



Department of
Planning



Western
Australian
Planning
Commission

Model Subdivision Conditions Schedule

October 2012

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1. Introduction

About Model Subdivision Conditions and advice notes

The Western Australian Planning Commission (WAPC) determines all freehold, vacant and survey strata subdivisions in Western Australia with the exception of built strata subdivisions which are generally determined by Local Government.

Model subdivision conditions and associated advice notes are an essential tool used by the WAPC to ensure compliance with its statutory and policy responsibilities. Model conditions reduce the assessing time of subdivision applications by providing a standardised set of tested and agreed conditions, as well as providing advice for the Department of Planning (the Department) in its role supporting the WAPC. Model subdivision conditions should also be used by referral agencies as the basis for referral advice. Advice notes provide supplementary information to inform conditions.

The application of Model Subdivision Conditions

The sensitive use of planning conditions can improve the quality of a proposal, enabling an application to be approved that otherwise may need to be refused. In order to ensure public confidence in the planning system, it is important that conditions are only imposed where they have a valid planning purpose and relate fairly and reasonably to the proposal.

Model conditions do not replace thorough and careful assessment of applications and should not be used as a matter of routine. The need for each condition should be carefully considered giving regard to the merits of the case by both the referral agency in recommending the conditions and the WAPC in imposing these conditions.

In general, the WAPC will not support the use of a **non-standard condition** when the circumstance is adequately covered by a model condition included in this document. There may however be site conditions or specific circumstances that warrant the use of a

non-standard condition. In such cases, the referral agency must provide the WAPC with adequate justification to support the requested condition. This must take into account the context of the application proposed, the WAPC planning framework and the validity tests applied by the State Administrative Tribunal (see below). Advice notes can be used to provide supplementary information to inform conditions, but have no legal status and should be used sparingly. As a general principle, it is not the role of subdivision conditions or advice notes to advise of requirements under other legislation, or requirements applying at the (later) development approval stage. Conditions should be used sparingly, having regard to the regulatory burden imposed by excessive numbers of conditions.

The subdivision approval process

Application to the WAPC for subdivision approval is initiated by a landowner and/or applicant. Application forms, any explanatory documents and plan(s) are lodged with the WAPC and assessed on its behalf by the Department. If the WAPC is of the opinion that the subdivision may affect the functions of a local government, utility provider or public agency, it may (under Section 142 of the *Planning and Development Act 2005*) refer the application for objections and recommendations. In reality, almost all subdivision applications are referred. The Act provides referral agencies with 42 days to respond, unless otherwise agreed, and if referral advice is not received in this timeframe there is deemed to be no objection and no requested conditions. The WAPC may consider some referral agencies' advice to be critical to the assessment of an application, and on that basis can provide referral agencies with additional time to provide a recommendation.

The Department assesses the application, recommending to the WAPC that the application be refused or approved with or without conditions (using the Model Subdivisions Schedule as a basis for the condition setting). In accordance with Section 145 of the *Planning and Development Act 2005* an approval may be granted for a 'prescribed period', which is defined as four years for applications involving more than five lots (excluding common property) and three years in any other case. The subdivision can be constructed in accordance with

the approval conditions. The landowner and/or applicant is responsible for obtaining the 'clearance' from the agency prescribed with the responsibility for 'clearing' the relevant condition. Additionally, they are responsible for advising the WAPC that the requirements of the condition have been fulfilled so that the WAPC are able to endorse the diagram or plan of survey of subdivision. Subdivision conditions are to be drafted to include a clearance agency and when no clearance agency is nominated the WAPC is the nominated clearing agency. As all subdivision conditions are to the satisfaction of the WAPC, the WAPC will arbitrate if there is a dispute as to the clearance requirements.

The 2009-2012 review

The 2005 version of the Model Subdivision Conditions was reviewed over the period from 2009 to 2012. The review was recommended as part of the planning reform agenda outlined in *Planning Makes it Happen—a Blueprint for Planning Reform*, released in 2009, and endorsed by the Minister for Planning. The objectives of the review were to audit the effectiveness, validity and application of the then current model subdivision conditions and advice notes. In addition, the review was to formulate a revised schedule that:

- reduced the number of conditions;
- standardised and simplified conditions to core issues;
- ensured that the conditions imposed are specific so proponents and referral agencies are clear as to compliance requirements; and
- ensured that the conditions imposed are consistent with the validity rules set by the State Administrative Tribunal.

A review was undertaken of the frequency of use of conditions and advice notes, and in February 2010 a consultation paper and a draft set of revised conditions were released. A limited number of new conditions were proposed to deal with new policy measures and issues that had arisen since the last (2005) review. In addition, a number of conditions were modified to provide greater clarity and to reflect updated requirements based on policy and practice as well as changes to clearance agencies. A number of conditions and advice notes were also deleted.

Submissions were invited on the draft conditions and topic specific workshops conducted. As a result, a number of referral agencies requested the inclusion of additional conditions.

The approach taken with the review was to reduce conditions as much as possible to those pertaining to core planning matters that have a clear basis in planning policy and that warrant conditions that are used frequently. A large number of advice notes have been removed, with the WAPC determining that advice notes referring to non-planning legislation should be used sparingly, if at all. New conditions requested by clearance agencies have generally not been incorporated unless they are commonly used or reflect a planning policy basis.

The 2012 Model Subdivision Conditions Schedule

This document lists model subdivision conditions and advice notes categorised into 13 parts. The previous 'Encumbrances and Notification' conditions have been included in the subject specific part to which the encumbrance/notification relates; 'Local Government' conditions have been relocated to the subject specific part, and remaining 'Agriculture' conditions included in 'Environment'. The 'Marine' section has been deleted as these conditions are not commonly imposed. The structure is as follows:

- AD – Administrative
- AM – Amenity
- B – Buildings And Use
- D – Drainage And Site Works
- E – Electricity And Gas Pipelines
- EN – Environment
- F – Fire And Emergency
- H – Heritage (Indigenous, State, Local, Etc)
- L – Lot Design
- S – School Sites
- R – Reserves
- T – Transport, Roads And Access
- W – Water And Sewer

Amendments to this Schedule

The Model Conditions Schedule is a living document that requires constant monitoring and amendment to ensure relevance. Planning standards and requirements are not static. As statutory and policy requirements change, the Model Conditions Schedule needs to be updated to reflect those changes.

When drafting a new model condition, the proposed model condition must be discussed with the Department's Perth and Peel Planning Division which has custodianship of the Model Conditions Schedule. If agreed, it is then considered by the Statutory Planning Committee of the WAPC. This usually occurs in conjunction with consideration of the specific application that realised the need for such a condition, or in relation to a new or to-be-amended planning instrument, such as a planning policy, that would necessitate an amendment to the Model Conditions Schedule.

Validity of conditions

The State Administrative Tribunal (SAT), and other appeal bodies in Australia have adopted the approach taken in *Newbury DC v Secretary of State for the Environment* (1981) AC578 when considering the validity of specific conditions. That decision held that, in order to be valid, a condition must:

- be imposed for a planning purpose;
- fairly and reasonably relate to the development for which permission is given; and
- be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.

The principles considered by the High Court have been adopted and generally applied in relation to development and subdivision approval in Western Australia: see in particular *Renstone Nominees Pty Ltd v the Metropolitan Region Planning Authority* (TPAT 32/84 and 57/84).

This section discusses the tests of conditions and makes reference to both subdivision and development conditions, to provide a comprehensive overview.

Planning purpose

The first requirement is that a condition must have a planning purpose. The then Town Planning Appeals Tribunal (TPAT) in *Ross M Love v Western Australian Planning Commission* (No. 68/98) observed that this has two aspects. The first is whether the condition bears a relationship to planning theory and policy. In this case TPAT concluded that the ceding of land for open space within a subdivision is *ipso facto*¹ a planning purpose because, among other things, it is WAPC policy and was contemplated under the *Town Planning and Development Act 1928*.

The second aspect is to determine whether the condition, in the particular circumstances of the case, fulfils the proper planning purpose. A condition that is an aspect of usual planning practice may not fulfil

a planning purpose in the circumstances of the case if the ceding of open space is unnecessary for the orderly and proper planning of the locality of which the subdivision is a part.

In considering whether a particular condition is necessary, the question should be asked as to whether approval would have to be refused if that condition were not to be imposed. If it would not, then the condition would need special and precise justification. The argument that a condition will do no harm is no justification for its imposition. As a matter of policy a condition ought not to be imposed unless it is necessary to fulfil a planning purpose in the circumstances of the case.

A condition which duplicates controls under separate legislation would not normally be necessary and may not fulfil a planning purpose. Where other controls are available, however, a condition may be needed to address the land use impacts of the proposed development. For example, a condition would not normally be appropriate to control the level of emissions from a proposed development where these are subject to control under the *Environmental Protection Act*, but may be needed to address the impact of the emissions on land use (for example, separation distances) which are not controlled by the Environmental Protection Authority. A condition which conflicts with the jurisdiction of another agency is likely to be found to be unreasonable.

Relevance

The second test of validity is that the condition fairly and reasonably relates to the application. Unless a condition fairly and reasonably relates to the development to be approved it will be *ultra vires*.

It is not sufficient that a condition is related to planning objectives. It must also be justified by the nature of the development and the effect on its surroundings. For example, if subdivision approval is being granted subject to a condition requiring the upgrading of adjacent roads then it would be necessary to demonstrate that the upgrading arises out of the effects of the subdivision or development rather than being primarily directed to the public benefit.

¹ 'by the fact itself' which means that a certain phenomenon is a direct consequence, a resultant effect, of the action in question, instead of being brought about by a subsequent action.

In some instances, the nexus between the condition and the effect of the development is capable of being quantified – for example, the proportion of traffic which is generated by regional demands as opposed to the demands of a particular subdivision or development.

A condition does not fail because it is also incidentally of public benefit. This principle was recognised by TPAT in *Perrymead Pty Ltd v WAPC* (1996). However, as observed by the tribunal in *Ross M Love v WAPC* (68/98), if a condition is, because of the scale of the contribution imposed primarily directed to the public benefit, it may no longer be said to “fairly and reasonably relate” to the development.

