



Department of **Planning,  
Lands and Heritage**



October 2017

# DC Policy **2.2**

– Residential Subdivision

# Development Control Policy 2.2

## – Residential Subdivision

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Published by the  
Western Australian Planning Commission  
Gordon Stephenson House  
140 William Street  
Perth WA 6000

Locked Bag 2506  
Perth WA 6001

Published October 2017

website: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)  
email: [info@dplh.wa.gov.au](mailto:info@dplh.wa.gov.au)

tel: 08 6551 8002  
fax: 08 6551 9001  
National Relay Service: 13 36 77

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## Background notes

1. *Development Control Policy 2.2 – Residential Subdivision* establishes the Western Australian Planning Commission (WAPC) position on residential subdivision. The policy considers *State Planning Policy 3.1 – Residential Design Codes (R-Codes)* and other relevant WAPC policies.
2. This policy complements and is to be read in conjunction with the following relevant policies and planning instruments:

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

*State Planning Policy 2.6 – State Coastal Planning*

*State Planning Policy 3.6 – Development Contributions for Infrastructure*

*State Planning Policy 3.7 – Planning in Bushfire Prone Areas*

*State Planning Policy 5.4 – Road and Rail Noise*

*Liveable Neighbourhoods*

*Development Control Policy 1.1 – Subdivision of Land - General Principles*

*Development Control Policy 1.3 – Strata Titles*

*Development Control Policy 1.7 – General Road Planning*

*Development Control Policy 2.3 – Public Open Space in Residential Areas*

*Development Control Policy 2.4 – School Sites*

*Development Control Policy 2.5 – Special Residential Zones*

*Development Control Policy 2.6 – Residential Road Planning*

*Government Sewerage Policy*

## 1. Citation

This is a Development Control policy prepared under Section 14(b)(ii) of the *Planning and Development Act 2005*.

This policy is cited as *Development Control Policy 2.2 – Residential Subdivision (DC 2.2)*.

## 2. Introduction

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

R-Codes Clause 5.1.1 C1.1 to 1.4 and Table 1 outlines minimum and average site area provisions and adjustments applied to determine the number of dwellings on a site for development proposals and are not able to be varied except for aged persons and single bedroom dwellings. Minimum, average and battle-axe lot sizes and frontages outlined in R-Codes Table 1 are applied to determine number of lots on a site for subdivision proposals and may be varied only by the WAPC as outlined in this policy and under R-Codes Clause 5.1.1 P1.2.

Historical lot size differences and application of contemporary R-Codings results in some lots not aligning with allocated R-Code minimum and average lot sizes. Lot size variation under this policy is intended to facilitate flexibility to complete subdivision of these lots as intended under the local planning framework.



The policy is not to be used to circumvent the R-Coding of land to facilitate subdivision and increased density not intended under local planning frameworks.

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.

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<sup>2</sup> site coded R40 (minimum 180m<sup>2</sup> and average 220m<sup>2</sup> 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<sup>2</sup> lots. 1000m<sup>2</sup>-180sqm (lot 1) = 820sqm. 820m<sup>2</sup> -180m<sup>2</sup> (lot 2) = 640m<sup>2</sup>. 640m<sup>2</sup> - 180m<sup>2</sup> (lot 3) = 460m<sup>2</sup>. 460m<sup>2</sup> divided by 220m<sup>2</sup> - (lot 4 & 5).

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. 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. Policy objectives

- To establish a consistent and coordinated approach to the creation of residential lots throughout Western Australia.
- To adopt criteria for residential lots that will ensure each lot has a suitable level of amenity, services and access.
- To facilitate the supply of residential lots in regular shapes and size ranges that reflect the statutory provisions of local planning schemes – including the R-Codes, the availability of reticulated sewerage, electricity and water and the need for frontage to public streets for access.

### 4. Policy measures

#### 4.1 General requirements

- 4.1.1 Applications for the subdivision of land into residential lots will be assessed against:
- criteria set out in clause 4.1.3
  - the context of the general subdivision requirements of *Development Control Policy 1.1 – Subdivision of Land – General Principles*
  - state and local planning frameworks, including Liveable Neighbourhoods

- water sensitive urban design (WSUD) principles.

Conditions of approval may also be imposed to ensure compliance with this policy.

