

Development Control Policy 2.2

- Residential Subdivision

August 2013

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Background Notes

1. This policy establishes the Western Australian Planning Commission (WAPC) position regarding residential subdivision.

The policy has been developed and refined over time taking into account the adoption and subsequent amendments to *State Planning Policy 3.1 Residential Design Codes* (R-Codes) and the Government's policies on sewerage and underground power.

2. The policy has been previously revised by the WAPC:

- a) In June 1992 to include performance criteria for small lots, modified provisions for battleaxe subdivision, requirements for the construction of dual use paths and the provision of underground power reticulation.
- b) In June 1998 to reflect revised policy regarding battleaxe subdivision set out in Planning Bulletin No. 17 and the lot size variation as set out in Planning Bulletin No. 20.
- c) In April 2002 to take account of the R-Codes, amend provisions relating to attached housing and battleaxe lots and amend provisions relating to proposed lots smaller than the site area under the R-Codes.
- d) In April 2003 to provide greater guidance on the extent to which the WAPC is prepared to exercise its discretion under Performance Criterion 3.1.3 of the R-Codes.
- e) In August 2003 to simplify the layout and wording of Clause 3.2.3 which provides guidance on the extent to which the WAPC is prepared to exercise its discretion under Performance Criterion 3.1.3 of the R-Codes, address all potential variation scenarios possible under the R-Codes Performance Criterion 3.1.3 (i.e. both "minimum and average" and "average only" variations), and treat variations for Single Houses and Grouped Dwellings subdivisions similarly in areas where

the transitional arrangements under Acceptable Development Provisions 3.1.3 A3 iv and v do not apply.

- f) In 2012 to address consequential changes under the amended R-Codes, particularly in respect to changes in clause references and the removal of the R20 transitional arrangements via the reduction of the R20 average site area from 500m² to 450m².

3. The WAPC's *Liveable Neighbourhoods* aims to make the State's suburban areas more sustainable and offer a wider range of housing and employment to support changing community needs and preferences. This policy, and the related Structure Plan Preparation Guidelines and Structure Plan Digital Data and Mapping Standards, will be modified where appropriate following the review of *Liveable Neighbourhoods*.
4. This policy also relates closely to other policies. These are:

State Planning Policy 3.1 Residential Design Codes (R-Codes)

Policy No. DC 1.1 Subdivision of Land - General Principles

Policy No. DC 1.3 Strata Titles

Policy No. DC 2.3 Public Open Space in Residential Areas

Policy No. DC 2.4 School Sites

Policy No. DC 2.5 Special Residential Zones.

Policy No. DC 2.6 Residential Road Planning

Liveable Neighbourhoods

Structure Plan Preparation Guidelines

Structure Plan Digital Data and Mapping Standards

Government Sewerage Policy Perth Metropolitan Region

1. Introduction

This policy sets out the WAPC's requirements for the subdivision of land into residential lots. It is closely related to the site area per dwelling standards contained in the R-Codes and to other WAPC policies outlined above. It is intended that, when read together, all policies create a flexible framework for the use of statutory planning powers, within which the creation of a wide range of housing types and residential environments is possible.

2. Policy Objectives

- To establish a consistent and coordinated approach to the creation of residential lots throughout the State.
- To adopt criteria for residential lots which will ensure that each lot is provided with a suitable level of amenity, services and access.
- To facilitate the supply of residential lots of a wide range of sizes and shapes which reflect the statutory provisions of local planning schemes, the availability of reticulated sewerage and the need for frontage to public roads.

3. Policy Measures

3.1 General Requirements

- 3.1.1 Applications for the subdivision of land into residential lots will be assessed against the relevant criteria set out in clause 3.1.3. In addition applications will be assessed in the context of the general subdivision requirements of Policy No. DC 1.1, any endorsed local structure plan which will normally be required in urban release areas in the metropolitan region and major residential expansion areas in country centres, and any other matters which, in the particular circumstances of the proposal, may also apply. Conditions may be imposed upon the approval to ensure compliance with the criteria whenever practical and appropriate.
- 3.1.2 When, in the opinion of the WAPC, a plan of subdivision may affect the functions of a local government, a public authority or a utility service provider, the WAPC is required by the *Planning and Development Act 2005* (as amended) to consult with the local government and any relevant public bodies and government departments before making its decision on an application for subdivision. It will consider any advice arising from that consultation during its determination.
- 3.1.3 All new residential lots shall, in addition to compliance with the general requirements for subdivision of land, be:
- Capable of development in accordance with the R-Code density assigned to it by local planning schemes, together with any local variations that may apply.
 - Located within an area which is suitable for subdivision in terms of its physical characteristics, such as topography, soils, drainage, vegetation and natural features, and accord with an overall plan for the area which reflects those characteristics.

