GOVERNMENT OF WESTERN AUSTRALIA

WAPC Western Australian Planning Commission

DRAFT
PUBLIC CONSULTATION
NOT INTENDED FOR DECISION MAKING

Operational Policy

Subdivision

October 2026

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Acknowledgement of Country

The Department of Planning, Lands and Heritage acknowledges Aboriginal people as the traditional custodians of Western Australia. We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

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Text shown in blue is proposed to be relocated from Operational Policy 2.2 Residential Subdivision into draft Operational Policy Subdivision, subject to the outcome of the Residential Design Codes review.

Background notes

1. This policy sets out the general principles that will be used by the Western Australian Planning Commission (WAPC) in determining applications for the subdivision of land. It also indicates the basic requirements for the creation of new lots and the procedures the WAPC will follow to process subdivision applications.

2. The context for this policy is provided by State Planning Policy 1 State Planning Framework (SPP 1), the State Planning Strategy and the principles for sustainable land use and development contained in ~~Directions 2031 and Beyond,~~ Perth and Peel@3.5 million and the sub-regional planning frameworks that guide the structure planning and subdivision for greenfield and large brownfield (urban infill) sites.

3. The policy is complemented by other policies that are concerned with the more detailed aspects of lot creation for particular land uses. The general principles should be read in conjunction with the relevant use-specific policy to give a comprehensive coverage of the WAPC's policy requirements for any land use.

1.0 Introduction

(a) This policy is largely concerned with matters stated in Part 10 of the Planning and Development Act 2005, the Planning and Development Regulations 2009, the Strata Titles Act 1985 (as amended), and the Strata Titles (General) Regulations 2019, which deal with the subdivision of land alienated from the Crown. The policy sets out the general principles that will guide the WAPC in determining applications for subdivision.

For the intent of this policy, subdivision includes the creation of a new lot or lots, the amalgamation of existing lots, and any other dealings in land which require the approval of the WAPC. This includes the creation of freehold, survey-strata, strata and leasehold lots.

(b) In its determination of applications, the WAPC will seek to ensure that the broad objectives in section 2 of this policy are met. Applications that do not comply with the objectives will either not be approved or the WAPC may impose conditions to an approval to secure these objectives.

2.0 Policy objectives

- To control the subdivision of land, number, size and arrangement of lots within the framework of the relevant legislation, regulations and policy.
- To ensure that the subdivision of land is consistent with:
  - *State Planning Policy No. 1*
  - *State Planning Framework* (SPP No. 1)
  - *Perth and Peel@3.5million*
  - relevant WAPC policies and plans
  - the provisions of the relevant local planning scheme.
- Orderly and proper planning and the character of the area.
- To ensure a comprehensive and co-ordinated approach to the subdivision of WAPC-endorsed urban expansion areas in metropolitan Perth, regional centres and country towns.
- To ensure the subdivision pattern is responsive to the characteristics of the site, including environmental features, sustainability principles and the local planning context.
- To create a site-responsive design through a street and lot layout that provides local amenity and safe and efficient modes of transport including cycling and walking.
- To promote a sense of place and conservation of places of historic cultural heritage significance.
- To ensure that any subdivision of land with heritage listed buildings and grounds does not prejudice the heritage significance of the property.
- To facilitate development that achieves appropriate community standards of health, safety and amenity.
- To support the maintenance and enhancement of the urban tree canopy.
- To ensure constructed vehicle access from the gazetted public road system to each new lot.
- To create lots that are capable of lawful development and, at the same time, ensure that existing lots or the development upon them is not rendered illegal.

- To secure utility services to each new lot appropriate for the intended use of the lot.
- To provide for the appropriate arrangements for development contributions, where necessary and relevant, for the orderly and proper planning of the locality containing the subdivision.
- To provide for the appropriate arrangements, where necessary for planning purposes, for the ceding or transfer of land.

