



# PLANNING – SUBDIVISION/AMALGAMATION INFORMATION

Subdivision in Western Australia is administered by the Western Australian Planning Commission (WAPC). The statutory basis for broad acre subdivision is established primarily by the *Planning and Development Act 2005*.

## The subdivision Process

The WAPC determines all green title, built, vacant and survey strata subdivision (except built strata subdivision applications of five lots and under which are determined by local government).

Application to the WAPC for subdivision approval is initiated by the landowner/developer. Subdivision applications are lodged with supporting information, including a plan, and are processed by the Department of Planning (DP) on behalf of the WAPC.

Subdivision applications are registered by DP then referred to relevant state government agencies and the local authority for comment on whether to grant conditional or unconditional approval, or refusal. All applications are referred to the local authority, Western Power and Water Corporation. Other possible referral agencies include the Department of Environment and Conservation, Department of Water, Main Roads WA, Swan River Trust, Fire and Emergency Services, Department of Health, Department of Agriculture and Department of Education.

Referral agencies have 42 days to respond. If conditional approval is recommended, conditions are normally derived from a set of conditions developed and adopted by the WAPC and based on advice from referral authorities; however, non-generic conditions may be imposed. This is the critical point for detailed local authority engineering involvement and dialogue between the local authority and the developer should take place as early in the process as possible. The *Planning and Development Act* now provides that if referral advice is not received within 42 days, there is deemed to be no objection to approval and no requirement for conditions from that agency.

Once referrals are received, the planning officer generates a report and recommendation. A set of model conditions, adopted by the WAPC, is used as the basis for condition setting.

The decision of the WAPC is forwarded to the applicant with copies to referral agencies. Generic conditions that apply to most major subdivisions include site contouring and provision of power, sewer, potable water, drainage, streets and open space. In general, over half of the approval conditions relate to the local authority requirements.



# DEVELOPMENT SERVICES INFORMATION NOTE

For each condition there is a state or local government agency identified as responsible for ensuring the developer complies. These agencies specify the requirements necessary to meet generically worded conditions and they are responsible for confirming that the works or tasks have been satisfactorily completed during the development.

In addition to conditions, approvals often contain advice notes that provide more detailed information as to what may be required to satisfy certain conditions. A large subdivision could include some 30 conditions which may be required to be cleared prior to subdivision; the clearance process is outlined in Information sheet DS1.8.

An decision to an application is either a refusal, or an approval with conditions. If the applicant considers the decision (refusal or conditions) unacceptable, he/she has a right of review to the State Administrative Tribunal (SAT). There is also a right of appeal if the subdivision application is not determined within 90 days.

**\*DISCLAIMER\***

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