This distinction was also foremost in the decision of the High Court in *Lloyd v Robinson* (1962) where the High Court stated:

“The assumption must be accepted that the statutory power to annex conditions to an approval of a subdivision does not extend to requiring the setting aside for public recreation of land which is so unrelated to the land to be subdivided, because of remoteness from it or some other circumstance, that there is no real connection with the provision of open space and the contemplated development of the area to be subdivided.”

The open space contribution was allowed in this landmark decision because it was justified to “satisfy the reasonable requirements in respect of the total area”.

There must, therefore, be some nexus between the condition and the effect of the subdivision or development and, if a nexus can be established, a condition is valid even if the imposition of the condition is also for the public benefit. Where a condition requiring works that are for the benefit of the subdivider and the general community the costs of the requirement may be shared, if nexus can be demonstrated (e.g. road upgradings).

Reasonableness

The third test of the validity of a condition is that it should be reasonable or not be found to be unreasonable.

The underlying concept of reasonableness derives from the *Wednesbury*² decision and is used to determine if a condition should not be imposed because it is so unreasonable that no reasonable body or persons could have made the decision.

The issue of reasonableness arose in the decision of the tribunal in *Renstone Nominees*. In that planning appeal, a condition of development approval required a foreshore reserve under the MRS to be ceded to the Crown free of cost. TPAT accepted as appropriate a policy by the former Metropolitan Region Planning Authority that land might be so ceded where the planning objective can be achieved without disadvantage to the developer on the basis that the value of the remaining land would not be adversely affected but may well be enhanced by reason of the ceding of the reserved land free of cost. The tribunal went on to observe that such a policy requires an assessment to be made of the advantages or disadvantages to the developer to determine whether the requirement to cede land free of cost is reasonable in the circumstances of the particular appeal. In *Renstone Nominees*, TPAT ultimately found that, on the evidence before it, the existence of a regional reservation had led to a substantial detriment or disadvantage to the appellant and, in the circumstances of that case, that detriment would be compounded by a requirement that the reserved land be ceded free of cost. While such a condition, if upheld, would confer a substantial benefit on the community, there is no corresponding, balancing or compensating advantage or benefit to the appellant. For those reasons, TPAT deleted the condition requiring the ceding of the reserved land free of cost.

In *Swick Holdings Pty Ltd v the State Planning Commission* (7/91) TPAT upheld conditions requiring 19 per cent of a residential subdivision site being ceded free of cost for public open space in addition to a foreshore reserve on the Helena River. In this case TPAT took into account the special topographical features of the site which limited subdivision of the

² *Associated Provincial Picture Houses Limited v Wednesbury Corporation* (1947) 2 All ER 680.

land, the existence of a regional reservation and two WANG easements across the site. TPAT found that the conditions were reasonable because they not only conferred a benefit on the community (because acquisition of a foreshore reserve would be achieved without payment) but the appellant also received a balancing or compensating advantage arising out of the residential subdivision of the land.

A condition may be unreasonable because it is unduly restrictive. A condition may in principle impose a continuing restriction on the use of land (providing there are good planning reasons for that restriction) but should not be imposed if the restriction effectively nullifies the benefit of the approval. For example, it may be reasonable to limit the hours during which an entertainment venue may be open so as not to affect the amenities of the locality. It would be unreasonable, however, to do so to such an extent as to make it impossible for the owner to run the business properly. If it appears that an approval could only be given subject to conditions that effectively remove the benefit of the approval, then the proposed development should be refused.

It is also unreasonable to impose a condition worded in a positive form which developers are unable to comply with themselves, or which they can only comply with following the consent or authorisation of a third party (e.g. a condition which requires a developer to close a road in order to provide alternative access to a site). Similarly, conditions which require the applicant to obtain an authorisation from another body (such as the Environmental Protection Authority) should not be imposed.

It may, however, be possible to achieve a similar result by a condition worded in a negative form, by prohibiting development until a specified action has been taken. For example, it might be reasonable to impose a condition requiring that a development should not commence until a particular road is closed if there were reasons to suppose that the local government would be willing and able to take the necessary action.

Subdivision approvals are a form of outline approvals where third party clearance of conditions is a standard convention. As such it is necessary to ensure (through the consultation process) that the condition can be cleared prior to granting preliminary approval.

An unreasonable condition does not become reasonable because an applicant suggests it or agrees to its terms. The condition will normally run with the land and may, therefore, still be operative long after the landowner/applicant has moved on. (This would ordinarily be the case for development conditions but not generally for subdivision conditions that in the main cease to have effect once they are fulfilled.) Conditions should always be justified on their planning merits.

Other practical considerations in imposing planning conditions

There are other practical considerations in considering the imposition of planning conditions.

The framing of conditions requires care to ensure that the condition is enforceable. A condition, for example, limiting the number of persons using a particular development at any one time would be impractical to monitor and pose severe difficulties in enforcement. To be enforceable, conditions should be capable of being monitored and there should be clear evidence of any breaches.

In order to be enforceable conditions must be precise. This means the condition must be complete and must be clear and free from any ambiguity leading to possible differences of interpretation. A condition, for example, requiring “the submission and approval of a landscaping scheme” would be incomplete as it does not clearly state when the scheme is to be submitted, who is to approve the scheme and when the scheme is to be completed.

Vague expressions — for example, “the proposed development is not to cause annoyance to nearby residents” — should be avoided because they give little idea of what is to be expected of the applicant. Conditions subject to qualifications that do not provide any specific criteria for the applicant should be also avoided — for example, “the proposed access to be closed if the growth of traffic makes it necessary”.

Conditions reserving other matters

Sometimes, an application may contain insufficient details of an aspect of the development (such as car parking or landscaping) or there may be a need to modify that particular aspect. In this case, approval may be granted subject to a condition requiring that further details of the specified aspect of the development be submitted for approval before the development is commenced.

Time limits for endorsement of deposited plan

Section 145(2) of the *Planning and Development Act 2005* provides that a person to whom approval of a plan of subdivision or survey-strata has been issued may request that the WAPC endorse a diagram or plan of survey of subdivision or appropriate form. Such a request must be lodged:

- within four years if the plan of subdivision or survey-strata proposes the creation of more than five lots (excluding any common property lots); or
- within three years in any other case.

No statutory timeframe is specified for strata plan approvals issued by the WAPC. However, it is the practice of the WAPC to issue its approval for a period of two years.

Conditions modifying a proposed subdivision, survey-strata or strata design

If a particular aspect of an application is unacceptable in planning terms, the best course may be for the applicant to modify the application prior to determination. This would require the submission of an amended plan (Form 2A). However, if the modification is substantial it may not be accepted as an amended plan and would require the submission of a new application. Generally, a condition of this kind should only be imposed following discussion with the landowner/applicant. Such a condition cannot be imposed if it would make the approved subdivision substantially different from that proposed in the application.

Ambulatory conditions

An ambulatory condition is a condition imposed by the WAPC in approving a subdivision which requires an applicant to undertake action to the satisfaction of a third party (clearing authority) with the clearing authority responsible for certifying compliance with those conditions. There is both some uncertainty as to the validity of such conditions as well as general acknowledgement of the importance of such conditions in ensuring effective operation of the subdivision process.

While referral agencies may recommend the imposition of conditions and may also be nominated to provide written confirmation that a condition has been fulfilled, responsibility ultimately rests with the WAPC.

This is reflected in determination notice preambles (see *Determination Notice Schedule – Freehold, Survey-Strata & Strata* available at www.planning.wa.gov.au). It has been the established practice that subdivision applications are referred to referral agencies and the WAPC is responsible (per s.145 of the *Planning and Development Act 2005*) for the imposition and satisfaction of any condition recommended by referral agencies. The WAPC utilises the professional advice from referral agencies as to whether applicants have complied with conditions.

In *Hill v State Planning Commission* TPAT considered the matter of ambulatory conditions. The relevant judgements are as follows.

- 1 The State Planning Commission has the power to impose such conditions as it sees fit consistent with the application of sound town planning principles. The limitation on this power is that the conditions must not be *ultra vires*, must “fairly and reasonably relate to the permitted development”, must be “reasonably capable of being regarded as relevant to the implementation of planning policy” and must not be so unreasonable that no reasonable planning authority could have imposed them. As the extension of the doctrine of proportionality to the process of judicial review has not been established in this state, proportionality will not be used by the Tribunal as a test for the validity of a planning condition.

- 2 The ground of finality differs from the ground of uncertainty. A condition will be void for lack of finality if the State Planning Commission or local authority has abdicated its duty to exercise its discretion as required by the Act.
- 3 A condition which purports to leave a matter to the satisfaction of another authority is not *ipso facto* invalid. However, a condition will be invalid if it requires a future determination by another authority pertaining to an essential element in the application, where that determination could alter the proposed development significantly.
- 4 As a general principle, landowners cannot reasonably be expected to comply with conditions with regards to subdivision approvals when the conditions are expressed to be subject to the satisfaction of a local government authority or other third party. Ambulatory conditions are the antithesis of valid contractual arrangements between an applicant for approval and the approving authority.

Clearance of Subdivision Conditions

The timing for the implementation of subdivision conditions, including some subdivisional works, may not be practicable prior to the issuing of a clearance of subdivision conditions. Accordingly, alternative clearance arrangements may be negotiated between the landowner/applicant and the clearance agency. Ultimately the WAPC makes the final decision in this regard, considering the advice of the clearance agency when a request to endorse a diagram or plan of survey of subdivision is made by a landowner/applicant in accordance with Section 145 of the *Planning and Development Act 2005*.

Review of the Model Subdivision Conditions

The Model Subdivision Conditions will be reviewed by the Department of Planning 12 months after the release, to ensure that the conditions continue to be robust and address current planning policy and practice.

