

Planning Information Sheet: Clearance of Subdivision Conditions

This information sheet is intended to provide a clear outline to applicants on what is required by the City of Canning (the City) to clear the most common conditions imposed by the Western Australian Planning Commission (WAPC) on subdivision approvals.

WHAT IS CONDITIONAL SUBDIVISION APPROVAL?

When the WAPC issues a decision to approve a subdivision, it is usually subject to conditions. The decision is often valid for a period of around three years. In this timeframe it is the applicants' responsibility to undertake the necessary works to satisfy the requirements of the conditions prior to the subdivision approval expiring.

WHY DO I NEED TO APPLY FOR CLEARANCE?

To enable the creation of the certificates of title, the WAPC needs confirmation that the conditions of subdivision approval have been met. Service agencies such as Western Power, the Water Corporation and Local Governments are relied upon to provide confirmation that the conditions relating to their relevant service areas have been met.

Once the subdivision work has been completed (demolition of structures, earthworks, resurvey etc.) the applicant may apply for clearance of the conditions to the relevant service agencies. The developer/landowner must gain clearance of all the conditions prior to applying for the new certificates of title.

WHAT DO I NEED TO DO TO APPLY?

The following information and fees are required to make an application for clearance:

- A completed Clearance of Subdivision Conditions – Application Form & Checklist;
- An electronic copy of the Deposited Plan or Survey Strata Plan (prepared by a licensed land surveyor);
- Payment of the relevant fee as listed in the City of Canning's Planning Fees Schedule; and
- Relevant documentation addressing the specific conditions imposed by the WAPC (refer to Table 1 of this document for details).

Clearance should not be sought if the works associated with the conditions is incomplete. As part of our assessment the City's staff will inspect the property. If the City's staff have to revisit the property multiple times because the work is incomplete or of an unacceptable standard, the applicant will be charged a re-inspection fee(s).

HOW DO I LODGE MY APPLICATION?

Applications for subdivision clearance must be submitted via the City's online lodgement portal. The portal can be accessed from the City's website.

If you need to lodge a hard copy application this can be done over the front counter at the City's Administration Building (located at 1317 Albany Highway, Cannington – Corner of George Street West and Albany Highway). Please note that hard copy applications are charged an additional scanning fee at the time of lodgement.

HOW CAN I MAKE PAYMENT?

The City's Administration Officers will contact you once your application has been accepted, if it has been submitted using the City's online lodgement portal. Electronic payment options include Credit Card and BPAY. Alternatively you can pay using Eftpos, cash or cheque at the City's Administration Building.

HOW WILL I RECEIVE MY CLEARANCE DECISION?

All clearance decisions are issued to the applicant via email in the first instance. Printed copies can be posted on request.

Table 1 – Information requirements to demonstrate compliance

Standard condition wording	How to clear specific conditions
Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) at the time of subdivision approval being demolished and materials removed from the lot(s).	The submission of a building permit can cover minor demolition works, for example patios, sheds etc. However if a dwelling is required to be removed the developer/landowner is required to submit a permit application for demolition to the City as required under Part 2 Division 1 Section 10 of the <i>Building Act 2011</i> .
All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains) and any stormwater disposal systems are to be decommissioned, in accordance with the <i>Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974</i> , removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed.	The developer/landowner is required to ensure that any septic tank or leach drain systems are completely and safely removed from the site. A statutory declaration is to be provided to the City confirming the completion of the necessary works as required under the <i>Health (Treatment of Sewerage and Disposal of effluent and Liquid Waste) Regulations 1974</i> and the decommissioning of bores to the specifications of the Water Authority. A blank statutory declaration can be found on the City's website here .
The land being filled, stabilised, drained and/or graded as required to ensure that: a) lots can accommodate their intended development; b) finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or finished ground levels of the land abutting; and	In order to clear this condition the City will require earthworks be undertaken in accordance with Local Government Guidelines for Subdivisional Development. In some circumstances the City will require a geotechnical report and post-earthworks geotechnical report, with a compaction certificate, to certify the land has been remediated to accommodate the intended development.

<p>c) stormwater is contained on-site or appropriately treated and connected to the local drainage system.</p>	<p>Where retaining is required to be installed along the boundaries, this must be installed after obtaining a building permit.</p> <p>Where soil conditions are not favourable to the use of soakwells, a stormwater connection will be required to be constructed into the local drainage network. Where a dwelling is proposed to be retained, the dwelling must be connected to soakwells.</p> <p>For more information regarding geotechnical reports please refer to the City's guide 'General Advice of Geotechnical Reports' which is available the City's website. The guide includes a list of the City's accepted geotechnical consultants.</p> <p>For clarification please contact the City's Development Engineering Officer.</p>
<p>The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government.</p>	<p>In the case of a common property access way the developer/landowner is required to construct and provide drainage for a 3 metre wide hardstand driveway in accordance with the City's Standards and Specifications. For clarification please contact the City's Development Engineering Officer.</p>
<p>All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.</p>	<p>The developer/landowner is to ensure that the site is able to achieve the relevant clearances from boundaries required under Part 3.7.1 of the Building Codes of Australia.</p>
<p>The developer/landowner is to comply with the terms and conditions of the City of Canning's Guided Development Town Planning Schemes.</p>	<p>This condition may be applied to subdivision applications involving land that is located within the City of Canning's Town Planning Schemes (typically Nos. 17A and 21). Where this condition applies there may be a requirement to pay Scheme Fees and/or Public Open Space contributions. It is recommended that the developer/landowner liaise with the City's Statutory Planning Department on 1300 422 664 for further information.</p>
<p>The existing dwelling being retained is to comply with the requirements of the Residential Design Codes.</p>	<p>Refer to the Table 1a below.</p>

Table 1a - Requirements under the Residential Design Codes for retained dwellings.

	Survey Strata with Common Property ('Grouped Dwelling' lot)	Green-Title or Survey Strata with no Common Property ('Single House' lot)
<p>Appearance of retained dwelling (Clause 5.2.6)</p> <p>Refer Local Planning Policy LP.01 - Residential Development:</p> <ul style="list-style-type: none"> • Upgrade of damaged or degraded roof tiles, eaves and guttering; • Modifying, upgrading or replacing damaged or dilapidated windows and frames; • Repainting flaking paint work or paint work in poor conditions; and • Improving existing landscaping where the existing house does not comply with clause 5.3.2 C2 of the R-Codes. 	Yes	No
<p>Outdoor living areas (Clause 5.3.1)</p> <ul style="list-style-type: none"> • Total area to comply with requirements of Table 1 of R-Codes (to be directly accessible from a habitable room, with a minimum dimension of 4m, and at least 50% without permanent roof cover [variation allowable under Clause 3.2 of LP.01]) 	Yes	Yes
<p>Parking (Clause 5.3.3)</p> <ul style="list-style-type: none"> • Minimum number of on-site car parking spaces in accordance with table in C3.1 of the R-Codes. • Visitor parking for grouped dwelling development as required by C3.2 of the R-Codes. <p>(all paved or concreted car parking bays must be in accordance with AS/NZS 2890.1:2004)</p>	Yes	Yes
<p>External fixtures, utilities and facilities (Clause 5.4.4)</p> <ul style="list-style-type: none"> • 4m² storeroom (with minimum dimension of 1.5m, constructed in a design and material matching the dwelling where visible from the street, and accessible from outside the dwelling) 	Yes	No

Disclaimer

This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The City of Canning encourages you to seek professional advice before acting on any information contained in this document. Please contact the City of Canning if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.

Updated May 2020 (V1)
HPRM D20/48649