- Located within a system of vehicle and pedestrian movement consistent with the principles of the WAPC's policy on Residential Road Design (DC 2.6) in terms of the hierarchy of roads, matters of road safety and lot access and the provision of cycleways and pedestrian walkways.
- Convenient to areas of passive and active open space, provided in accordance with the WAPC's policy on Public Open Space (DC 2.3) in appropriate locations and configurations, having regard for the existing and proposed distribution of open space in the immediate locality.
- Served by a suitable level of community services, schools, retail facilities, etc, as determined under other policies adopted by the WAPC.
- Screened or otherwise protected from the effects of any adjacent land use that may affect the amenity of the occupants of the lot.

3.2 Lot Sizes

- 3.2.1 Generally, the minimum lot size and frontage requirements of the relevant R-Code will form the basis for the subdivision of residential land. Lot sizes greater than the specified minimum will also be considered unless the WAPC, having regard for the reasons for the selection of the particular R-Code and any commitments made to service infrastructure, considers that uneconomic use of services would result.
- 3.2.2 In broad-acre subdivisions the WAPC is prepared to consider subdivision applications with lot sizes for single houses below the minimum for the relevant R-Code where the subdivision complies with the average for the relevant R-Code.

- 3.2.3 In existing residential areas, the WAPC will only consider subdivision or survey-strata applications proposing variations to lot sizes for Single Houses and Grouped Dwellings below the minimum site area requirements (i.e. below the minimum and below the average lot sizes) prescribed in Table 1 of the R-Codes, or elsewhere in the R-Codes, where the following criteria are met:

Site Area Variations to the Average Lot Size Only

- All lots in the subdivision meet the minimum lot size requirements;
- The variation reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in Table 1 or elsewhere in the R-Codes; and,
- The applicant has provided information that demonstrates the variation will have a beneficial outcome for the community, or the WAPC forms the opinion that it will have a beneficial outcome for the community.

Site Area Variations to the Minimum and Average Lot Size

- The minimum lot size variation only applies to one lot in the subdivision;
- The variation reduces the area of that one lot by no more than 5% of the minimum lot size specified in Table 1 or elsewhere in the R-Codes;
- The variation in the area of that one lot reduces the average lot size of the overall subdivision by no more than 5% of the average lot size specified in Table 1 or elsewhere in the R-Codes; and,
- The applicant has provided information that demonstrates the variation will have a beneficial outcome for the community, or the

WAPC forms the opinion that it will have a beneficial outcome for the community.

A “beneficial outcome for the community” could include one or more of the following:

- Facilitate the protection of an environmental or heritage feature;
- Facilitate the retention of a significant element that contributes toward an existing streetscape worthy of retention;
- Facilitate the development of lots with separate and sufficient frontage to more than one public street (e.g. corner lots or lots with front and rear frontage);
- Overcome a special or unusual limitation on the development of the land imposed by its size, shape or other feature (e.g. past or proposed excision for an electrical substation or service easement, irregular boundary, or a distinct change in existing ground levels);
- Allow land to be developed with housing of the same type and form as land in the vicinity, which would not otherwise be able to be developed;
- Achieve specific objectives of the local government’s local planning framework.

In considering variations, the WAPC will have regard to the recommendations of the local government.

Where a local government objects to a variation, the objection should be supported by reasons with reference to the criteria set out above.

Where a local government objects to a variation and the WAPC is of the view the application should be supported, further consultation will be undertaken

with the local government before determining the application.