- 4.1.2 If the WAPC considers that a subdivision application may affect a local government, a public authority or utility service provider, it is required under the *Planning and Development Act 2005* (as amended) to consult with, and consider the advice of the local government and any relevant public bodies and government departments before making a decision on the subdivision application.

- 4.1.3 All new residential lots will be:

- capable of development in accordance with the R-Code density assigned under the relevant local planning scheme, and any local variations that may apply under the local planning framework
- located in an area with physical characteristics suitable for subdivision (such as topography, soils, drainage, vegetation and natural features);
- located within a system of vehicle and pedestrian movement consistent with the principles of Liveable Neighbourhoods and *Development Control Policy 2.6 – Residential Road*



- Planning*, in terms of street hierarchy, safety, lot access and provision of cycleways and pedestrian walkways
- convenient to areas of passive and active open space in accordance with *Liveable Neighbourhoods* and *Development Control Policy 2.3 – Public Open Space*, in terms of appropriate location and configuration, and 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 and other facilities and services as determined under *Liveable Neighbourhoods* and other relevant WAPC policies
  - The WAPC may require lot reconfiguration to facilitate retention of significant trees and mature vegetation.
  - Subdivision proposals proximate to specified road and rail transport corridors are to address the requirements in *SPP 5.4 Road and Rail Noise*.

## 4.2 Lot sizes

- 4.2.1 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.
- 4.2.2 In greenfield subdivisions, 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.
- 4.2.3 For the purpose of calculating average lot size specified in *Table 1* or elsewhere in the R-Codes, the WAPC accepts that with many large-scale projects, subdivisions will proceed in stages, following an local 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.

- 4.2.4 In existing residential areas, the WAPC will only consider subdivision or survey-strata applications proposing variations to lot sizes below the minimum and average site area requirements specified in R-Codes *Table 1* or elsewhere in the R-Codes for non-battle-axe configured lots, where the following criteria are met:

### Variations to minimum and average lot size up to five per cent criteria

- 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 five per cent 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 five per cent of the average lot size specified in *Table 1* or elsewhere in the R-Codes.
- In considering lot size and frontage variations, the WAPC will give 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 provisions in this policy.



- Where a local government objects to a variation and the WAPC is of the view the application should be supported, further consultation may be undertaken with the local government before the application is determined by the WAPC.

#### **Variations to average lot size greater than five per cent criteria**

- In addition to the preceding criteria, any average lot size variation greater than five per cent meets all of the following criteria:
  - a single residential coding of R10 to R35 applies to the land.
  - the site is a corner lot with frontage to two different street names or any other lot with frontage to more than one dedicated street (excluding a primary (red), other regional (blue) or any other major road, including state and federal highways, with access restrictions). Corner lots with frontage to the same street name are not generally supported, however will be considered on merit against this policy, recommendation of local government and presented to the WAPC for determination.

- all proposed lots comply with the minimum lot size and frontage requirements specified in *Table 1* of the R-Codes.
- crossovers and driveways to proposed lots are provided in accordance with Australian Standard (AS) 2890 and the R-Codes.
- any corner truncation, pedestrian access way, vehicle right of way or laneway widening is excluded from the calculation of the minimum lot size.

### **4.3 Single residential lots**

- 4.3.1 Single residential lots are square or rectangular in shape to accommodate project housing, with preferably a greater depth than width to maximise private space, privacy, amenity and street frontage. WAPC will consider lot shapes, having regard to effective lot size, existing and prevailing lot configurations, site circumstances, solar access and streetscape.

### **4.4 Small residential lots**

- 4.4.1 Where proposed lots of less than 260m<sup>2</sup> are narrow, irregularly shaped, present vehicular access difficulties or involve the development to proceed with boundary

walls, the WAPC may require, having regard to the views of the local government, that development approval be obtained for development on the proposed lot/s and deposited plans not be endorsed until the buildings are constructed to plate height, unless there is a local development plan adopted under an operative local planning scheme.

### **4.5 Battle-axe subdivision criteria**

- 4.5.1 For the purpose of this section, a battle-axe lot means a green title or survey strata (without common property) 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 battle-axe lot that is capable of development, and excludes the access leg and associated truncations for vehicle maneuverability.
- 4.5.2 Use of battle-axe lot configuration is not favoured. Direct street frontage or dual street and rear laneway access is the preferred configuration. Exceptions may be considered in the following circumstances:
- battle-axe legs used to provide alternative access for lots fronting major roads with access controls or public open space.



