

CITY OF BELMONT

Summary of the Subdivision and Amalgamation Process

Date of Publication 24/10/2018

The City of Belmont's Planning Department has prepared this information sheet as a **guideline only**. Landowners who seek to subdivide (survey-strata or green title) or amalgamate lots can follow the procedure as set out below. Alternatively, a landowner can engage a suitably qualified consultant or licensed surveyor who can carry out the process on their behalf.

It is important to note that the Western Australian Planning Commission (WAPC) is the authority responsible for determining applications for subdivisions and amalgamations.

In the first instance, applicants/owners should:

1. Evaluate relevant zoning provisions of the City of Belmont Local Planning Scheme No.15 to determine minimum and average lot size requirements.
2. Carry out preliminary consultation with affected authorities.
3. Conduct a feasibility analysis.

An application for subdivision or amalgamation can then be submitted to the Western Australian Planning Commission (WAPC). The application guide, fee schedule and relevant application forms are available from the WAPC's web site: <https://www.planning.wa.gov.au/Subdivision-forms-and-fees.aspx>. The application must be lodged with an accurate subdivision plan showing the new lots to be created and the dimensions/area of those lots.

On receipt of the application, the WAPC refers the subdivision applications to the affected local government, public authorities or utility service providers for 42 days consultation period and may include:

1. Local Government (City of Belmont)
2. Water Corporation
3. Western Power
4. Main Roads Western Australia

The City of Belmont makes a recommendation on the application to the WAPC. For example, the City may recommend conditions such as new lots to be cleared of all outbuildings, soakwells and septic tanks. The Water Corporation may recommend a condition requiring each lot to be connected to reticulated sewerage.

The WAPC compiles all the comments from the relevant local government, public authorities and utility service providers and determines the subdivision application. If the subdivision is supported, a letter of conditional approval will be issued, which will contain a number of conditions that the applicant must meet before final approval can be granted. After each condition, the name of the clearance authority is noted in brackets. For example, a condition which requires an existing residence be demolished may have "Local Government" in brackets after it. This means that the Local Government is responsible for checking compliance with that specified condition and issuing clearance of the condition when it has been fulfilled by the owner.

An example of a conditional approval letter with explanation notes is attached.

CITY OF BELMONT

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Once a subdivision has been conditionally approved by the WAPC, the decision is generally valid for three (3) years. To finalise the subdivision, the applicant is required to organise appropriate works to meet the conditions stipulated by the WAPC (such as connection to sewerage, removal of outbuildings on proposed vacant lots).

The owner or licensed surveyor submit a clearance request (including a copy of the Plan or Diagram of Survey showing the proposed new lots with areas and dimensions) to the relevant local government, public authorities and/or utility service providers seeking clearance of each condition relevant to that particular authority.

The authority checks compliance with conditions and requests extra information for any outstanding conditions. Once all conditions have been addressed, the clearance authority issues a letter of clearance of conditions. **Note: The City of Belmont only provides a clearance for any condition(s) of approval showing “Local Government” as the clearance authority.**

The applicant collects the letters of clearance of condition(s) from the relevant local government, public authorities and/or utility service providers and forwards them to the WAPC.

The Department of Planning, Lands and Heritage officers check the Plan or Diagram of Survey with preliminary approval sketch to ensure all conditions have been fulfilled. If in order, the Plan or Diagram of Survey is submitted to the WAPC for endorsement.

The Plan or Diagram of Survey is endorsed by WAPC and sent to Landgate (Office of Titles). Landgate will examine the plan/diagram, and if compliant, place the Plan or Diagram of Survey (**Deposited Plan**) “in order” for dealings.

Proponent can then apply for new titles and/or transfers. ***It is important to note that applications for a building permit for any proposed lots should not be lodged with the City until the new land titles have been issued by Landgate.***