3.0 Policy measures

3.1 Consistency with long-term planning goals

SPP 1 sets out the general principles for planning and brings together the WAPC's State planning policies, regional and sub–regional strategies, operational policies, position statements and guidelines into a single policy framework. SPP 1 together with any applicable region scheme and the relevant local planning scheme, including any local planning strategy (pursuant to the Model Provisions as set out in the Planning and Development [Local Planning Scheme] Regulations 2015), provide the planning policy direction, which guides the WAPC in determining subdivision applications.

3.2 Context and site analysis

3.2.1 Subdivision applications should be submitted with sufficient detail and information as is necessary to enable the WAPC to decide on the application.

3.2.2 The Planning and Development Regulations 2009 specify the requirements for making an application for subdivision approval to the WAPC as well as the matters the WAPC must have regard to in considering an application for subdivision approval. The relevant matters include but are not limited to:

(a) the size, shape and dimensions of each lot
(b) the services available to each lot
(c) drainage of the land
(d) access to each lot
(e) the amount of public open space to be provided
(f) any relevant planning scheme
(g) any relevant regulations
(h) any relevant local laws relating to town planning.

An application for subdivision approval is made by lodging a Form 1A application with the WAPC for approval of freehold, survey-strata or leasehold (survey-strata) subdivision. An application for strata or leasehold (strata) subdivision is to be made on a Form15A.

3.2.3 Both forms set out the information required to accompany a subdivision application. Upon assessment of an application, further information may be required to be provided to address site specific features of a proposal.

3.2.4 The purpose of a context analysis is to ensure that new subdivision and development is connected to and integrated with surrounding natural and developed areas, including planned and committed development for adjacent sites. The context analysis also identifies key opportunities and constraints presented by the site.

3.2.5 The WAPC will require sufficiently detailed assessment of the site and its immediate surrounds, in accordance with the relevant policies of the WAPC, demonstrating:

- a sustainable and environmentally responsive site design, including response to environmental values onsite and on adjoining land;
- the creation of a sense of place and identity based upon natural and cultural assets; and
- compatible integration of interfaces between the development site and neighbouring land use and development.

3.2.6 For larger scale subdivisions, for example, major urban expansion areas or new industrial subdivisions, a more detailed context and site analysis may be necessary.

3.3 Site responsive design

All subdivisions should be designed so they:

3.3.1 Are consistent with the capability of the land and recognise the environmental and visual characteristics of the surrounding area.

3.3.2 Are climate-responsive where topography and other site conditions allow. Avoidance of major earthworks is also supported as it reduces the demand for basic raw materials and the loss of remnant vegetation. Protection of large remnant trees, where practicable, is encouraged, both on development sites, as well as in road reserves and open space areas.

3.3.3 Respond to the physical characteristics of an area including topography, soils, drainage, vegetation, natural features and visual characteristics of the site. Lot layouts also need to address site constraints and optimise orientation to suit energy efficient housing where possible.

3.3.4 Protect areas of remnant bushland, significant mature trees and other environmentally sensitive areas including foreshores and flood prone land.

3.3.5 Have regard for the existing and proposed distribution of public open space in the immediate locality. Residential lots should be located convenient to areas of public open space and all lots should be served by a suitable level of community services, schools, retail facilities and the like.

3.3.6 Are located within a system of vehicle and pedestrian movement consistent with the principles of existing state planning policies in terms of street hierarchy, safety and lot access and provision of cycleways and pedestrian walkways.

3.3.7 Consider the quantity of imported fill in low lying areas and consider alternative earthwork and drainage strategies that minimise use of imported fill.

3.3.8 Lot reconfiguration may be required to facilitate retention of significant trees and mature vegetation.

3.4 Structure plans

3.4.1 Structure planning is a process of developing a framework for the integrated subdivision and development of a major residential, commercial or industrial area or an activity centre. Structure plans are particularly useful to coordinate subdivision and development in areas of fragmented ownership, including with respect to staging and sequencing aspects. Structure plans should be supported by appropriate technical documents addressing specific site characteristics and State planning policies.