3.2.4 In the interests of variety and choice, there is merit in the provision of a range of lot sizes where possible in residential subdivisions. The provisions of the R-Codes provide some opportunity for a diversity of lot sizes and, to a lesser extent, lot shapes, affording greater choice to the public.

3.2.5 For the purpose of calculating average site area referred to in Table 1 of the R-Codes, the WAPC accepts that, with many large-scale projects, subdivisions will proceed in stages following an overall structure plan for the locality or district concerned and that component stages may not separately comply with the average lot size requirement. In such cases, the WAPC is prepared 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.

3.3 Connection to Sewerage

3.3.1 In its consideration of applications for the creation of residential lots in unsewered areas of the metropolitan region, the WAPC will apply the Government Sewerage Policy Perth Metropolitan Region 1995 (as amended). The essence of that policy is that the provision of reticulated sewerage to all new residential subdivisions will be mandatory in the following circumstances:

- Extensive broad-acre subdivision, involving the creation of lots in areas not currently developed for urban purposes, other than remote or isolated subdivision or density development in the outer metropolitan area.

- Subdivision or density development in areas served by reticulated sewerage or which the responsible authorities determine can reasonably be connected to sewer.
- Subdivision or density development in areas identified as unsuitable areas for on-site wastewater disposal.
- Subdivision or density development where the absence of sewerage is considered by the responsible authorities to endanger public health, the environment or the quality of underground and surface water supplies.
- Subdivision or density development where the absence of sewerage is considered by the responsible authorities to prejudice, physically or financially, the ability to provide sewerage to adjoining areas.

respectively in the immediate vicinity, and where the proposal completes rather than extends the existing pattern of subdivision and development;

- large lot subdivision which does not involve the creation of lots less than 2,000m², or density development exceeding R5, providing the responsible authorities are satisfied that no significant detriment to the environment is likely and there is no further opportunity for subdivision without sewerage;
- remote and isolated subdivisions or density developments which do not involve the potential for the creation of more than 25 lots, dwellings or single residential equivalents and the applicant can demonstrate that site conditions are suitable for effective long-term on-site disposal, residential developments do not exceed R12.5 and no individual lot containing on-site disposal is less than 700m², and sewerage services are unavailable and impractical within the foreseeable future; and,
- aged or dependent persons' accommodation which does not exceed a density of R12.5 and meets tests of need and site suitability.

3.3.2 The Government Sewerage Policy Perth Metropolitan Region does set out special conditions which could provide possible exceptions to the mandatory provisions. These relate to areas where sewerage facilities are not available nor in reasonable prospect, and subject to ground conditions being suitable for the long-term, efficient, on-site disposal of effluent.

3.3.3 The exceptions are:

- a) in the inner metropolitan area where residential developments do not exceed R12.5, no individual lot on which wastewater is to be disposed is less than 700m² in area and where in constrained areas the on-site wastewater disposal system is approved by the Executive Director, Public Health.
- b) in the outer metropolitan area for:
 - small infill subdivision or development which does not have potential for the creation of more than four additional lots, dwellings or single residential equivalents

3.3.4 Similarly, outside the metropolitan region, the WAPC will have regard to the Country Towns Sewerage - Subdivision Policy of the Water Corporation of Western Australia which specifies those towns, or parts of towns, where the provision of sewerage is mandatory for new subdivisions, together with exceptions.

3.3.5 Where the WAPC is prepared to approve new residential lots without sewerage, it will need to be satisfied that a minimum unencumbered area of 150m² of suitable shape is available for each dwelling for the installation of a suitable on-site effluent disposal system.

3.4 Single Residential Lots

- 3.4.1 Single residential lots should be rectangular in shape to accommodate project housing, with preferably a greater depth than width to maximise private space, privacy and amenity together with an economy of street frontage. Frontage to depth ratios of between 1:1.5 and 1:2 have been common in practice and have proved effective.
- 3.4.2 With lots of less than 260m² in area the shape of the lot becomes more critical, since the proportion covered by a building tends to increase with reductions in area. Accordingly, the WAPC will pay closer attention to this aspect of subdivisional proposals and, where irregularly shaped lots are proposed, may seek illustration of the manner in which such lots can effectively be developed in accordance with R-Code requirements before making a decision on any particular application.

