



## SUBDIVISION CLEARANCES INFORMATION SHEET

This information sheet provides an overview and guidance notes on the City's requirements for obtaining a letter of clearance for common conditions of subdivision approval that require the City's clearance.

This information sheet should be read in conjunction with the City's 'Subdivision Clearances Checklist'.

| CONDITION  | CITY'S REQUIREMENTS  |
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| <p><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 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.</i></p> | <p>This condition is applied to all subdivisions where a dwelling may have been connected to a septic tank system. In complying with this condition the required 'proof of decommissioning' can be provided in either of 2 ways:</p> <ol style="list-style-type: none"> <li>1) Certification from a licensed plumber; or</li> <li>2) Statutory declaration from the landowner/applicant.</li> </ol> <p>Option 1 is self-explanatory and requires certification from a licensed plumber attesting to all of the works having been completed.</p> <p>Option 2 allows for a statutory declaration to be provided by the land owner. The statutory declaration is to be worded as follows:</p> <p style="padding-left: 40px;"><i>"All septic sewer systems including all tanks and pipes and associated drainage systems (soakwells or leach drains) and any stormwater disposal systems have been decommissioned, removed, filled with clean sand and compacted at (INSERT ADDRESS)."</i></p> <p>Where a company director is a signatory to a statutory declaration, an additional statement is to be included in the statutory declaration, which specifies that person's authority to sign the form on behalf of the company.</p> <p>Where a subdivision is being undertaken by a public authority and that public authority wishes to provide a statutory declaration to satisfy this condition, the City's Subdivisions Officer should be contacted to determine the appropriate wording.</p> |
| <p><i>Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on (relevant lots)</i></p>  | <p>The site must be vacant and free of all buildings, structures, swimming pools, construction rubble, and any other man-made materials. Any existing dividing fences along the street or ROW frontage of a new lot must also be removed.</p> <p>Should demolition of any structures, including dwellings, be</p>  |

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| <p><i>at the time of subdivision approval being demolished and materials removed from the lot(s).</i></p>  | <p>required, a demolition permit is required to be obtained from the City. Planning approval is also required for the demolition of any structures on lots located within the City's Heritage Protection Area, and/or listed on a City or State Heritage Lists.</p> <p>Vegetation is permitted to be retained.</p>  |
| <p><i>All buildings having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.</i></p> | <p>This condition is imposed when existing development is to be retained and requires the setbacks provided to be in accordance with the Local Planning Scheme and Building Codes of Australia. This information can be incorporated on a separate plan of survey or on the plan to be cleared.</p> <p>Development Approval and/or a Building Permit may be required for modifications to an existing structure to comply with the City's Local Planning Scheme requirements and the Building Code of Australia. These approvals are required to have been obtained and any required works to have been completed prior to lodgement of the clearance request.</p> <p>Any Plan containing shared party walls or boundary walls must be accompanied by certification from a private building certifier that the wall/s accords with the Building Code of Australia if the development on those lots is not the subject of a concurrent development approval or building permit.</p> <p>The City reserves the right to request additional information as it deems necessary in order to determine whether the subject condition has been satisfied.</p>   |
| <p><i>The existing dwelling being retained is to comply with the requirements of the Residential Design Codes.</i></p>   | <p>This condition is applied where an existing house is being retained. Typically the following elements of (but not limited to) the R-Codes are required to be satisfied as part of this condition:</p> <ul style="list-style-type: none"> <li>• <u>Car Parking &amp; Vehicular Access (clause 5.3.3, 5.3.4 &amp; 5.3.5)</u> - Any existing dwelling that is proposed to be retained must have access to two constructed car parking bays via a driveway and an approved crossover. Applicants are advised that the construction of parking bays constitutes "development" in the City's Heritage Protection Areas of Mount Lawley, Inglewood and Menora and therefore require development approval under the City's Local Planning Scheme No. 3. A crossover installation application must also be approved by the City prior to construction.</li> </ul> <p>If car parking facilities are intended to be accessed off a common property access way the driveway within the common property access way must be fully constructed up to the car parking spaces.</p> <p>Where access is from a regional road or from a district distributor road a reversing bay will also be required to be installed.</p> <ul style="list-style-type: none"> <li>• <u>Outdoor Living Area (clause 5.3.1)</u> - An outdoor living area with a minimum area and dimension as specified by the relevant R-coding of the subject lot is required for dwellings that are being retained.</li> <li>• <u>Store Area (clause 5.4.5)</u> - Where a survey strata plan</li> </ul> |