2. Model Subdivision Conditions and Advice

Part 1 – Administrative conditions

| New code | Administrative condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|--|--|
| AD1 | Prior to the Western Australian Planning Commission's endorsement of a diagram or plan of survey (deposited plan) for the creation of the lots proposed by this application, the lot that is the subject of this application being created on a separate diagram or plan of survey (deposited plan) and the plan being endorsed by the Western Australian Planning Commission. (Western Australian Planning Commission) | - | Creation of parent lot on diagram or plan of survey (deposited plan). | Imposed where application relates to a lot that has not yet been created, but is subject to Western Australian Planning Commission conditional approval. | <i>DC 1.1 Subdivision of Land – General Principles</i> |
| AD2 | The portion of land shown on the plan dated [INSERT VALUE] (attached) being amalgamated with the adjacent lot pending joint subdivision with the adjoining owner. (Western Australian Planning Commission) | - | Part lot(s) amalgamation. | Imposed where application seeks approval for part lots. | <i>DC 1.1 Subdivision of Land – General Principles</i> |
| AD3 | The existing lots that are the subject of this application being amalgamated on the diagram or plan of survey (deposited plan). (Western Australian Planning Commission) | - | Amalgamation on diagram or plan of survey (deposited plan). | Imposed on survey strata applications that propose the amalgamation of existing freehold lots. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 1.3 Strata Subdivision</i> |
| AD4 | The strata plan containing certification that the boundaries of the lots or part of the lots which are buildings shown on the strata plan are the inner surfaces of the walls, the upper surfaces of the floor and the under surface of the ceiling. The certification is to be in the form provided by Section 3(2)(a) of the <i>Strata Titles Act 1985</i> Regulation 5A(a) of the <i>Strata Titles General Regulations 1996</i> or Section 3(2)(b) of the <i>Strata Titles Act 1985</i> Regulation 37AA of the <i>Strata Titles General Regulations 1996</i> . | - | Boundaries of multi-tiered strata developments. | Always use with approvals of strata plans for multi-tiered strata developments. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 1.3 Strata Subdivision</i> <i>PB 57 Process for Seeking Approval Under Strata Titles Act 1985</i> |
| AD5 | Arrangements being made with the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] to the satisfaction of the Western Australian Planning Commission, for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure as established through amendment [INSERT NUMBER] (when gazetted) to the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] Local Planning Scheme No. [INSERT NUMBER]. (Local Government) | Aa1 | Developer contributions – scheme amendment advertised. | Always use when the developer contribution provisions have been initiated as an amendment but are not yet included in the Local Planning Scheme. | <i>SPP 3.6 Development Contributions for Infrastructure</i> |
| AD6 | The landowner/applicant contributing towards development infrastructure provisions pursuant to the City/Shire [DELETE AS APPLICABLE] of [INSERT NAME] Local Planning Scheme No. [INSERT NUMBER]. (Local Government) | - | Developer contributions as per Scheme provisions. | Use when developer contribution provisions are included in the Local Planning Scheme. | <i>SPP 3.6 Development Contributions for Infrastructure</i> |

Administrative advice

| New Code | Administrative Advice | Related Code | Summary | Situation | Policy Link |
|----------|--|--------------|---------|----------------|-------------|
| ADa1 | Condition [INSERT VALUE] is in acknowledgement of proposed Amendment No. [INSERT VALUE] that is viewed by the Western Australian Planning Commission to be a seriously entertained planning proposal, which will provide for developer contributions for community infrastructure. | A5 | | Always with A5 | |

Part 2 – Amenity conditions

| New code | Residential design advice | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|---|---|
| AM 1 | To provide a spray drift buffer between the market garden and adjacent residential lots, the landowner/applicant is to install a specially designed 1.8 metre high fence and a protected and maintained vegetation buffer of one line of evergreen trees or bushes (a minimum height of 1.5 metres) in accordance with the plan dated [INSERT VALUE] (attached) to the satisfaction of the Western Australian Planning Commission. (Local Government) | AMa1 AMa2 | | Always with AMa1 and AMa2 In accordance with <i>Planning Bulletin 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> . | <i>PB 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> |
| AM 2 | The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to ensure that prospective purchasers of lots proposed within 300 metres of an operating market garden are notified on contracts of sale of the existence of the market garden operations and the potential to be affected by odours, noise, dust and spray drift that this land use may cause. (Local Government) | AM3 AMa2 | Prospective purchasers advised of existing market garden. | Always with AMa2 In accordance with <i>Planning Bulletin 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> . If the market garden is zoned urban and likely to be urbanised in the short term, only AM2 is necessary, not AM3. | <i>PB 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> |
| AM 3 | A notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificate(s) 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 diagram or plan of survey (deposited plan). The notification is to state as follows: <i>"This lot is located within 300 metres of operating market garden/s and has the potential to be affected by odours, noise, spray drift and dust that are associated with the continued operation of a market garden."</i> (Western Australian Planning Commission) | AM2 AMa2 | Notification 165 PDA – market garden. | Always with AMa2 In accordance with <i>Planning Bulletin 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> . | <i>PB 3 Record of Information on Titles</i> <i>PB 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> |
| AM 4 | The landowner/applicant installing suitable rural fencing of good standard in accordance with the plan dated [INSERT VALUE] (attached) to the satisfaction of the Western Australian Planning Commission. (Local Government) | - | Rural style fencing – urban/market gardens. | In accordance with <i>Planning Bulletin 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> . | <i>PB 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> |
| AM 5 | A notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> 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 diagram or plan of survey (deposited plan). The notification is to state as follows: <i>"This lot is in close proximity to known mosquito breeding areas. The predominant mosquito species is known to carry viruses and other diseases."</i> (Western Australian Planning Commission) | - | Notification 165 PDA – mosquito. | On relevant agency advice. | <i>Planning and Development Act 2005 s.165</i> <i>PB 3 Record of Information on Titles</i> |

| New code | Residential design advice | Related code | Summary | Situation | Policy link |
|----------|--|--------------|--|--|---|
| AM 6 | A notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificate(s) 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 diagram or plan of survey (deposited plan). The notification is to state as follows: "This lot is in close proximity to the [INSERT VALUE] waste water treatment plant and may be adversely affected by virtue of odour emissions from that facility." (Western Australian Planning Commission) | - | Notification 165 PDA – odour emissions. | Always if land is proximate to a waste water treatment plant and odour may be an amenity concern. | <i>Planning and Development Act 2005</i> s.165 <i>PB 3 Record of Information on Titles</i> |
| AM 7 | A notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificate(s) 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 diagram or plan of survey (deposited plan). The notification is to state as follows: "This lot is in close proximity to an existing poultry farm(s) and may be adversely affected by virtue of odour, noise, dust and/or light emissions from that land use." (Western Australian Planning Commission) | - | Notification 165 PDA – poultry farm. | Always if land is proximate to a poultry farm in accordance with <i>State Planning Policy No. 4.3 Poultry Farms</i> . | <i>Planning and Development Act 2005</i> s.165 <i>SPP 4.3 Poultry Farms</i> <i>PB 3 Record of Information on Titles</i> |
| AM 8 | A notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> 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 diagram or plan of survey (deposited plan). The notification is to state as follows: "This lot is situated in the vicinity of [INSERT AIRPORT], and is currently affected, or may in the future, be affected by aircraft noise. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected properties, are available on request from the relevant local government offices." (Western Australian Planning Commission) | - | Notification 165 PDA – airport aircraft noise. | Always if land is proximate to Perth International and Domestic Airports in accordance with <i>State Planning Policy No. 5.1 Land Use Planning in the Vicinity of Perth Airport</i> , <i>Jandakot Airport</i> in accordance with <i>State Planning Policy No. 5.3 Jandakot Airport Vicinity</i> or any other airport where noise exposure levels are identified as an issue. | <i>SPP 5.1 Land Use Planning in the Vicinity of Perth Airport</i> <i>SPP 5.3 Jandakot Airport Vicinity</i> |

Amenity advice

| New code | Residential design advice | Related code | Summary | Situation | Policy link |
|----------|--|-------------------|--|--|--|
| AMa1 | In regard to Condition [INSERT VALUE] the planting and design of the special fencing should be in accordance with the Western Australian Planning Commission's <i>Planning Bulletin 63 Policy for Dealing with Potential Conflicts Between Residential Subdivision and Market Gardens in East Wanneroo</i> . | AM1 | Market Garden Spray Drift. | In accordance with <i>Planning Bulletin 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> . | <i>PB 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> |
| AMa2 | In relation to Condition/s [INSERT VALUE], the landowner/applicant is advised that if evidence is provided that the market garden/s have ceased operating after conditional approval is granted then Condition/s [INSERT VALUE] will no longer need to be satisfied. | AM1 AM2 AM3 | Market Garden conditions no longer relevant. | Impose to reflect the transitional nature of land uses within the East Wanneroo area. | <i>PB 63 Policy for Dealing with Potential Conflicts between Residential Subdivision and Market Gardens in East Wanneroo</i> |

Part 3 – Buildings and use conditions

| New code | Buildings and use condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|--|--|--|
| B1 | All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government) | Ba1 | Boundary and effluent disposal clearance. | On local government advice, where changes have the potential to impact on setbacks of existing dwellings, and there may be existing effluent disposal systems on site. | <i>SPP 3.1 Residential Design Codes</i> |
| B2 | Uniform fencing being constructed along the boundaries of all of the proposed lots abutting [INSERT VALUE]. (Local Government) | - | Uniform fencing. | On local government advice, when lots abut primary regional roads, rail reserves and public open space. | <i>SPP 3.1 Residential Design Codes, Parts 5 and 6</i> <i>DC 2.2 Residential Subdivision</i> |
| B3 | Written confirmation from the local government that all necessary local government approval(s) have been issued and that the whole of the building has been completed in accordance with those approvals. (Local Government) | - | Built strata construction. | All strata applications where buildings are to be retained or to be/are under construction. | <i>DC 1.3 Strata Titles</i> |
| B4 | All dwelling(s) being constructed to plate height prior to the submission of the diagram or plan of survey (deposited plan). (Local Government) | - | Plate Height. | If subdivision is dependent on built form residential, for example, if lot size concessions are granted for specific dwelling types. | <i>DC 2.2 Residential Subdivision</i> |
| B5 | Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) [INSERT VALUE] at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government) | Ba2 | Demolition/removal of buildings/ structures. | If subdivision is dependent on demolition and/or where applicant indicates on Form 1A buildings to be demolished. | <i>SPP 3.1 Residential Design Code, Part 3</i> <i>DC 1.1 Subdivision of Land – General Principles</i> |
| B6 | A management statement being prepared and submitted for the Western Australian Planning Commission's consideration and written confirmation in accordance with Section 5C of the <i>Strata Titles Act 1985</i> (as amended), to include the following additions to the by-laws contained in Schedules 1, 2 and 2A of that Act: (a) Development or redevelopment on the [strata][survey strata] [DELETE AS APPLICABLE] lots is to comply with a development approval issued by the local government. (b) Amendment to or repeal of the above provision cannot be effected without the Western Australian Planning Commission's agreement. (Local Government) | - | Strata management statement. | On local government advice and in accordance with <i>Development Control Policy 1.3 Strata Titles</i> . | <i>DC 1.3 Strata Titles</i> |
| B7 | The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government) | - | Upgrade to R-Code compliance. | Only where dwelling is being retained and further works are required to comply with the Residential Design Codes. | <i>SPP 3.1 Residential Design Codes</i> |
| B8 | Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government) | Ba2 | Building envelope. | Only when there is a Scheme or other statutory provision which requires the preparation of a Building Envelope Plan in a rural circumstance. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 2.5 Special Residential Zones</i> |
| B9 | The landowner/applicant shall provide a written undertaking to the satisfaction of the Western Australian Planning Commission to advise prospective purchasers of the provisions of the local government's local planning scheme that relate to the use and management of the land. (Local Government) | - | | Mostly applied to rural residential or similar zones where special land use provisions/controls exist. Only impose when there are area specific land use controls and provisions that would not normally be anticipated by a purchaser. | |