IMPORTANT CONTACT NUMBERS

<p>Western Australian Planning Commission (WAPC) / Department of Planning 140 William Street PERTH WA 6000</p> <p>Phone: 6551 9000 Fax: 6551 9001 E-mail: info@dplh.wa.gov.au Web: www.planning.wa.gov.au</p>	<p>City of Belmont (COB) 215 Wright Street Cloverdale WA 6105</p> <p>Phone: 9477 7222 Fax: 9478 1473 E-mail: belmont@belmont.wa.gov.au Web: www.belmont.wa.gov.au - information sheets and a copy of the City's Local Planning Scheme Text & generalised Map are available on the City's website</p>
<p>Water Corporation (WC) Availability of water/sewerage services</p> <p>Phone: 13 13 95 Fax: 9420 3193 E-mail: customer@watercorporation.com.au Internet: www.watercorporation.com.au</p>	<p>Landgate 1 Midland Square MIDLAND WA 6056</p> <p>Phone: 9273 7373 Fax: 9273 7666 E-mail: customerservice@landgate.wa.gov.au Web: www.landgate.wa.gov.au</p>
<p>Western Power</p> <p>Phone: 13 10 87 (7am-5pm Monday to Friday) Email: enquiry@westernpower.com.au Web: https://westernpower.com.au/connections/developing-land/subdividing-your-land/</p>	

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Approval Subject To Condition(s)
Freehold (Green Title) Subdivision

Example letter

Application No :

Planning and Development Act 2005

Applicant	:	
Owner	:	
Application Receipt	:	

Lot Number	:	
Diagram / Plan	:	
Location	:	
C/T Volume/Folio	:	
Street Address	:	
Local Government	:	City of Belmont

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped **29 June 2018** once the condition(s) set out have been fulfilled.

This decision is valid for **three years** from the date of this advice, which includes the lodgement of the deposited plan within this period.

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by **25 September 2021** or this approval no longer will remain valid.

Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the

140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001
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e-mail: info@dplh.wa.gov.au; web address <http://www.dplh.wa.gov.au>
ABN 35 482 341 493

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WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 section 251 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, Level 6, State Administrative Tribunal Building, 565 Hay Street, PERTH, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or local government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.planning.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.


The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or local government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or local government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or local government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.

If there is no agency/authority or local government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

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	Explanation Notes
<div style="text-align: center;">  <p>Western Australian Planning Commission</p> </div> <p>Prior to the commencement of any subdivision works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or local government on the requirement(s) it considers necessary to fulfil the condition(s).</p> <p>The applicant/owner is to make reasonable enquiry to the nominated agency/authority or local government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or local government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.</p> <p>In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or local government.</p> <p>The condition(s) of this approval, with accompanying advice, are:</p> <p>CONDITION(S):</p> <ol style="list-style-type: none"> 1. The plan of subdivision is to be modified so that the effective area of proposed Lot is no less than 328m² in area. (Local Government) 2. Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power) 3. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation) 4. Arrangements being made with the Water Corporation so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation) 5. Suitable arrangements being made with the Water Corporation for the drainage of the land either directly or indirectly into a drain under the control of that body. (Water Corporation) 6. The land being filled, stabilised, drained and/or graded as required to ensure that: <ol style="list-style-type: none"> a) lots can accommodate their intended development; and 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 proposed finished ground levels of the land abutting; and c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system. (Local Government) <div style="text-align: center; font-size: small;"> <p>140 William Street, Perth, Western Australia 6000, Locked Bag 2506 Perth, 6001 Tel: (08) 6551 8002; Fax: (08) 6551 9001; Infoline: 1800 626 477 e-mail: info@dplh.wa.gov.au; web address: http://www.dplh.wa.gov.au ABN 35 482 341 493</p> </div>	<p>The City is responsible for checking compliance with all conditions with (Local Government) next to them.</p> <p>It is important that the owner and surveyor ensure <u>all</u> (Local Government) conditions are met <u>prior to</u> submitting a written request to the City to clear these conditions.</p> <p>Please contact the City's Planning Department for advice prior to requesting clearance if you are unsure of how to fulfil any conditions marked with (Local Government).</p>

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7. 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 Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, 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. (Local Government)
8. A 1.5 metre x 1.5 metre truncation is to be provided at the junction of the access way and the Street road reserve. (Local Government)
9. The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)
10. Suitable arrangements being made with the local government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)

ADVICE:

1. In regard to Condition 2, Western Power provides only one underground point of electricity supply per freehold lot.
2. In regard to Conditions 3, 4 and 5 the landowner/applicant shall make arrangements with the Water Corporation for the provision of the necessary services. On receipt of a request from the landowner/applicant, a Land Development Agreement under Section 83 of the *Water Services Act 2012* will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision.
3. In regard to condition 10, the landowner/applicant is advised to liaise with the City of Belmont regarding the provision of crossovers. A single width crossover to Lot or a right-of-carriageway easement over the access way may be required.
4. The landowner/applicant is advised that all street trees are to be retained unless otherwise approved by the City of Belmont.

Secretary
Western Australian Planning Commission
25 September 2018

Enquiries :

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