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|   | <p>incorporates common property, a store with a minimum dimension of 1.5 metre and a minimum internal area of 4.0m<sup>2</sup>, and minimum headroom clearance of 2.1 metres, accessible from outside the dwelling and located outside of the street setback area. Development approval will be required for a store within the City's Heritage Protection Areas, or in cases where the proposed store is not compliant with the R-Codes.</p> <p>An annotated plan of survey will be required identifying the provision of the above at the clearance stage, if not already provided for in a concurrent Development Approval and/or Building Permit.</p> <p>Please note that a site inspection will be conducted to confirm that the existing dwelling has been made compliant. As part of that inspection, any structures which are identified and confirmed as not having received prior planning and/or building approval of the City may be identified and require retrospective approval prior to a subdivision clearance being issued by the City.</p> |
| <p><i>The access way forming part of the rear lot shall be a minimum width of (INSERT WIDTH) metres, free of any building projections associated with existing site development and depicted on the diagram or plan of survey (deposited plan) and/or survey strata plan (as applicable) accordingly.</i></p>   | <p>The City <i>will not</i> allow any incursions within a common property or battle axe access way where it has a 3.0 metre width. Intrusion easements into a truncation area within a common property access way will also not be accepted. Any incursions such as eaves, air conditioners, hot water systems, downpipes or similar feature must therefore be removed.</p> <p>In cases where the access way width is more than 3 metres, incursions <i>may</i> be permitted at the discretion of the City provided they do not conflict with vehicle access. Applicants are encouraged to liaise with the City's Subdivision Officer in this regard prior to submitting their clearance request.</p>   |
| <p><i>The proposed rear lot/s being provided with a (INSERT WIDTH) metre wide pedestrian access leg/s clear of any encroachments or projections associated with the existing dwelling/s including pipework, water heater systems, air-conditioning units, eaves or other such projections associated with the existing dwelling/s, to the satisfaction of the Western Australian Planning Commission.</i></p> | <p>Eave incursions into a Pedestrian Access Leg (PAL) will only be permitted where it can be demonstrated that a minimum height clearance of 2.2m above the finished ground level of the access leg is provided.</p> <p>Any other incursions such as air conditioners, hot water systems, downpipes etc. will only be considered where the PAL is a width of 1.5m and a clear 1.0m PAL width from the side lot boundary can be achieved beyond the incursion.</p>   |
| <p><i>The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government)</i></p>  | <p>This requires that, at a minimum, common property access ways shall be graded and stabilised and provided with a compacted road base of crushed limestone to a depth of 150 millimetres.</p> <p>Where the common property will serve as access to an existing dwelling/s proposed to be retained, the driveway must be fully constructed in order to fulfil the related condition which requires the existing dwelling being retained to comply with the requirements of the Residential Design Codes.</p>   |

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| <p><i>The portion of the right-of-way abutting the (relevant) boundary of the subject land and any portion/s of the right of way required to be widened for the purpose of this subdivision being sealed, drained and paved to its full width and the remaining portion of the right-of-way from the (relevant) boundary to the existing nearest constructed road being made trafficable.</i></p>   | <p>This condition requires the landowner/developer to undertake the required works. In doing so, it will be necessary to liaise with the City's staff for specifications, approval of drawings, and inspection of works prior to commencement of construction. Final approval and inspection of the works undertaken will also be required prior to subdivision clearance being issued by the City. Please refer to the <a href="#">Right of Way Construction - Information Sheet</a> for further details. <b>Please ensure that a final inspection has been carried out by the City's Engineer Subdivisions and Development Works, the works deemed to be satisfactory and the supervision inspection fee has been paid and prior to lodging a subdivision clearance request.</b></p> <p>Prior to preparing this documentation it is recommended that contact be made with the City in order to determine whether or not the right of way is part of the City's annual upgrading programme.</p> <p>Please note that a performance bond for the cost of these works in lieu of construction is not considered an acceptable method of satisfying this condition.</p> |
| <p><i>The landowner/applicant contributing towards development infrastructure provisions pursuant to the City of Stirling Local Planning Scheme No. 3.</i></p>  | <p>This condition is imposed on land that abuts a right of way or laneway. The City has adopted a <i>Development Contribution Plan</i> for on 15 December 2015. The Development Contribution Plan can be found in Schedule 11A of <a href="#">Local Planning Scheme No. 3</a>. Abutting properties are expected to contribute financially to the cost of the upgrade works when they are subdivide. Further details on the <a href="#">City's Rights of Way Management Strategy</a>. To be invoiced your contribution amount a request can be made via email to the City at the following email address: <a href="mailto:stirling@stirling.wa.gov.au">stirling@stirling.wa.gov.au</a></p>  |
| <p><i>The land being stabilised, drained and/or graded as required to ensure that:</i></p> <p><i>a) lots can accommodate their intended development; and</i></p> <p><i>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</i></p> <p><i>c) stormwater is contained on-site, or appropriately treated and connected to the local drainage system.</i></p> | <p>The purpose of this condition is to ensure that site levels are disrupted minimally as part of subdivision works. Where levels are altered as a result of subdivision works they must be retained at lot boundaries. Any retaining exceeding 500mm will require both development approval and a building permit prior to undertaking subdivision works.</p> <p>All retaining wall construction associated with the subdivision works must be substantially completed and any remaining sand piles on the land must be removed prior to making a request for subdivision clearance with the City.</p> <p>Please refer to the <i>Local Government Guidelines for Subdivisional Development</i> on the <a href="#">Western Australian Planning Commission</a> website for further details.</p>   |
| <p><i>All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's DC 1.7 – General Road Planning</i></p>   | <p>This condition is applied to 'corner' lots at the intersection of two streets to ensure that sight lines at street junctions are adequate and there is sufficient land to accommodate services and any future road widening.</p> <p>Unless otherwise approved as part of a development</p>  |

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|           | application, the City's minimum clearance requirement is a 6.0 metre by 6.0 metre truncation to the corner of lots at street intersections for residential properties. |

### OTHER CONDITIONS

Should the WAPC's conditional approval contain other conditions that are not self-explanatory, please contact the City's Approvals Business Unit on 9205 8555 for information on how to clear the condition.

#### **Enquiries**

Enquiries may be made to the City's staff on 9205 8555.

Further information may be available on the **City's website:** [www.stirling.wa.gov.au](http://www.stirling.wa.gov.au), or the **WAPC website:** [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au)

#### **DISCLAIMER**

This publication is intended to provide general information only. Verification with the original Acts, Regulations, Local Laws, planning schemes and other relevant documents is recommended for detailed references.