3.4.2 Preparation of a structure plan may be required under the provisions of a local planning scheme.

3.4.3 Where a structure plan is a requirement of a local planning scheme, it must be prepared in accordance with the scheme provisions and have regard for the provisions of any regional or sub-regional strategy. The Planning and Development (Local Planning Schemes) Regulations 2015 contain deemed provisions for the preparation and consideration of structure plans under local planning schemes. A structure plan is determined by the WAPC.

3.4.4 A structure plan may also be accompanied by cost-sharing arrangements between landowners for the provision of common infrastructure. State Planning Policy 3.6 Development Contributions for Infrastructure (SPP 3.6) provides guidance on the scope of development contributions that may be acceptable. Model provisions for development contributions in local planning schemes have also been adopted.

3.4.5 The WAPC will have regard to any adopted structure plan and development contribution arrangement when considering subdivision applications submitted within an area covered by the structure plan or development contribution arrangement.

3.5 Super lot subdivisions

3.5.1 There is a presumption against 'super lot' subdivision of land holdings which are identified or zoned for future urban purposes and which are already of a size suitable for that purpose (generally less than 150 hectares) where this could prejudice the orderly and proper planning of the land.

3.5.2 However, where it can be demonstrated that a super lot subdivision of a large land holding will not be contrary to the orderly and proper planning of the land, a super lot subdivision may be supported subject to:

(a) the land being zoned 'Urban', 'Industrial', 'Central City Area' or 'Regional Centre' in the Metropolitan Region Scheme or region planning scheme and appropriately zoned in the local planning scheme;
(b) the original land holding being given subdivision approval for at least the first stage of development and actual development having commenced;
(c) the preparation of a comprehensive local structure plan in liaison with the local government and to the satisfaction of the WAPC, accompanied by a report, which clearly indicates the development contributions, capabilities and obligations of each super lot; and
(d) development contributions, capabilities and obligations referred to in (c) being the subject of a record on title pursuant to section 70A of the Transfer of Land Act 1993, or a legal agreement with the WAPC and/ or any other relevant public authority which shall be binding on subsequent owners and supported by caveats lodged by the WAPC to ensure that prospective purchasers are aware of the commitments.

3.5.3 Depending on the degree of need to maintain flexibility in the planning of the original land holding, the WAPC may approve the excision of only one super lot to incorporate the first stage(s) of development. The subdivision of the whole of the land holding into super lots of 20 hectares or greater may be considered where arrangements regarding the provision of infrastructure have been established in accordance with SPP 3.6.

3.5.4 Where development contributions can be conveniently made at the time of a super lot subdivision, the WAPC will require that these be ceded as conditions of subdivision, to be either transferred to the Crown at that time, or to be the subject of a separate legal agreement which ensures the transfer of a site at some future nominated time.

3.6 Nested Subdivision and Staging

3.6.1 Nested subdivision proposals involve the inclusion of two or more original/parent lots and/or minor boundary adjustments between them to achieve the average lot size requirement.

3.6.2 Staged or successive subdivision proposals involve the creation of one minimum sized lot under separate subdivision applications in order to obtain increased lot yield. For example, a 1,000m^2 site coded R40 (minimum 180m^2 and average 220m^2 lot size) yields 4 lots. Staged or successive subdivision could yield 5 lots through individual separate subdivision applications of the original lot through creation of minimum 180m^2 lots. 1000m^2 - 180 m^2 (lot 1) = 820 m^2. 820m^2 -180m^2 (lot 2) = 640m^2. 640m^2 - 180m^2 (lot 3) = 460m^2. 460m^2 divided by 220m^2 - (lot 4 & 5).

3.6.3 Nested and staged/successive subdivision proposals are not generally supported. Where proposed, the applicant must provide justification and information to demonstrate legitimacy. A determinable difference between existing and proposed new lots must be demonstrated and the proposal must not compromise the R-Coding. Inclusion of lot/s not resulting in substantial change, to satisfy policy criteria and/or to increase the total lot size/subdivision application area to comply with the required average lot size is not a legitimate purpose.