3.5 Small Residential Lots

- 3.5.1 Proposals to subdivide land to create two or more lots of less than 260m² should be submitted with information regarding the arrangement of proposed buildings, fences, driveways and other development on the land to enable the relationship between the subdivision and the development to be assessed.
- 3.5.2 Where proposed lots less than 260m² are narrow, irregularly shaped, present vehicular access difficulties or involve the development to proceed with party walls, the WAPC may require, having regard to the views of the local government, that deposited plans of survey or vacant/survey-strata plans not be endorsed until the buildings are constructed to plate height unless there is a detailed area plan/local development plan adopted under an operative local planning scheme.

3.6 Battleaxe Subdivision

- 3.6.1 For the purpose of this section, a battleaxe lot means a lot to which access is provided by a distinct access leg, of sufficient width to accommodate a driveway and the necessary public utility services, which is attached to and forms part of the lot. Effective lot area means that part of the battleaxe lot which is capable of development, and excludes the access leg and associated truncations.
- 3.6.2 Extensive use of the battleaxe configuration in the subdivision of new broadacre areas is not favoured. Exceptions may be permitted where:
- Battleaxe legs can be used to provide an alternative access for lots fronting major roads with access controls, or public open space.
 - Full advantage can be taken of the views out of the site or where vegetation can be protected through reduced road construction requirements.
- 3.6.3 In existing areas, the WAPC recognises that battle-axe subdivisions can provide housing choice and make effective use of land where no other access is practicable. The WAPC, however, considers that where opportunities are provided by dedicating existing laneways and rights of way as public roads both as a means of providing alternative access and a street aspect, this is a preferred outcome to the provision of battleaxe lots.
- 3.6.4 Where local governments consider that battleaxe subdivisions are likely to seriously threaten the character of an established residential area which ought to be protected (e.g. heritage precincts or special design control areas) density controls and other provisions may be included in local planning schemes to limit or otherwise ensure that battleaxe

subdivisions are in keeping with their surroundings. Provisions should take into account the character and built form outcome of the particular area.

- 3.6.5 In areas which are subject to the R-Codes, the minimum lot area will be as set out in Clause 5.1.1 and Column 4 of Table 1 of the R-Codes. The WAPC will not permit reductions in the minimum or average lot sizes set by the R-Codes in respect of battleaxe subdivisions.
- 3.6.6 In areas which are not subject to the provisions of the R-Codes, the WAPC will normally require residential battleaxe lots to have an effective lot area of at least 850m² in order to overcome the sense of confinement resulting from lack of street frontage. In areas characterised by small lots, the WAPC may, with the advice of the relevant local government, reduce that basic requirement when it is satisfied that the lot is capable of development without undue effect on adjacent properties. In this regard, it may wish to view development plans before making its decision.
- 3.6.7 Access legs to battleaxe lots should be a minimum of 4m in width to allow for a constructed driveway and the necessary public utility services. Where the lot is to be created for grouped or multiple dwelling development, the WAPC may require the width of the leg to be increased. Driveways are required to be constructed and drained as a condition of subdivision approval in accordance with the specification of the local government.
- 3.6.8 In rural, rural-residential and low-density 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 4m.
- 3.6.9 In cases where access legs to battleaxe lots are adjoining, the WAPC is prepared to accept a reduced width of 3m for each leg subject to the subdivider entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battleaxe legs. The reciprocal rights should also extend into the effective lot areas to allow for a shared turning area.
- 3.6.10 Battleaxe arrangements involving more than two access legs will not normally be accepted unless there are exceptional circumstances to justify such an arrangement. Where more than two adjoining battleaxe legs are proposed, access should be provided by way of a constructed road.
- 3.6.11 The WAPC will not normally accept undersized battleaxe legs as a means of obtaining alternative road frontage and to avoid the costs of extending a water main or sewer in accordance with normal requirements.
- 3.6.12 A 4.24m truncation may be required to be provided at the point where the access leg joins the effective area of the lot, to allow for improved vehicular access into the lot. In addition, a further truncation, generally 1.5m x 1.5m, may be required at the point where the access leg meets the road reserve in order to improve visibility for vehicles entering or leaving the lot. The WAPC will have particular regard to the advice of the local government in respect of these requirements.
- 3.6.13 The WAPC will normally require proposals for the creation of battleaxe lots for residential purposes to comply with the design standards set out in this policy. The WAPC may permit variations to the policy in particular circumstances upon the advice of the relevant local government, public bodies and government departments, and where it

is satisfied that such variations would be consistent with orderly and proper planning.