| New code | Buildings and use condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|--|---|
| B10 | A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the <i>Transfer of Land Act 1893</i> (as amended) is to be placed on the certificates of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows: <i>"No new development shall occur within [INSERT VALUE] of the right-of-way abutting the [INSERT VALUE] boundary of the lots to accommodate widening of the right-of-way should it be required in the future."</i> (Local Government) | - | Restrictive covenant – no development in ROW setback. | To be imposed to ensure that right of ways can be widened in the future to a width of 6 metres in accordance with <i>Planning Bulletin 33</i> . | <i>PB 3 Record of Information on Titles</i> <i>PB 33 Rights-of-way or Laneways in Established Areas Guidelines</i> |
| B11 | Common walls being shown on the survey strata plan as prescribed "party wall easements", pursuant to Regulation 14G of the <i>Strata Titles General Regulations 1996</i> and Section 5D of the <i>Strata Titles Act 1985</i> . (Local Government) | Ba4 | Party wall – easements. | Where party walls are shown on survey strata plan. | |
| B12 | Boundary(ies) of lots defined by "party walls", are to be subject to a party wall rights easement(s) created pursuant to section 136C of the <i>Transfer of Land Act 1893</i> , which is to be shown on the diagram or plan of survey (deposited plan) as constructed. (Local Government) | Ba4 | Party wall – easement (136C). | Where party walls are shown on freehold subdivision plan. Only used where abutting freehold lots share an existing or proposed common wall that forms part of the built structure of buildings on both sides. | |
| B13 | A restriction(s) in accordance with Section 6 of the <i>Strata Titles Act 1985</i> is to be placed on the certificate(s) of title of the proposed lot(s) confirming that [INSERT VALUE]. The restriction(s) are to be included on the deposited plan. The restriction(s) are to state as follows: <i>'[INSERT APPROPRIATE WORDING FROM SITUATION COLUMN]'</i> (Local Government) | - | S6 Restriction Strata Titles. | On local government advice. Advise of existence of a restriction on land use, for example use of lots restricted aged and dependant development, tourism developments. <i>"No person shall occupy any [INSERT VALUE] for more than a total of [INSERT VALUE] months in any 12 month period."</i> <i>"No person shall occupy [INSERT VALUE] that is not disabled, physically dependent or aged over 55, or is the surviving spouse of such a person."</i> | <i>SPP 3.1 Residential Design Codes</i> <i>PB 83 Planning for Tourism</i> |
| B14 | A restrictive covenant, to the benefit of [INSERT VALUE] 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(s) 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: <i>'[INSERT APPROPRIATE WORDING FROM SITUATION COLUMN]'</i> (Local Government) | - | Restrictive covenant 129BA – generic. | 129BA TLA can be used for any restrictive covenant that is to benefit a local government or public body. Mostly used to specify accommodation for aged and dependant persons and single bedroom dwellings. <i>"This lot is not to be developed for any purposes other than for a single bedroom dwelling."</i> <i>"This lot is not to be developed for any purposes other than for residential use by aged and dependant persons."</i> | |

Buildings and use advice

| New code | Buildings and use advice | Related code | Summary | Situation | Policy link |
|----------|--|--------------|---|---|-------------|
| Ba1 | In regard to Condition [INSERT VALUE], the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission. | B1 | Boundary clearance. | Always with B1. | |
| Ba2 | In regard to Condition [INSERT VALUE], planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works. | B5 | Planning/building approval required for partial demolition. | Always with B5. | |
| Ba3 | This approval does not represent approval for any existing encroachments over the road reservation, private road or right-of-way. You are advised to contact the State Land Services Branch of the Department of Regional Development and Lands regarding this matter. | - | Subdivision/strata approval not approval for encroachments. | Where it is apparent that development encroaches on road reservation, private road, right of way outside of lot. If the application area encroaches onto crown land, the signature of State Land Services should be obtained. | |
| Ba4 | With regard to Condition [INSERT VALUE], the landowner/applicant is advised to consult with the local government to determine the requirements for the registration of "party walls" (mutual easements of supports) on the certificate(s) of title and provisions of the <i>Local Government (Miscellaneous Provisions) Act 1960</i> to which the "party walls" may be subject to. | B11, B12 | Party wall – easements; advice. | Always with B11 or B12. Not to be used with strata approvals (common boundary walls on strata plans should be depicted as common property). | |

Part 4 – Drainage and site works conditions

| New code | Drainage and site works condition | Related code | Summary | Situation | Policy link |
|----------|--|-------------------|---|--|---|
| D1 | Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that: a) lots can accommodate their intended use; 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. (Local Government) | D3 , D4 | Grade and stabilise land, lots accommodate intended development, match finished levels. | Always with D3 or D4 If earthworks are proposed/necessary. For large freehold and problematic sites where drainage issues have been identified use with D3 – fill and drainage condition consistent with Urban Water Management Plan. Alternative condition for small scale subdivision, small infill, and sites with out drainage issues, sites at D4. | Engineering drawings required by <i>Planning and Development Act 2005</i> s.170 <i>DC 1.1 Subdivision of Land – General Principles</i> |
| D2 | Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water, consistent with any approved [INSERT VALUE] Local Water Management Strategy/Drainage and Water Management Plan [DELETE AS APPLICABLE]. (Local Government) | D1, D3 Da1 | Preparation of an UWMP prior to subdivisional works. | In accordance with PB 92 and Better Urban Water Management. Condition to be applied in areas where water issues are of concern, such as high nutrient catchments, high groundwater table and/or the presence of environmentally significant wetlands and/or waterways and for all medium to large subdivisions where management plan not previously approved. Generally on the advice of the Department of Water. Local Government may separately approve bulk earthworks that will not compromise UWMPs. Local Government may consult with Department of Water in approving UWMPs. | <i>SPP 3.4 Natural Hazards and Disasters</i> <i>Better Urban Water Management Manual</i> <i>Liveable Neighbourhoods Element 5</i> <i>PB 92 Urban Water Management</i> <i>Better Urban Water Management Guidelines</i> |
| D3 | Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Western Australian Planning Commission. (Local Government) | D1, D8, D2 | Fill and drain land potentially in accordance with UWMP. | Always with D1 and D8. D2 may be required. If earthworks are proposed/necessary. May need to be in accordance with UWMP for greenfields development. For large scale subdivisions and sites which have significant water management issues in accordance with <i>Planning Bulletin No.92 Urban Water Management</i> . For large scale subdivisions of sites with drainage issues only. For small scale subdivision and sites with no drainage issues, use D4. It is not intended to apply in brownfield or infill circumstances or to small scale subdivision (5 lots or less) unless the subject land has significant water management issues present. With the advice of Local Government and/or Department of Water. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 5</i> <i>Better Urban Water Management Guidelines</i> Engineering drawings required by <i>Planning and Development Act 2005</i> s.170 <i>PB 92 Urban Water Management</i> |

| New code | Drainage and site works condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|--|--|
| D4 | 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) | D1, D2, D8 | Fill, drain, stabilise, grade land- small, infill and non-problematic sites. | Large scale/sites with drainage issues. Where an Urban Water Management Plan is not required in accordance with Section 1.2 of Planning Bulletin No.92 'Urban Water Management'. Use D1 and D2. D8 may also be required to provide for easements and reserves. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 5</i> <i>Better Urban Water Management Guidelines.</i> Engineering drawings required by <i>Planning and Development Act 2005</i> s.170 <i>PB 92 Urban Water Management</i> |
| D5 | Prior to the commencement of subdivisional works, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all subdivisional works have been carried out in accordance with the pre-works geotechnical report. (Local Government) | - | Pre- and post-geotechnical report – physically capable. | Freehold, survey-strata and vacant lot strata approvals may require the imposition of this condition, but only on land that may have unknown or uncertain development capacity. | Engineering drawings required by <i>Planning and Development Act 2005</i> s.170 <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 5</i> <i>PB 10 Geotechnical Reports for Subdivision</i> |
| D6 | 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). | Wa1 | Water Corp. drainage – district. | Drainage connection to a Water Corporation district drain, if available. | <i>SPP 2 Environment and Natural Resources</i> <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 5</i> |
| D7 | Suitable arrangements being made for connection of the land to the comprehensive district drainage system at the landowner/applicant's cost. (Local Government) | - | Local Govt. drainage – district. | Drainage connection to a district drain under Local Government control, if available. | <i>SPP 2 Environment and Natural Resources</i> <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 5</i> |
| D8 | Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the <i>Planning and Development Act 2005</i> . (Local Government) | D3, D4 | Drain – easements under s.167 PDA. | If a drainage easement is required by local government. | <i>Planning and Development Act 2005</i> s.152 and s.167 <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 5</i> |
| D9 | A management plan detailing how risk of erosion and sedimentation impacts into nearby water bodies will be minimised during subdivision is to be: a) prepared by the landowner/applicant and approved prior to the commencement of subdivisional works; and b) implemented during subdivisional works. (Swan River Trust) | - | Management plan to address erosion and sedimentation into water bodies under the control of the Swan River Trust. | On advice of Swan River Trust and only where likelihood of erosion and sedimentation impacts exists without appropriate management adjacent to the Swan and Canning Rivers. | <i>SPP 2.9 Water resources</i> <i>SPP 2.10 Swan and Canning River Systems</i> <i>Better Urban Water Management Guidelines</i> |

| New code | Drainage and site works condition | Related code | Summary | Situation | Policy link |
|----------|--|--------------|--------------------------------------|------------------------------------|--|
| D10 | 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) | - | Where bores on site require filling. | On advice of the local government. | <i>DC 1.1 Subdivision of Land – General Principles</i> |