3.7 Development contributions

3.7.1 The WAPC may impose conditions requiring development contributions (including the ceding of land) for the provision of infrastructure and services which are necessary and relevant to the subdivision. These contributions may be in the form of:

- ceding of land for roads, public open space, primary school sites, drainage and other public works
- construction of infrastructure works which are transferred to public authorities on completion
- monetary contributions to acquire land or undertake works by public authorities or others
- rehabilitation of environmentally degraded lands.

The scope and arrangements for development contributions that can be required as a condition of subdivision are set out in SPP 3.6.

3.8 Lawful development

3.8.1 Local planning schemes usually incorporate standards governing the development of lots, most commonly through minimum lot size for different land uses. Also relevant are minimum frontage requirements, the need to meet setback requirements, and compliance with open space provisions. In areas not subject to an operational scheme, similar requirements may be contained in local laws made under the Local Government Act 1995.

3.8.2 The minimum and average lot size and frontage requirements of the relevant R-Code form the basis for the subdivision of residential land. Lot sizes greater than the specified minimum will be considered unless, having regard for the reasons for the selection of the particular R-Code and any commitments made to service infrastructure, the uneconomic use of services or under achievement of WAPC density targets would result.

3.8.3 For residential development, Residential Design Codes provides guidance on the minimum and average lot sizes of which the WAPC will have due regard. For the purposes of calculating average lot size specified in Table D or elsewhere in the R-Codes Volume 1, the WAPC accepts that with many large-scale projects, subdivisions will proceed in stages, such as following a structure plan for the locality or district, and that component stages may not separately comply with the average lot size requirement. In such cases, the WAPC may choose to base the required calculation upon subdivision of the entire project area provided that where a particular stage does not comply, it can be assured that subsequent stages will restore compliance, and that those stages will be completed within a reasonable period of time.

3.8.4 In areas subject to a Precinct or Standard Structure Plan, the WAPC may consider subdivision applications with lot sizes for single houses below the minimum for the relevant R-Code, provided the subdivision achieves the average for the relevant R-Code.

3.8.5 Lots that cannot be developed in accordance with relevant statutory requirements will not be approved.

The WAPC will also ensure that, by creating a new lot, it does not render an existing lot or development upon that lot illegal in terms of statutory requirements. Such matters may include lot sizes, parking, setbacks or the provision of services.

3.8.6 Residential lots of less than 260m^2 in size and/or irregular configuration may need to demonstrate whether the site can accommodate a dwelling, through a development application and/or building plans being lodged with the local government. The WAPC may, where appropriate, impose conditions of approval relating to obtaining and implementing development approvals required to integrate subdivision and development.

3.8.7 WAPC will consider lot shapes, having regard to sufficient effective lot area, existing and prevailing lot configurations, site circumstances, solar access, streetscape, retention of existing dwellings, retention of existing mature trees and impact on development potential.

3.8.8 WAPC approval of a subdivision application includes the works necessary to carry out the subdivision, but it does not include approval for subsequent development on the subdivided lots.

3.9 Leasehold strata

3.9.1 Under the Strata Titles Act 1985 (as amended)[1] subdivision may be undertaken as a leasehold scheme specified for a fixed term, which may include the opportunity to postpone the expiry of the leasehold through the by-laws. This can either be leasehold (survey-strata) or leasehold (strata). Leasehold schemes are for a fixed term of 20 to 99 years (inclusive of any postponement).

In considering a leasehold application or an amendment to the leasehold by-laws to postpone the leasehold term, the WAPC shall consider:

- the proponent's request and rationale;
- consistency with the relevant state planning framework for the area; and
- the orderly and proper planning of the area.

