

Subdivision clearances information sheet for common conditions

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.

Condition	City's requirements
The landowner/applicant contributing towards development infrastructure provisions pursuant to the City of Cockburn Local Planning Scheme No.3. (Local Government)	Contact the City's Development Contributions Officer on 08 9411 3444 or email customer@cockburn.wa.gov.au for an invoice to be arranged and issued to you. To check the current rates click here: Development Contributions - City of Cockburn
Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the proposed lot at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)	The site must have buildings/structures/outbuildings removed as indicated on the subdivision plan. This includes swimming pools, construction rubble and any other man-made materials. Should demolition of any structure/building be required, a demolition permit must first be obtained from the City's Building Services Department. * It is encouraged to retain trees where possible. Current requirements within the 2024 Residential Design Codes includes provision of trees. Retaining existing trees can help achieve this requirement.

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.	Ensure that the existing development being retained achieves the required setbacks to new boundaries as prescribed within the R Codes/Local Planning Scheme/Building Regulations of Australia. Please indicate compliant setbacks on a plan of survey to be provided with the clearance application. If modifications to the retained existing development are required, a Development Approval and/or Building Permit must be obtained. The works associated with these approvals must be completed prior to applying for clearance.
The existing dwelling being retained is to comply with the requirements of the Residential Design Codes.	The following requirements apply for existing dwellings being retained as part of a subdivision; <u>Car parking</u> All single houses in areas coded R40 and below and grouped dwellings in areas coded R25 and below refer to Part B - Clause 5.3.3 of the R Codes (2024). All single houses in areas coded R50 and above and grouped dwellings in areas coded R30 and above refer to Part C - Clause 2.3 of the R Codes (2024). If the subdivision proposes a common property lot for the access leg, carparking bays for the existing dwelling must be accessed from the common property lot unless otherwise approved by the City officers. <u>Outdoor Living area</u> – All single houses in areas coded R40 and below and grouped dwellings in areas coded R25 and below refer to Part B - Clause 5.3.1 of R Codes (2024)

	<u>Private open space</u> – All single houses in areas coded R50 and above and grouped dwellings in areas coded R30 and above refer to Part C - Clause 1.1.1 of R Codes (2024) <u>Store Area</u> All single houses in areas coded R40 and below and grouped dwellings in areas coded R25 and below refer to Part B - Clause 5.4.4 – C4.5 of R Codes (2024) All single houses in areas coded R50 and above and grouped dwellings in areas coded R30 and above refer to Part C – Clause C2.1.9 and C2.1.10 of R Codes (2024) <u>Upgrade Retained Dwelling</u> Refer to Part C - Clause 3.8 – C3.8.1 of R Codes (2024) <u>Landscaping</u> All single houses in areas coded R40 and below and grouped dwellings in areas coded R25 and below refer to Part B - Clause 5.3.2 of the R Codes (2024) All single houses in areas coded R50 and above and grouped dwellings in areas coded R30 and above refer to Part C - Clause 1.2 of the R Codes (2024).
A Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this Notification is to be included on the Deposited Plan. The notification shall state as follows:	This form can be prepared by the applicant. Please follow this process; Obtain Form N1 – Notification under Section 70A – available from Landgate. The form must be printed as a double sided document. Landgate will not accept two separate pages

"This land may be affected by midge from nearby lakes. Enquiries can be made with the City of Cockburn Environmental Services"	Fill out all sections of the Form N1 and ensure the factor affecting use or enjoyment of land section is the exact wording used in the relevant subdivision approval condition/s The registered proprietor/s must sign the Form N1 The section 'Prepared By' on the back page must be completed in full. Submit the completed form to the City of Cockburn for signing. Please include a cover letter with the subdivision application number and advise how you would like the signed form to be returned to you i.e. to be picked up from City offices or posted.
Conditions for the preparation of a Restrictive Covenant document are sometimes imposed and can relate to bushfire prone areas where the BAL is rated as 40 or Flame Zone, road access restriction, or restriction on the type of development to name a few. The following is an example: A restrictive covenant, to the benefit of the local government pursuant to Section 129BA of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed Lot 2 advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows: 'Dwelling development is not to exceed a maximum plot ratio of 70 square metres.'	To clear this condition please engage one of the following solicitors: McLeods - Fiona Grgich fgrgich@mcleods.com.au HWL Ebsworth - Mitch Artus martus@hwle.com.au HopgoodGanim Lawyers - Catherine Wheeler – Partner c.wheeler@hopgoodganim.com.au The City insists on restrictive covenants being prepared by its solicitors because: The legal instruments are lengthy or complex in nature; City staff are not qualified or delegated to check the legal instrument; Where there is an apparent risk to the City. Upon engagement of one of the above solicitors, they will guide you through the process. For additional information about Restrictive Covenants, please refer to this link Restrictive Covenants Fact Sheet

The land being filled, stabilised, drained and/or graded as required to ensure that: 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)	The purpose of this condition is to ensure that site levels are disrupted minimally as part of subdivision works and that stormwater does not discharge on adjoining properties. 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. 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. Where an existing dwelling is being retained as part of the subdivision, downpipes must be connected to soak wells which are located within the dwelling lot. To ensure soak wells are installed to the correct size, please refer to the following link On site Drainage Requirements - Residential Lots Where there is a common property lot, separate drainage must be provided within this lot.
The proposed access way(s) being constructed and drained at the landowner/ applicant cost to the specifications of the local government. (Local Government)	Where the subdivision involves the creation of 3 or more lots, the access way must be constructed and drained. Concrete or brick paving can be used and the City's specifications can be found within the following link relating to crossovers. Crossover Specification and Form

	Where the subdivision involves the creation of 2 lots, the owner can satisfy this condition by; Constructing the access way with drainage; Or Installing soakwells/drainage, applying compacted crushed road base and paying a bond to the City. Currently, the bond amount is calculated based on a written quote provided by the proponent for the construction of the outstanding works, plus a 25% contingency.
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 <i>Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974</i>, 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)	As per the condition, provide a certification of the completed works by the licensed plumber. Or Provide a signed and witnessed statutory declaration using the wording from the condition. A copy of the statutory declaration form can be found here Statutory Declaration Form
Arrangements being made to the satisfaction of the Western Australian Planning Commission for the filling and/or capping of any bores and/or wells, or the identification of any bore and/or well to be retained on the land. (Local Government)	Provide confirmation that any bore/wells have been filled and/or capped by a qualified contractor. Or Provide a signed and witnessed statutory declaration form confirming the above. Or

	If no bores/wells have been identified, provide the following statement within a signed and witnessed statutory declaration form. “No bore/wells have been identified on the land” See Statutory Declaration form here. Statutory Declaration Form
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