Drainage and site works advice

| New code | Drainage and site works advice | Related code | Summary | Situation | Policy link |
|----------|--|--------------|-------------------------------------|-----------------------|-------------|
| Da1 | Condition [INSERT VALUE] has been imposed in accordance with <i>Better Urban Water Management Guidelines (WAPC 2008)</i> . Further guidance on the contents of urban water management plans is provided in <i>'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions'</i> (Department of Water 2008). | D2, D3 | Urban water management plan advice. | Always with D2 and D3 | |

Part 5 – Electricity and gas pipeline conditions

| New code | Electricity and gas pipeline condition | Related code | Summary | Situation | Policy link |
|----------|--|--------------|--|--|--|
| E1 | Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] for the provision of an underground electricity supply to the lot(s) shown on the approved plan of subdivision. (Western Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] | Ea1 | Underground electricity provision for freehold lots. | Considered an essential service. Not appropriate for strata lots (refer E3) homestead lots, boundary realignments, amalgamations, broad acre rural subdivisions (for these refer E2). Majority of freehold approvals require the imposition of this condition; E3 covers strata lots. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 2.2 – Residential Subdivision</i> <i>Liveable Neighbourhoods Element 6</i> |
| E2 | Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] for the provision of an electricity supply service to the lot(s) shown on the approved plan of subdivision. (Western Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] | | Electricity provision for freehold lots. | Where underground electricity may not be appropriate. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 6</i> |
| E3 | Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE], for the provision of an electricity supply to the survey-/vacant [DELETE AS APPLICABLE] strata lots shown on the approved plan of subdivision, which may include the provision of necessary service access rights either as an easement under Section 136C and Schedule 9A of the <i>Transfer of Land Act 1893</i> for the transmission of electricity by underground cable, or (in the case of approvals containing common property) via a portion of the common property suitable for consumer mains. (Western Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] | Ea1 | Electricity provision for survey strata and/or vacant strata lots. | All survey-strata and vacant lot strata approvals require the imposition of this condition; unless acceptable provision details are demonstrated on application (in which case E1 is appropriate). | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 1.3 Strata Titles</i> <i>DC 2.2 Residential Subdivision</i> <i>Liveable Neighbourhoods Element 6</i> |
| E4 | A notification, pursuant to Section 70A of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: <i>'A network electricity supply is not available to the lot/s.'</i> (Local Government) | | Notification- no network electricity supply. | Where no network electricity supply. | <i>PB3 Record of Information on Titles.</i> |
| E5 | The provision of easements pursuant to Section 167 of the <i>Planning and Development Act 2005</i> for existing or planned power infrastructure being granted free of cost to that body. (Western Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] | | Electricity service supply easements for transmission (>33,000V) and /or distribution (≤33,000V) network infrastructure. | Approvals require the imposition of this condition when it is known that an easement is necessary and justified, and the need for any easements is created by the subdivision and consequent development. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 6</i> |
| E6 | Arrangements being made to the satisfaction of the WAPC and to the specification of Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] for the removal, relocation and/or replacement of electricity supply infrastructure, including plant and/or equipment located on or near the lots shown on the approved plan of subdivision. (Western Power) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] | | Electricity infrastructure removal / relocation. | Freehold, survey-strata approvals and vacant lot strata require the imposition of this condition when it is known that Western Power infrastructure on or near the subject land is required to be removed, relocated or replaced. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 6</i> |

| New code | Electricity and gas pipeline condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|----------------------------------|--|--|
| E7 | Prior to the commencement of subdivisional works, the landowner/applicant shall prepare and implement as part of the subdivisional works a pipeline risk management/protection plan in accordance with Planning Bulletin 87 <i>High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region</i> . (INSERT GAS PIPELINE OPERATOR) | | Gas pipeline protection plan. | In accordance with Planning Bulletin 87 <i>High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region</i> . | <i>PB 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region</i> |
| E8 | The transfer of land for the purpose of electricity supply infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the <i>Planning and Development Act 2005</i> , such land to be ceded free of cost and without payment of compensation. (Western Power) | R2 | Electricity infrastructure land. | Freehold, survey-strata and vacant lot strata approvals require the imposition of this condition where it can be justified by Western Power. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>Liveable Neighbourhoods Element 6</i> |

Electricity and gas pipeline advice

| New code | Electricity and gas pipeline advice | Related code | Summary | Situation | Policy link |
|----------|---|--------------|--|---|-------------|
| Ea1 | In regard to Condition [insert E1/E2 condition number], Western Power [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] provides only one underground point of electricity supply per freehold lot. | E1, E3 | Electricity – one connection per lot; advice (WP). | Apply with E1 or E3 if the land is in an existing urban area. | |

Part 6 – Environmental conditions

| New code | Environmental condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|--|---|--|
| EN1 | Prior to the commencement of subdivisional works a foreshore/ environmental/ bushland/tree/wetland/wildlife protection [DELETE AS APPLICABLE] management plan for [INSERT VALUE] is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan. (Department of Water) OR (Local Government) OR (Department of Environment and Conservation) [DELETE AS APPLICABLE] | - | Environmental Management Plan. | Where management plan required to protect specific, named, environmental values. On advice of relevant authority. | <i>SPP 2 Environmental and Natural Resources, 5.1 – General Measures</i> <i>SPP 2.6 – State Coastal Planning Policy, 5.1 – Coastal Strategies and Management Plans</i> <i>DC 6.1 – Country Coastal Planning Policy, 4.1 Foreshore Management</i> |
| EN2 | Measures being taken to ensure the identification and protection of any vegetation on the site worthy of retention that is not impacted by subdivisional works, prior to commencement of subdivisional works. (Local Government) | - | Vegetation protection. | | <i>SPP 2 – Environmental and Natural Resources, 5.1 – General Measures</i> |
| EN3 | A revegetation plan being prepared, approved and implemented for the revegetation of [INSERT VALUE] or the area shown on the dated [INSERT VALUE] (attached) [DELETE AS APPLICABLE] with appropriate native species to the specifications of the Department of Environment and Conservation. (Department of Environment and Conservation) OR (Local Government) [DELETE AS APPLICABLE] | - | Requirement for revegetation. | | <i>SPP 2 Environmental & Natural Resources – 5.1 – General Measures</i> |
| EN4 | Measures being taken to ensure vegetation within the proposed Regional Open Space Reserve as identified in the plan dated [INSERT VALUE] (attached), is protected prior to the commencement of subdivisional works. (Local Government) OR (Department of Environment and Conservation) [DELETE AS APPLICABLE] | - | Protection of Regional Open Space vegetation. | Applies in respect of land reserved for Parks and Recreation in a region scheme. | <i>SPP 2 Environmental and Natural Resources</i> |
| EN5 | Measures being taken to ensure no vegetation within Bush Forever Site No. [INSERT VALUE] is removed or disturbed during subdivisional works, other than as approved in a [INSERT VALUE] Management Plan or plan of subdivision], including any secondary impacts from works to provide service infrastructure and drainage to implement the approved plan of subdivision. (Department of Environment and Conservation) or (Local Government). [DELETE AS APPLICABLE] | - | Protect Bush Forever site within the subject land. | Only where a subdivision proposal is within or abutting a Bush Forever site and no vegetation is to be removed. Always DEC unless DEC advises its Local Government. | <i>SPP 2.8 – Bushland Policy for Perth Metropolitan Region, 5.1.1 – General Policy Measures – Bush Forever Boundaries</i> |
| EN6 | A fence restricting [vehicle] [pedestrian] [stock] [feral animal] [DELETE AS APPLICABLE] access to [INSERT VALUE] is to be constructed: a) on the [INSERT VALUE] boundary; OR b) on the boundaries shown on the plan dated [INSERT VALUE] (attached); to protect native vegetation. (Local Government) OR (Department of Environment and Conservation) OR (Department of Water). [DELETE AS APPLICABLE] | - | Fencing of reserve/ bushland. | Where a public open space/regional open space/ reserve, state forest, wetland, waterway etc. is to be fenced. For waterway fencing, the Department of Water is the clearing agency. | <i>SPP 2 Environmental & Natural Resources – 5.1 – General Measures</i> |
| EN7 | Prior to subdivisional works in the foreshore/waterway area, a plan is to be submitted and approved, detailing the waterway crossing and indicating how design and construction will minimise detrimental impacts on the waterway form and function. The waterway crossing plan is to be implemented as part of the subdivisional works. (Department of Water) | - | Waterway crossings. | Applied where a crossing of a waterway is proposed, on the request of the Department of Water. | <i>SPP 2 Environmental and Natural Resources – 5.1 – General Measures</i> |