3.10 Utility services provision

3.10.1 The WAPC requires that each new lot is provided with an acceptable level of utility services appropriate for its intended use, provided by either a public, or a licensed private, service provider. The level and standard of such services will be determined by the WAPC in the context of the intended use, the size of the lot, soil conditions, the provisions of the local planning scheme and SPP 2.9 Water and Planning for Water Guidelines ~~Government Sewerage Policy 2019~~, together with the provisions of any other published policy that may be relevant.

It is the WAPC's expectation that each strata lot or survey strata lot is to be provided with its own suitable utility service connection which is protected by easements, where necessary. This is to ensure that each lot is development-ready and does not result in the need to extend services over adjacent strata lots after titles have been issued.

3.10.2 Subdivision may be proposed for land across which there is an existing public utility easement or infrastructure (such as high voltage electricity transmission and distribution lines, natural gas pipelines, gas distribution systems, major water, sewerage mains and drainage). In such instances the subdivider should negotiate with the service provider concerned before lodging an application with the WAPC and, if possible, reach agreement on the:

- management of relevant risk issues;
- surrender of the existing easements, if appropriate; and
- the way in which the infrastructure will be protected and/or relocated upon subdivision.

A letter from the agency confirming the arrangements should be supplied with the subdivision application. The WAPC will normally impose a condition requiring certification from the servicing agency concerned that both the surrender of existing easements and protection of the infrastructure will be undertaken to the specifications of the agency. This condition will normally be imposed unless the WAPC is satisfied that the requirement of the servicing agency is unreasonable.

3.10.3 The WAPC recognises that considerable advantages are gained in the provision of reticulated underground power in residential subdivision, including improved aesthetics, safer and more reliable power supply, greater flexibility in road design and lower maintenance costs. Therefore, as part of its consideration of applications for subdivision, the WAPC will normally require the provision of underground power to residential lots, with regard to the advice of the relevant licensed service provider.

3.10.4 The basis of SPP 2.9 Water and the Planning for Water Guidelines is the mandatory provision of reticulated sewerage to all new residential subdivisions, including strata titled, unless the exemptions as specified in that policy apply. Where the WAPC is prepared to approve new residential lots without sewerage, it will need to be satisfied that an on-site effluent disposal system is able to be provided in accordance with current policy requirements and practice.

[1] All schemes created before the commencement of the Strata Titles Amendment Act 2018 are freehold schemes.

3.11 Vehicular access

3.11.1 New lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road, which is connected to the road system of the locality. This may include through common property, as appropriate. This is to ensure the provision of public utility and other services as well as to provide vehicular and pedestrian access to the lot. Subdivision and subsequent development should not compromise the safety and function of existing or proposed regional roads.

3.11.2 Where new roads are needed, the subdivider will be required to dedicate, construct and drain these roads to the satisfaction of the WAPC on the advice of the local government and/or Main Roads WA. The WAPC may also require existing roads or rights of way to be widened, constructed, upgraded or dedicated ~~to~~ ensuring compliance with this policy.

3.11.3 For residential development, the creation of lots having dual street vehicle access and frontage is not generally favoured (other than corner lots), although exceptions may be made if the proposed lot is specifically designed for multiple or grouped dwelling development and the proposal is consistent with the operational and safety requirements of the abutting streets and relevant R-Code provisions.

3.11.4 For survey strata lots proposing a shared access, the communal street is shown as common property and includes the driveway, side lot boundary landscaping, passing areas, visitor car bays and all lot truncations for vehicle manoeuvring and sight lines in accordance with the R-Codes Volume 1. The communal street must be designed to allow vehicles to pass in opposite directions at one or more points where five or more dwellings are served by the driveway in accordance with the R-Codes Volume 1.

3.11.5 A 3 x 3 metre truncation of 4.24 metres may be required at the point where the access leg joins the effective area of the lot, for vehicular access and manoeuvrability. A 1.5 x 1.5 metre truncation of 2.12 metres may be required at the point where the access leg meets the street reserve, particularly on major roads and where non visually permeable street walls and fences exist, to improve visibility for vehicles, cyclists and pedestrians. The WAPC will give particular regard to the advice of the local government on these requirements.