3.7 Access to Residential Lots

3.7.1 The creation of lots having road access to both front and rear boundaries is not generally favoured, although exceptions may be made if the proposed lot is specifically designed for multiple or grouped dwellings and the proposal is consistent with the operational and safety requirements of the abutting streets and relevant R-Codes provisions.

3.7.2 For lots without street frontage, vehicular access should be provided in accordance with the following:

- Battleaxe lots (including survey-stratas with no common property) to be provided with an access leg of 4m in width, with a reduced width of 3m for each access leg when they adjoin.
- In accordance with the R-Codes, strata lots (including survey-stratas with access via common property) to be provided with driveways of 4m width, or 3m width where necessary to retain an existing dwelling. Driveways should be designed to allow vehicles to pass in opposite directions at one or more points where six or more dwellings are served by the driveway.
- Where it is proposed to retain an existing dwelling, the WAPC in considering any strata subdivision will generally require, where access is not by common property that:
 - there should be no eaves overhangs or other protrusions into the driveway space and no major opening in the wall adjacent to the driveway; and

- there will be adequate space for the car parking required by the R-Codes, and sufficient space for safe vehicle manoeuvring.

3.8 Provision of Screen Fencing

3.8.1 Where lots are being created with rear or side boundaries which abut public reserves, particularly major roads to which the lots have no access, the amenity and safety of those reserves is often best protected by the provision of uniform fencing along the common boundary. Arrangements for such fencing should be made at the time of subdivision. Accordingly, a condition of subdivision may require the subdivider to reach agreement with the local government with respect to fencing, to include such matters as specification, complementary landscaping and the timing of its provision.

3.8.2 The suitability of fences for given locations will depend on function and setting, but the fences shall be:

- Substantially of solid construction and of sufficient height (normally between 1.8m and 2.4m) to provide privacy and screening.
- Of materials or finished treatment to give a long-lasting, aesthetically pleasing appearance, preferably with a low maintenance factor and complemented where appropriate with landscaping.
- Of uniform height, design and materials with adjacent lots and of compatible design and/or materials where changes in design or height are justified due to the requirements of topography or to relieve monotony.
- Of sufficient height and strength and of appropriate design where it is necessary to produce a barrier in the interests of safety.

3.8.3 Where residential subdivisions include or adjoin public uses, such as schools and open spaces, it is generally preferable to separate the residential lots and public uses by the road system. Arranging parklands and schools to front streets contributes to the local streetscape, creates a safer and more secure environment and avoids the unattractive appearance of extensive back fences.

3.9 Underground Power

3.9.1 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.

3.9.2 In the Perth Metropolitan Region and the area covered by Western Power's south-western interconnected system (generally bounded by Kalbarri, Kalgoorlie and Albany as shown in Figure 1) the State Government has adopted a policy requiring underground power as a mandatory condition of subdivision in all new urban residential subdivisions of standard design. Specifically, the policy applies to residential subdivisions in which:

- Single residential lots do not generally average more than 1,000m² in size and have frontages generally averaging not more than 20m.
- The location is such that development is accessible to, and can be readily connected to, the existing distribution system.
- The ground material is suitable for normal excavation methods to be carried out in trenching to a depth of 1m.

- The proposed reticulation is technically and economically acceptable to Western Power.

3.9.3 In addition, the WAPC may require underground power as a condition of subdivision:

- In areas outside the south-western interconnected system.
- At the first stage of a comprehensively planned area of new residential lots and where the installation of underground power reticulation can be continued throughout the area.
- Where lots of less than 500m² are being created in conjunction with the narrower road widths proposed for access ways and access roads by the WAPC's policy on Residential Road Planning (DC 2.6), where underground power is desirable for aesthetic and safety reasons.
- Where the proposed lots are a natural conclusion of a large area of subdivision which is already provided with underground power.
- In visually prominent and attractive areas, where power poles would be an intrusive and unsightly element in the environment.
- Where it is proposed to create rural residential lots as provided under *Policy No. DC 2.5. Special Residential Zones*.