| New code | Environmental condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|--|--|
| EN8 | An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation before any subdivision works or development are commenced. Where an acid sulphate soils management plan is required to be submitted, all subdivision works shall be carried out in accordance with the approved management plan. (Department of Environment and Conservation) | ENa1 | Acid sulphate soils assessment and management plan. | To be imposed where: <ul style="list-style-type: none"> requested by DEC; or where site is identified as being within a "high to moderate" acid sulphate soils risk; or where the applicant advises on the Form 1A that there may be a significant risk of disturbing acid sulphate soils. | <i>SPP 2 – Environmental and Natural Resources, 5.4 – Soil and Land Quality</i> <i>PB 64 Acid Sulphate Soils</i> <i>WAPC Acid Sulphate Soil Planning Guidelines, April 2009</i> |
| EN9 | a) Prior to commencement of subdivision works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required. b) If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the issuing of titles to the satisfaction of the Western Australian Planning Commission on advice from the Department of Environment and Conservation, to ensure that the lots created are suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the <i>Contaminated Sites Act 2003</i> and current Department of Environment and Conservation Contaminated Sites Guidelines. (Department of Environment and Conservation) | ENa2 | Soil and groundwater contamination investigation and remediation. | Where advice from Department of Environment and Conservation provided indicates site is potentially contaminated and further investigation and remediation is required. | <i>SPP 2 – Environmental and Natural Resource, 5.4 Soil and Land Quality</i> <i>DC1.1 – Subdivision of Land – General Principles, 3.8 – Suitability for Development</i> <i>DC4.2 – Planning for Hazards and Safety, 9 Planning for Contaminated Land</i> |
| EN10 | A restrictive covenant, to the benefit of the Department of Environment and Conservation, 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(s) advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). (Department of Environment and Conservation) | - | Conservation covenant – generic (129BA TLA). | Agreement regarding covenant must be reached with covenanting agency prior to applying condition. 'Conservation' covenants under S129BA can only be issued in favour of a public authority- generally Department of Environment and Conservation. For 'conservation' covenants under the <i>National Trust of Australia (WA) Act 1964</i> , (see Clause 21A) substitute the appropriate wording in the condition after 'benefit', and the appropriate legislation, but use the Department of Environment and Conservation as the clearing agency. For conservation covenants in favour of the Department of Agriculture and Food (DAFWA), the relevant legislation is the <i>Soil and Land Conservation Act 1945</i> and a specifically worded condition should be created. | <i>SPP 6.1 Leeuwin – Naturalist Ridge SPP</i> <i>DC 3.4 Subdivision of Rural Land</i> <i>PB 3 Record of Information on Titles</i> <i>PB 91 Estate Covenants – New Residential Subdivisions</i> |
| EN 11 | 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(s) 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: <i>"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."</i> (Local Government) | - | Restrictive covenant – building envelope (129BA TLA). | Where Scheme setback provisions do not adequately control the siting of development. | <i>DC 3.4 Subdivision of Rural land</i> <i>PB 3 Record of Information on Titles</i> <i>PB 91 Estate Covenants – New Residential Subdivisions</i> |

Environmental advice

| New code | Environmental advice | Related code | Summary | Situation | Policy link |
|----------|---|--------------|--------------------------|------------------|-------------|
| Ena1 | <p>Condition [INSERT VALUE] makes reference to an “acid sulphate soils self-assessment form”. This form can be downloaded from the Western Australian Planning Commission’s website at: www.planning.wa.gov.au.</p> <p>The “acid sulphate soils self-assessment form” makes reference to the Department of Environment and Conservation’s “Identification and Investigation of Acid Sulphate Soils” guideline. This guideline can be obtained from the Department of Environment and Conservation’s website at: www.dec.wa.gov.au.</p> | EN8 | | Always with EN8. | |
| Ena2 | <p>In relation to Condition [INSERT VALUE] And in accordance with regulation 31(1)(c) of the <i>Contaminated Sites Regulations 2006</i>, a Mandatory Auditor’s Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Environment and Conservation as evidence of compliance with Condition [INSERT VALUE]. A current list of accredited auditors is available from www.dec.wa.gov.au.</p> | EN9 | Remediation guidelines. | Always with EN9. | |
| Ena3 | <p>The landowner/applicant is advised that the Department of Environment and Conservation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by Local Government. Further information on the guidelines can be obtained from the Department of Environment and Conservation’s website www.dec.wa.gov.au under air quality publications.</p> | - | Dust control guidelines. | | |

Part 7 – Fire and emergency conditions

| New code | Fire and emergency condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|--|--|---|
| F1 | The landowner/applicant is to prepare, have approved by the [INSERT RELEVANT CLEARING AGENCY], and implement a detailed plan demonstrating the location and capacity of fire emergency infrastructure to the satisfaction of the Western Australian Planning Commission. (INSERT RELEVANT CLEARING AGENCY) | - | Fire emergency – hydrant plan. | <p>The provision of fire emergency infrastructure in new streets in areas serviced by the Water Corporation is provided as part of the reticulated water condition W1 and F1 should not also be used.</p> <p>F1 should be used in three circumstances:</p> <ol style="list-style-type: none"> in FESA gazetted areas within the Water Corporations service area in cases where upgrading of fire emergency infrastructure is required in <i>existing</i> road reserve(s), on the advice of the Water Corporation*; in FESA gazetted areas outside the Water Corporations service area where subdivisional lots are created, on the advice of FESA; in non FESA gazetted areas. <p>In the case of new roads in subdivisions serviced by a licensed service provider other than Water Corporation (such as Busselton Water and Aqwest) FESA is the clearance agency in its gazetted areas. Outside the FESA gazetted area, Local Government is the clearance agency.</p> <p>The location of FESA gazetted areas is shown at www.fesa.wa.gov.au.</p> <p>The location of the Water Corporation's service area is shown at www.watercorporation.com.au.</p> <p>NOTE: The relevant clearance agency is as follows:</p> <ol style="list-style-type: none"> the FESA Regional office: in FESA gazetted areas including areas serviced by the Water Corporation where new lots are being created abutting existing roads, Local Government in all other areas. | <p><i>SPP 3.4 Natural Hazards and Disasters</i></p> <p><i>DC 1.1 – Subdivision of Land – General Principles</i></p> <p><i>Planning for Bushfire Protection – Guidelines Edition 2</i></p> |
| F2 | A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's <i>Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)</i> to the specifications of the local government and/or the Fire and Emergency Services Authority. (Fire and Emergency Services Authority) OR (Local Government) [DELETE AS APPLICABLE] | F3 | Fire emergency – fire management plan. | Where recommended by the relevant fire authority (FESA or local government). Refer WAPC's <i>Guideline Planning for Bushfire Protection Edition 2, May 2010 Appendix 3</i> for a model Fire Management Plan. The suitability and safety of the site for development should be established prior to subdivisional approval in accordance with the above Guideline. | <p><i>SPP 3.4 Natural hazards and Disasters (8.2.6)</i></p> <p><i>DC 1.1 – Subdivision of Land – General Principles</i></p> <p><i>DC 4.2 – Planning for Hazards and Safety</i></p> <p><i>Guideline Planning for Bushfire Protection Edition 2</i></p> |
| F3 | A notification, pursuant to section 70A of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: <i>'The lot(s) is/are subject to a fire management plan.'</i> (Local Government) | F2 | S70A TLA Fire Management Plan. | If a Fire Management Plan condition required at F2 that has ongoing management requirements. | PB 3 Record of Information on Titles |

| New code | Fire and emergency condition | Related code | Summary | Situation | Policy link |
|----------|--|--------------|--|---|---|
| F4 | Prior to the commencement of subdivision works, the proposed vacant lot(s) is/are to be searched for unexploded ordnance to a depth of at least 1 metre. (Fire and Emergency Services Authority UXO) | Fa1 | Unexploded ordnance – search to 1m depth. | Where risk of UXO and/or on the advice of FESA UXO. Always include Fa1. | <i>DC 1.1 – Subdivision of Land – General Principles</i> |
| F5 | <p>Prior to commencement of subdivisional works:</p> <p>a) the application area is to be subjected to a limited assessment survey (field validation) for unexploded ordnance; and</p> <p>b) in the event that evidence of unexploded ordnance contamination is found on site, the area is to be fully searched for unexploded ordnance to a depth of at least one metre; and</p> <p>c) should evidence of unexploded ordnance be located, a notification, pursuant to section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificates of title of the proposed vacant lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the diagram or plan of survey (deposited plan). The notification to state as follows:</p> <p><i>This land has previously been used as an artillery range and may contain unexploded ordnance. Whilst the land has been searched to a depth of at least 1 metre no guarantee can be given that all unexploded ordnances have been located. Any ordnance found should be treated as dangerous and its location reported to police or defence establishment.</i>" (Fire and Emergency Services Authority UXO)</p> | Fa1 | Unexploded ordnances limited assessment survey and notification on title. | On FESA advice. | <i>DC 1.1 – Subdivision of Land – General Principles</i> |
| F6 | <p>A Notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificate(s) of title of the proposed vacant lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification to state as follows:</p> <p><i>"This land has previously been used as an artillery range/ ammunition depot/defence air field [DELETE / INSERT AS APPLICABLE] and may contain unexploded ordnances. Whilst the land has been searched to a depth of at least 1 metre no guarantee can be given that all unexploded ordnances have been located. Any ordnance found should be treated as dangerous and its location reported to police or defence establishment."</i> (Western Australian Planning Commission)</p> | Fa1 | Notification 165 PDA – unexploded ordnance – vacant lots, searched to 1m. | If the land is known to have been used for a firing range, ammunition depot, defence air field or similar in the past and no evidence of remediation is available and vacant lots are proposed. Always use in conjunction with Fa1. | <p><i>Planning and Development Act 2005 s.165</i></p> <p><i>SPP 3.4 Natural Hazards and Disasters</i></p> <p><i>DC 4.2 Planning for Hazards and Safety</i></p> <p><i>PB 3 Record of Information on Titles</i></p> |
| F7 | <p>A Notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificate(s) of title of the proposed lot(s) containing existing development advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification to state as follows:</p> <p><i>"This land has previously been used as an artillery range/ ammunition depot/defence air field [DELETE / INSERT AS APPLICABLE] and may contain unexploded ordnances (UXO). As no search for UXO has been conducted on the land, no guarantee can be given that the sub-surface is free from UXO. Any ordnance found should be treated as dangerous and its location reported to police or defence establishment."</i> (Western Australian Planning Commission)</p> | Fa1 | Notification 165 PDA – unexploded ordnance – developed site, not searched. | If the land is known to have been used for a firing range or similar in the past and no evidence of remediation is available and site contains existing development. Always use in conjunction with Fa1. | <p><i>Planning and Development Act 2005 s.165</i></p> <p><i>PB 3 Record of Information on Titles</i></p> |

Fire and emergency infrastructure advice

| New code | Fire and emergency infrastructure advice | Related code | Summary | Situation | Policy link |
|----------|---|----------------|-----------------------|---|-------------|
| Fa1 | <p>The Fire and Emergency Services Authority of Western Australia (FESA) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, FESA has advised that the following process should be initiated:</p> <ul style="list-style-type: none"> (a) do not disturb the site of the known or suspected UXO; (b) without disturbing the immediate vicinity, clearly mark the site of the UXO; (c) notify Police of the circumstances/situation as quickly as possible; and (d) maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces. <p>Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Fire and Emergency Services Authority of Western Australia.</p> | F4, F5, F6, F7 | Unexploded ordnances. | If advice from FESA UXO indicates that the land or adjacent land may have been used by Australian Defence Forces to conduct training and/or operational activities. | |

