application proposing 101 lots or greater attract a fee of \$3,997 plus \$5.40 per lot for every lot in excess of 100 lots. For example, where 105 lots are proposed the application fee is \$3,997 plus \$27 (five lots multiplied by \$5.40) which totals \$4,024. For the purpose of calculating the number of proposed lots, each common property lot is counted as one lot, areas reserved for the purpose of a pedestrian access way, right of way, truncation, road widening, drainage reserve or recreation reserve are not counted as lots.

Form 1C - Application for endorsement of deposited plan, survey-strata plan, or strata plan.

Amalgamation \$500

2 lots up to and including 100 lots \$558 plus \$7.00 per lot

101 lots and greater \$1,258 plus \$4.40 per lot for every lot in excess of 100 lots

A fee will apply for an application for endorsement of deposited plan or survey-strata plan (form 1C).

Applications for endorsement of a Strata plan must be made on an accompanying form 1C however no fee is applicable. Applications proposing multiple lots amalgamated into a single lot attract a fee of \$500.

Application proposing two (2) lots up to and including 100 lots attract a fee of \$558 plus \$7.00 per lot.

For example where five lots are proposed the application fee is \$558 plus \$35 (five lots multiplied by \$7.00) which totals \$593.

Applications proposing 101 lots or greater attract a fee of \$1,258 plus \$4.40 per lot for every lot in excess of 100 lots. *For example, where 105 lots are proposed the application fee is \$1,258 plus \$22 (five lots multiplied by \$4.40) which totals \$1,280.* For the purpose of calculating the number of proposed lots, each common property lot is counted as one lot, areas reserved for the purpose of a pedestrian access way, right of way, truncation, road widening, drainage reserve or recreation reserve are not counted as lots.

Submission of application

Applications can be submitted to the WAPC through the relevant Department of Planning offices in person or by post at the following addresses:

| Perth (All posted applications): | Perth (Lodgements in person): | Albany | Mandurah | Bunbury | Geraldton |
|--|--|---|--|---|---|
| Locked Bag J747 Perth WA 6000 | 140 William Street Perth WA 6000 telephone: 655 19000 facsimile: 655 19001 NRS: 13 36 77 | 178 Stirling Terrace PO Box 1108 Albany WA 6331 telephone: 9892 7333 facsimile: 9841 8304 | Shop 2B 11-13 Pinjarra Road Mandurah WA 6210 telephone: 9586 4680 facsimile: 9581 5491 | 6th Floor Bunbury Tower 61 Victoria Street Bunbury WA 6230 telephone: 9791 0577 facsimile: 9791 0576 | 65 Chapman Road PO Box 68 Geraldton WA 6531 telephone: 9956 0122 facsimile: 9956 0132 |