- to facilitate vehicular access to significantly sloping sites where acceptable street gradient can not be achieved.
  - Retention of existing heritage or character development.
- 4.5.3 Where opportunities exist to dedicate-existing laneways and rights-of-way as public streets – both as a means of providing alternative access and a street aspect, this is a preferred lot configuration outcome.
- 4.5.4 Where local government considers battle-axe subdivisions are likely to seriously threaten the character of an established residential area that ought to be protected (for example, heritage precincts or special design control areas) density controls may be included in local planning schemes, or development controls introduced through local planning policy or local development plans to ensure that battle-axe subdivisions and development is in keeping with their surroundings. Provisions should take into account the character and built form outcome of the area.
- 4.5.5 The minimum battle-axe 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 for battle-axe lots.
- 4.5.6 In locations not subject to the provisions of the R-Codes, the WAPC will normally require residential battle-axe lots to have an effective lot area of at least 850m<sup>2</sup> to overcome the sense of confinement from lack of street frontage.
- 4.5.7 A battle-axe leg should be a minimum of 4 metres in width to allow for a constructed driveway and the necessary public utility services. Where a battle-axe lot is to be created for or is of a size capable of further subdivision for grouped or multiple dwelling development, the WAPC may require the width of the leg to be increased. Driveways may be required to be constructed and drained as a condition of subdivision approval in accordance with the specification of the local government and may be bonded to facilitate future construction post dwelling construction.
- 4.5.8 In rural, rural-residential and low-density subdivisions requiring long battle-axe legs, and locations where there are particular physical or topographical constraints, the WAPC, on the advice of the local government, may require a battle-axe leg wider than 4 metres. The Guidelines for Planning in Bushfire Prone Areas specifies where battle-axe lots should be avoided.
- 4.5.9 In cases where battle-axe legs are adjoining, the WAPC may accept a reduced width of 3 metres 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. The reciprocal rights should also extend into the effective lot areas to allow for a shared turning area.
- 4.5.10 Battle-axe 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.
- 4.5.11 The WAPC will not accept undersized battle-axe 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.
- 4.5.12 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 maneuverability. 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.



4.5.13 The WAPC requires proposals for the creation of battle-axe lots for residential purposes to comply with this policy. The WAPC may permit variations 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.

## 4.6 Access to residential lots

4.6.1 The creation of lots having dual street access and frontage to is not generally favoured, 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.

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

- Battle-axe lots to be provided with an access leg of 4 metres in width, with a reduced width of 3 metres, for each access leg when they adjoin.
- The R-Codes requires minimum 4 metre wide driveways, reduced to 3 metres where necessary to retain

an existing dwelling. For survey strata lots proposing a shared driveway, the driveway is shown as common property and includes the driveway, side lot boundary landscaping, passing bay/s (where required) and all lot truncations for vehicle maneuvering and sight lines. Driveways 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.

- Where it is proposed to retain an existing dwelling and access is not by common property, the WAPC, in considering any subdivision will generally require 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
  - there will be adequate space for the car parking required by the R-Codes, and sufficient space for safe vehicle manoeuvring.

## 4.7 Provision of screen fencing

4.7.1 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.

4.7.2 The suitability of fences for given locations will depend on function, setting and any local planning framework requirements. If the local planning framework does not outline specific standards, the fences will be:

- substantially of solid construction to 1.2 metres in height and visually permeable to a maximum height (between 1.8 metres and 2.4 metres)
- of materials or finished treatment to give a long-lasting, aesthetic appearance, preferably with a low maintenance and graffiti reduction factor complemented 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 for safety and security

4.7.3 Where residential subdivisions include or adjoin public uses such as schools and open spaces, it is preferable to separate the residential lots and public uses by streets. 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.

## 4.8 Utility service provision

- 4.8.1 The WAPC will apply the *Government Sewerage Policy* in its consideration of applications for the creation of residential lots in unsewered areas. The basis of that policy is the mandatory provision of reticulated sewerage to all new residential subdivisions, including strata titled, unless the exemptions as specified in that policy apply.
- 4.8.2 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 provided in accordance with current policy requirements and practice.
- 4.8.3 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.