



PLANNING – SUBDIVISION PROCESSES NORTH WEST PRECINCT

DEVELOPMENT SERVICES INFORMATION NOTE

Under the *Planning and Development Act 2005*, subdivision proposals must be submitted and ultimately decided by the Western Australian Planning Commission (WAPC). In accordance with the *York Town Planning Scheme No. 2*, residential development must comply with the Residential Design Codes. Therefore, proposed lot sizes must adhere to the minimum site area according to said codes.

For the north-west precinct of York, many of the lots are coded Residential R5 hence, must be a minimum of 2000m² in site area. Other coding designated to this area, including R10/R30 and R2.5, have different site requirements.

Outline Development Plans (ODP's)

In keeping with the *York Town Planning Scheme No. 2*, if proposed plans involve the subdivision of more than 3 lots, it is required that an ODP be submitted to Council for approval. An ODP submission is made with a compulsory fee of approximately \$2000 per lot, plus advertising costs (subject to variation depending on the complexity of the proposal). ODPs are to be reviewed by the planner and advertised for a minimum period of 21 days. It is then put forward to Council for adoption and forwarded to the WAPC.

Once the ODP is approved by WAPC, then a subdivision application may be made. For subdivision of 3 lots or less, application for subdivision can be made directly to the WAPC.

Form 1A

All freehold or survey strata subdivisions are made to the WAPC through the completion of Form 1A for a fee which is subject to variation (fee available on the Department of Planning website <http://www.planning.wa.gov.au/626.asp>).

The application form and guides are available on the Department of Planning website at <http://www.planning.wa.gov.au/626.asp> or the York Shire offices.

Form 1A requires information regarding the subdivision including details about the applicant, the landowners as well as the certificate of title on the existing lot.

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.

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. The applicant must sign the application. All landowners or their agents with written authority must also sign the application.



DEVELOPMENT SERVICES INFORMATION NOTE

WAPC Process

Applications received by the WAPC for subdivision are always referred to other State Government agencies for comment. Western Power, the Water Corporation and Local Governments are typical however it is not uncommon that other agencies be referred to. Referring a subdivision to such agencies involves their analysis of the application within a period of 42 days. It must be returned within this time frame (with comment and/or conditions) back to the WAPC who will ultimately make a decision based on this feedback.

From a Local Government's point of view, applications are assessed according to provisions in the Town Planning Scheme and Policies, particularly their objectives and development requirements.

Decisions by WAPC are made either conditionally or unconditionally (very rarely) which you are obliged to abide by. If application is refused, the applicant has the right to appeal to the State Administrative Tribunal.

It should be noted that the cost required by State agencies, particularly Western Power and the Water Corporation, often outweighs the financial benefits of subdivision. If approved, the subdivision must be completed within 3 years however the applicant is under no obligation to proceed.

Clearance

Once subdivision is permitted, the applicant requires clearance from all agencies who stated conditions for approval. A clearance fee for each agency will apply (per subdivided lot) which is available from each individual agency.

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.

The applicant can then apply to Landgate for new titles. Applications for title must be made within two years of the WAPC endorsement date.

Further Information

Prior to embarking on the subdivision approval process, it is strongly advised that you contact the Shire of York's Planning Section, the Western Australian Planning Commission and relevant utility service providers to discuss your proposal. This upfront advice may assist you in determining if your proposal is not only permissible, but financially viable as you as the developer will be responsible for the provision of any required infrastructure, such as roads, water and power.

DISCLAIMER

This Information Note is a guide only.
The Shire of York accepts no responsibility for errors or omissions.

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