Part 8 – Heritage (indigenous, state, local, etc) advice

| New code | Heritage advice | Related code | Summary | Situation | Policy link |
|----------|--|--------------|--|---|-------------|
| Ha1 | Prior to the commencement of subdivisional works, the landowner/applicant is advised to investigate whether or not approval is required pursuant to the <i>Aboriginal Heritage Act 1972</i> . The landowner/applicant should conduct a search of the Register of Aboriginal Sites to determine if any aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Indigenous Affairs with a request for advice. | | Advice – obligations under the <i>Aboriginal Heritage Act 1972</i> . | Where there is a likelihood of aboriginal heritage, to alter proponents to their requirements under the <i>Aboriginal Heritage Act 1972</i> . | |

Part 9 – Lot design conditions

| New code | Residential design condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|--|---|
| L1 | The plan of subdivision is to be modified so that no lot is less than [INSERT VALUE] in area. (Local Government) | - | Minimum lot area. | If dimension is marginal or noncompliant. | <i>SPP 3.1 Residential Design Codes</i> <i>DC 2.2 – Residential Subdivision</i> <i>Liveable Neighbourhoods</i> Element 3 |
| L2 | The plan of subdivision is to be modified so that no lot is greater than [INSERT VALUE] in area. (Local Government) | - | Maximum lot area – approved plan variation. | If dimension is marginal or noncompliant. | <i>SPP 3.1 Residential Design Codes</i> <i>DC 2.2 – Residential Subdivision</i> <i>Liveable Neighbourhoods</i> Element 3 |
| L3 | Detailed Area/Local Development [DELETE AS APPROPRIATE] Plan(s) being prepared and approved for lots shown on the plan dated [INSERT VALUE] (attached) that address the following: a) b) c) (INSERT SPECIFIC REQUIREMENTS AS APPROPRIATE) to the satisfaction of the Western Australian Planning Commission. (Local Government) | - | Detailed Area Plans/ Local Development Plans. | If Detailed Area Plans/Local Development Plans are required by a Local Planning Scheme and/or Structure Plans. Should be used sparingly, and be justified. Officers will be required to prepare a plan which identifies the lots which will require a Detailed Area Plan. Condition must specify contents of Detailed Area Plans as appropriate, from the list of matters and criteria in <i>Liveable Neighbourhoods</i> Element 3, Tables 9 and 10. Area(s) to which Detailed Area Plans apply must be indicated. | <i>Liveable Neighbourhoods</i> Element 3 Tables 9 and 10 |
| L4 | The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Detailed Area/ Local Development [DELETE AS APPLICABLE] Plan are advised in writing that Detailed Area Plan provisions apply (Local Government) | - | Prospective purchasers advised of Detailed Area Plans/ Local Development Plans. | On local government advice. Memorials on title are inappropriate in this circumstance. | <i>Liveable Neighbourhoods</i> Element 3 |

Part 10 – Reserves conditions

| New code | Reserves condition | Related code | Summary | Situation | Policy link |
|----------|--|--------------|--|--|---|
| R1 | <p>A foreshore reserve:</p> <p>a) [INSERT VALUE] in width from the high water mark of the [INSERT VALUE],</p> <p>OR [DELETE AS APPLICABLE]</p> <p>b) in accordance with the plan dated [INSERT VALUE] (attached); as established by survey, being shown on the diagram or plan of survey (deposited plan) as a reserve for recreation/reserve for foreshore management/reserve for conservation/reserve for waterway management [DELETE / INSERT AS APPLICABLE] and vested in the Crown under Section 152 of the <i>Planning and Development Act 2005</i>, such land to be ceded free of cost and without any payment of compensation by the Crown. (Western Australian Planning Commission)</p> | Ra3 | Reserve for recreation/ reserve for foreshore management/reserve for conservation/reserve for waterway management –foreshore reserve; vest free of cost (<i>Planning and Development Act s.152</i>). | If foreshore is reserved for 'Parks and Recreation' in region scheme and relevant agency has agreed to accept management. Purpose of reserve dependent on advice from relevant referral authority and proposed management of reserve. | <p><i>Planning and Development Act 2005 s.152</i></p> <p><i>SPP 2 – Environment and Natural Resources Policy</i></p> <p><i>SPP 2.6 – State Coastal Planning Policy, 5.1 – Coastal Foreshore Reserves</i></p> <p><i>SPP 2.9 – Water Resources, 5.1 – General Measures</i></p> <p><i>SPP 2.10 – Swan Canning River System – Creating and maintaining foreshore reserves</i></p> <p><i>DC 2.3 – Public Open Space in Residential Areas 3.2 – Foreshore Reserves</i></p> <p><i>DC 6.1 – Country Coastal Planning Policy</i></p> <p><i>Liveable Neighbourhoods Element 4</i></p> |
| R2 | The proposed reserve(s) shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserve(s) for [INSERT VALUE] and vested in the Crown under Section 152 of the <i>Planning and Development Act 2005</i> , such land to be ceded free of cost and without any payment of compensation by the Crown. (INSERT CLEARING AGENCY AS APPLICABLE) | Ra1 | Reserves for named public purpose(s). | <p>Reserves to be ceded to the crown. Reserve type should be specified and this will appear on the diagram or plan of survey (deposited plan). Land may be ceded for one or more purpose. Specific conditions apply for generic reserves for water/sewer/power infrastructure</p> <p>Reserves shown on the approved plan being ceded. Clearing Agency to be specific to the vesting eg.</p> <p>Local Government</p> <p>Pedestrian accessway Right of way Drainage Foreshore management Recreation Conservation or protection of the environment Waterway management</p> <p>Servicing Authorities (Western Power and Water Corporation)</p> <p>Sewerage Drainage Electricity supply</p> <p>Department of Environment and Conservation</p> <p>Conservation or protection of the environment Waterway management</p> | <p><i>Planning and Development Act 2005 s.152</i></p> <p><i>SPP 3.6 Developer Contributions for Infrastructure</i></p> <p><i>DC 2.3 – Public Open Space in Residential Areas Liveable Neighbourhoods Element 4</i></p> |

| New code | Reserves condition | Related code | Summary | Situation | Policy link |
|----------|--|--------------|---|---|--|
| R3 | An area(s) of land at least [INSERT VALUE] in area, in a position to be agreed with the Western Australian Planning Commission, being shown on the diagram or plan of survey (deposited plan) as a reserve for [INSERT VALUE] and vested in the Crown under Section 152 of the <i>Planning and Development Act 2005</i> , such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government) | Ra1 | Reserve, commonly for recreation, but may also be for another purpose additional or minimum area required; vest free of cost (<i>Planning and Development Act s.152</i>). | If the plan does not show reserve(s) or adequate sized reserve(s) as allowed for in s.152 of <i>Planning and Development Act 2005</i> but it is necessary and on local government advice. Usually for additional public open space “reserve for recreation”. Advice note Rsa3 where cash in lieu may be considered in accordance with s.153. | <i>Planning and Development Act 2005 s.152</i> <i>DC 2.3 – Public Open Space in Residential Areas</i> <i>Liveable Neighbourhoods Element 4</i> |
| R4 | Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for two summers through the implementation of an approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government. (Local Government) | Ra2 | Development and maintenance of public open space to a minimum standard. | Imposed in accordance with the requirements of Liveable Neighbourhoods Element 4. Always include Rsa1. No more than two summers or years of maintenance should apply. | <i>Liveable Neighbourhoods Element 4</i> , specifically Development of Public Open Space (R37) |

Reserves advice

| New code | Reserves advice | Related code | Summary | Situation | Policy link |
|----------|--|----------------|---|--|--|
| Ra1 | With regard to Condition [INSERT VALUE], provisions of section 153 of the <i>Planning and Development Act 2005</i> provide that arrangements can be made, subject to further approval of the Western Australian Planning Commission, for a cash-in-lieu contribution by the landowner/applicant to the local government. | R2 R3 | Reserve for recreation – cash-in-lieu contribution. | With RS3 or RS4 where cash in lieu may be considered. | |
| Ra2 | With regard to Condition [INSERT VALUE], the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network. | R4 | POS development advice. | | |
| Ra3 | In regard to Condition(s) [INSERT VALUE] the location of the foreshore reserve is to be confirmed prior to ground disturbing activities on abutting land. The foreshore reserve is to be protected from disturbance during subdivisional works. | Always with R1 | | | |
| Ra4 | In regard to Condition [INSERT VALUE], the Western Australian Planning Commission hereby approves of a cash-in-lieu contribution in accordance with Section 153 of the <i>Planning and Development Act 2005</i> . | R3 | Agreement at approval stage to cash-in-lieu contribution. | Where a cash-in-lieu contribution is considered in accordance with the planning framework. | <i>Planning and Development Act 2005 s.153</i> <i>DC 2.3 Public Open Space in Residential Areas</i> |

Part 11 - School sites conditions

| New code | School site condition | Related code | Summary | Situation | Policy link |
|----------|--|--------------|--|---|--|
| S1 | Arrangements being made, to the satisfaction of the Western Australian Planning Commission, for the transfer of land free of cost to the Department of Education for the provision of a primary school site(s) to serve the area, as identified within the approved plan of subdivision/[INSERT NAME/DELETE AS APPLICABLE] Structure Plan. (Department of Education) | - | Education – school site land free of cost. | On advice of the Department of Education. Generally where school site in single ownership and ceding free of cost is appropriate. | <i>DC 2.4 – School Sites</i> <i>Liveable Neighbourhoods</i> Element 8 – Schools |
| S2 | The land denoted as proposed primary school site on the approved plan of subdivision is to be set aside as a separate lot, pending the acquisition of the land by the Department of Education. (Department of Education) | - | Education – school site land separate lot as per plan. | On advice of the Department of Education when ceding free of cost is not appropriate. | <i>DC 2.4 – School Sites</i> <i>Liveable Neighbourhoods</i> Element 8 – Schools (R15 & 16) |
| S3 | The landowner/applicant making a pro-rata contribution towards the cost of the acquisition of the primary school site identified in the subdivision locality. (Department of Education) | - | Education – pro-rata contribution. | On advice of the Department of Education. | <i>DC 2.4 – School Sites</i> <i>Liveable Neighbourhoods</i> Element 8 – Schools (R15 & 16) |