3.11.6 Where it is proposed to retain an existing dwelling and access is by communal street or battleaxe leg, the WAPC, in considering any subdivision will generally require that:

- there should be no eaves overhangs or other protrusions into the driveway (although there may be overhang or protrusions into the landscaping areas).
- there will be adequate space for the car parking required by the R-Codes Volume 1, and sufficient space for safe vehicle manoeuvring.

3.12 Residential Battle Axe Lots

3.12.5 Subdivisions requiring long battleaxe legs, and locations where there are particular physical or topographical constraints, the WAPC, on the advice of the local government, may require a battleaxe leg wider than 4 metres. SPP 3.7 Planning in Bushfire Prone Areas specifies where battleaxe lots should be avoided and provides guidance on design in bushfire prone areas.

3.12.6 In cases where battleaxe legs are adjoining, the WAPC may accept a reduced width for each leg, subject to the subdivider entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe legs with equitable provision for their maintenance and management. The reciprocal rights should also extend into the effective lot areas to allow for a shared turning area.

3.12.7 Battleaxe arrangements involving more than two access legs will not be accepted unless there are exceptional circumstances to justify such an arrangement. Where more than two adjoining battle-axe legs are proposed, access should be provided by way of a constructed street.

3.12.8 The WAPC will not accept undersized battleaxe legs as a means of obtaining alternative street frontage and to avoid the costs of extending a water main or sewer in accordance with normal requirements.

3.13 Provision of screen fencing

3.13.1 Where lots are being created with rear or side boundaries that abut public reserves — particularly major streets to which the lots have no access — passive surveillance, amenity and user safety of those reserves is best protected by the provision of uniform visually permeable fencing along the common boundary. Arrangements for such fencing should be made at the time of subdivision. A condition of subdivision may require the subdivider to reach agreement with the local government on fencing to include such matters as specification, complementary landscaping and the timing of its provision.

3.14 Capability for development

3.14.1 All new lots should be physically capable of development for their intended purpose.

3.14.2 To ensure that all new lots are physically capable of development, the WAPC may require various works/actions to be undertaken including the land being filled and drained, connection to an external system of drainage or construction of a driveway and/or access road, before a lot title is created. In some instances, the provision of a geotechnical and/or hydrological report may be required to evaluate the physical suitability of land to sustain an activity. ~~The Institute of Public Works Engineering Australasia (IPWEA) Local Government Guidelines for Sub Divisional Development October 2017 (edition 2.3) provides relevant standards.~~

The WAPC obtains advice from the local government and relevant referral authorities, in respect to the development capability of the land.

3.15 Other policy requirements

3.15.1 The WAPC's SPP 1 includes other policies dealing with the subdivision of land into lots for specific land uses. The policies contain the requirements of the WAPC and should be read in conjunction with this policy.

4.0 Implementation

4.1 Procedures

4.1.1 Applications to the WAPC, for the subdivision of land should be made on the appropriate Form and include such information as is required, having regard to the scale and context of the proposal.

As required by the relevant legislation, the WAPC will forward a copy of each subdivision application to any government agency, local government, utility service provider or public body whose powers or functions may be affected for comments and recommendations. The responses will be considered by the WAPC in determining an application and may form conditions of approval.

4.2 Reviews

4.2.1 Should the applicant seek a review of a WAPC decision, two avenues are available:

- request the WAPC to reconsider the refusal or condition/s of approval, in accordance with s144 or s151 of the Planning and Development Act 2005
- lodge an application to the State Administrative Tribunal in accordance with s251 of the Planning and Development Act 2005.

4.3 Compliance with subdivision approvals

4.3.1 Following approval of a subdivision application, the applicant is to make arrangements in liaison with relevant government agencies, local government and utility service providers, to comply with any conditions imposed.

When the WAPC is satisfied all conditions have been complied with, it will endorse the diagram of survey prior to the issue of a certificate of title(s) by the Registrar of Titles.