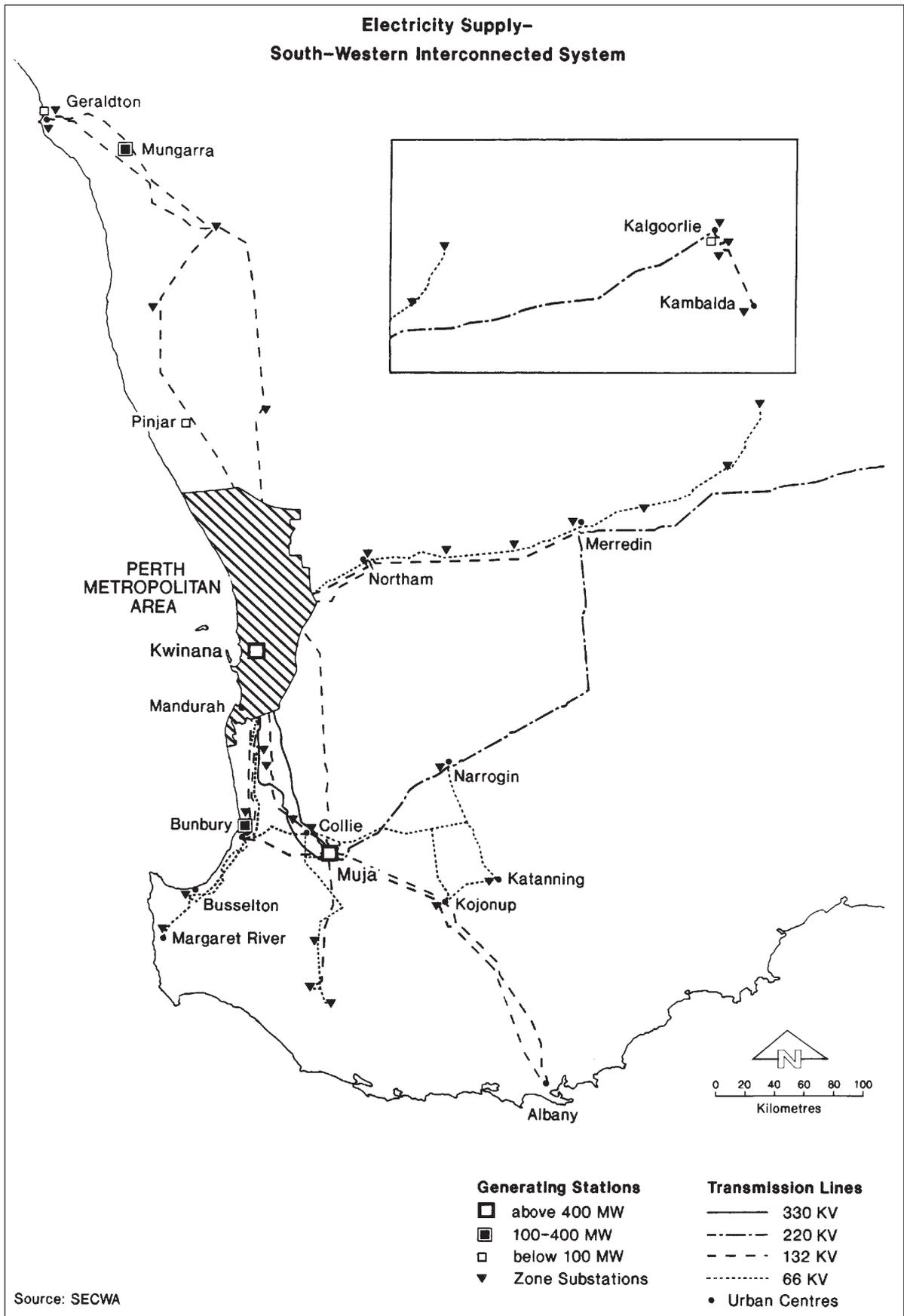


Figure 1