Part 12 – Transport, roads and access conditions

| New code | Transport, roads and access condition | Related code | Summary | Situation | Policy link |
|----------|--|--------------|--|--|---|
| T1 | <p>Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) are constructed and drained at the landowner/applicant's cost.</p> <p>As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)</p> | Ta3 | Road – construction. | All approvals where plan shows lots without existing road lot frontage, requiring road construction/extension. | <p>Engineering drawings required by <i>Planning and Development Act 2005</i> s.170</p> <p><i>DC 1.1 Subdivision of Land – General Principles</i></p> <p><i>DC 1.7 General Road Planning</i></p> <p><i>Liveable Neighbourhoods Element 2</i></p> |
| T2 | <p>Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:</p> <ol style="list-style-type: none"> street lighting is installed on all new subdivisional roads to the standards of the relevant licensed service provider and/or roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly and/or temporary turning areas are provided to those subdivisional roads that are subject to future extension and/or embayment parking is provided within the/abutting the proposed. [INSERT VALUE] <p>[DELETE OPTIONS A) TO D) AS APPLICABLE]</p> <p>to the satisfaction of the Western Australian Planning Commission. (Local Government)</p> | Ta3 | Road – coordination with abutting roads. | <p>Where coordination with adjoining land is required, on local government advice.</p> <p>Where new roads are proposed.</p> <p>Where coordination with connecting roads is required.</p> <p>Where roads are subject to future extension and temporary turning areas are required.</p> <p>Where on street parking provision is required including parking embayments.</p> | <p><i>DC 1.1 Subdivision of Land- General Principles</i></p> <p><i>DC 1.7 General Road Planning</i></p> <p><i>DC 2.6 Residential Road Planning</i></p> <p><i>Liveable Neighbourhoods Element 2</i></p> |
| T3 | <p>Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area:</p> <p>EITHER</p> <p>to the satisfaction of the Western Australian Planning Commission;</p> <p>OR</p> <p>in accordance with the plan dated (attached);</p> <p>OR</p> <p>in accordance with the approved [INSERT NAME] structure plan.</p> <p>[DELETE AS APPLICABLE]</p> <p>The approved shared paths are to be constructed by the landowner/ applicant. (Local Government)</p> | Ta3 | Shared path – detailed plan required. | For all suburban residential subdivision shared path design is not depicted on the plan of subdivision. | <p><i>DC 1.5 Bicycle planning</i></p> <p><i>DC 2.6 Residential road planning</i></p> <p><i>Liveable Neighbourhoods Element 2</i></p> |

| New code | Transport, roads and access condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|--|---|--|
| T4 | Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for subdivisional works to be undertaken in accordance with the approved plan of subdivision and engineering drawings and specifications, for the construction of full earthworks, one carriageway, shared path(s), drainage facilities and grade separated pedestrian crossing(s) required for the portion of [INSERT VALUE] within/abutting [DELETE AS APPLICABLE] the application area. (Local Government) | Ta3 | Road – distributor and arterial road construction arrangements. (Local Government) | Consistent with Western Australian Planning Commission policy or developer contribution Local planning Scheme provisions. | <i>SPP 3.6 Development Contributions for Infrastructure</i> <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC1.7 General Road Planning</i> |
| T5 | Satisfactory arrangements being made with the local government for the full/partial [INSERT VALUE HERE] cost of upgrading and/or construction of [INSERT VALUE ROAD(S)] in the locations as shown on the plan dated [INSERT] (attached) to a standard of [INSERT VALUE]. (Local Government) | - | Road upgrading and construction. | Where an existing road is required to be upgraded and/or constructed as a result of the proposal. Outline the specific upgrading requirements for example by reference to the road type in the Liveable Neighbourhoods policy road hierarchy. | <i>SPP 3.6 Development Contributions for Infrastructure</i> <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 1.7 General Road Planning</i> <i>Liveable Neighbourhoods Element 2</i> |
| T6 | The [INSERT VALUE] reserve being set out on a separate diagram or plan of survey (deposited plan) and transferred free of cost to the Commissioner for Main Roads WA for road purposes and without any payment of compensation. (Main Roads WA) | - | Road – widening and transfer. | MRWA Widening needed, but not shown on plan and subdivision justifies ceding free of cost in accordance with WAPC policy. | |
| T7 | The land required for the widening of [INSERT] as shown on the plan dated [INSERT] (attached) for [INSERT] is to be set aside as a separate lot for acquisition pending future road widening requirements. An easement is to be provided over all of the lot to be set aside for the benefit of the remaining lot(s) for the purpose of providing [vehicular access] [DELETE IF ALTERNATIVE ACCESS POSSIBLE], right of footway, water, sewer, drainage, gas, electricity, television, telecommunications and other necessary service infrastructure, pending construction of the future road widening. (Western Australian Planning Commission) | Ta1 | Road widening – land to be a separate lot with easement. | Generally applied where land is reserved in a Region Scheme or Local Planning Scheme and where there is a high degree of certainty of acquisition in the short to medium term. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 1.7 General Road Planning</i> <i>Liveable Neighbourhoods Element 2</i> <i>SPP 3.6 Development Contributions for Infrastructure</i> |
| T8 | An agreement for the acquisition of the land within the subdivision required for the road widening shown on the approved plan (attached) between the landowner and the [local government/ Main Roads WA] [DELETE AS APPROPRIATE] is to be executed. The land required for road widening is to be shown as 'Road Widening' on the agreement for the acquisition and the diagram or plan of survey (deposited plan). (Local Government) (Main Roads WA) [DELETE AS APPLICABLE] | - | Road – widening and agreement for acquisition. | Note – where required, local government can be replaced with Main Roads should an agreement to acquire be requested by Main Roads. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 1.7 General Road Planning</i> <i>Liveable Neighbourhoods Element 2</i> |
| T9 | [INSERT VALUE] being widened in accordance with the approved plan of subdivision/plan dated [INSERT VALUE/DELETE AS APPLICABLE] (attached) by the landowner/applicant transferring the land required to the Crown free of cost for the purpose of widening [INSERT VALUE]. | - | Existing or proposed road(s) – widening and transfer as per attached plan. | Existing or proposed road(s) – widening required in accordance with plan of subdivision or plan attached to approval. Need and extent to be consistent with WAPC policy. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 1.7 General Road Planning</i> <i>Liveable Neighbourhoods Element 2</i> |
| T10 | The section of [INSERT VALUE] widened in accordance with this approval, is to be constructed and drained at the full cost of the landowner/applicant. (Local Government) | - | Existing or proposed road(s) – construction of widening. | With R4 if required. Construction requirement to be consistent with WAPC policy. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 1.7 General Road Planning</i> <i>Liveable Neighbourhoods Element 2</i> |

| New code | Transport, roads and access condition | Related code | Summary | Situation | Policy link |
|----------|---|----------------------------------|---|--|---|
| T11 | All local streets within the subdivision being truncated in accordance with the Western Australian Planning Commission's <i>Liveable Neighbourhoods</i> policy/ <i>DC 2.6 Residential Road Planning</i> / <i>DC 4.1 Industrial Subdivision</i> [DELETE AS APPLICABLE]. (Local Government) | - | Road – corner truncation. | Where street corners require truncation. | <i>DC 1.7 General Road Planning</i> <i>DC 2.6 Residential Road Planning</i> <i>DC 4.1 Industrial Subdivision</i> <i>Liveable Neighbourhoods Elements 2 and 3</i> |
| T12 | [INSERT VALUE] metre truncation is to be provided at the junction of the access way and the proposed [INSERT VALUE] rear lot. (Local Government) | - | Access way to rear lot – rear lot truncation. | All battle-axe type configuration applications where dimension is marginal or non-compliant. Should only be necessary if NOT shown on the subdivision plan. | <i>DC 2.2 Residential Subdivision</i> <i>Liveable Neighbourhoods Element 3</i> |
| T13 | A [INSERT VALUE] metre truncation is to be provided at the junction of the access way and the [INSERT VALUE] road reserve. (Local Government) | - | Access way to rear lot – road truncation. | All battle-axe type configuration applications where dimension is marginal or non-compliant. Should only be necessary if NOT shown on the subdivision plan, upon the advice of Local Government and/or there are visibility issues. | <i>DC 2.2 Residential Subdivision</i> <i>Liveable Neighbourhoods Element 3</i> |
| T14 | A [INSERT VALUE] wide right-of-way is to be provided, constructed and drained at the landowner/applicants cost along the [INSERT VALUE] boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the [Diagram or Plan of Survey (Deposited Plan) or Survey-Strata Plan] [DELETE AS APPLICABLE] and vested in the Crown under Section 152 of the <i>Planning and Development Act 2005</i> , such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government) | - | Right-of-way – ceding as per approved plan. | If ROW not shown on plan, but necessary. | <i>Planning and Development Act 2005 s.152</i> <i>DC 1.7 General Road Planning</i> |
| T15 | The portion of the right-of-way abutting the [INSERT VALUE] 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 [INSERT VALUE] boundary to the existing nearest constructed road being made trafficable. (Local Government) | - | Right-of-way – construction (adjoins land) plus trafficable access to nearest constructed road. | If 'infill' plan abuts ROW and upgrade to nearest trafficable street is required. | <i>DC 1.7 General Road Planning</i> |
| T16 | The proposed access way(s) being constructed and drained at the landowner/applicant's cost to the specifications of the local government. (Local Government) | T22if adjoining battle-axe legs. | Battle-axe or common property – access way(s) being paved, drained and sealed. | | <i>DC 2.2 Residential Subdivision</i> <i>Liveable Neighbourhoods Element 3</i> |
| T17 | The access way forming part of the rear lot shall be a minimum width of [INSERT VALUE] 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 [DELETE AS APPLICABLE] accordingly. (Local Government) | - | Access way to rear lot – minimum width. | All battle-axe type configuration applications where dimension is marginal or non-compliant, or includes encroachments that are required to be removed. | <i>DC 1.1 Subdivision of Land – General Principles</i> <i>DC 2.2 Residential Subdivision</i> <i>Liveable Neighbourhoods Element 3</i> |
| T18 | The access way to the rear lot, including truncations and vehicle manoeuvring areas being shown on the survey strata plan as common property. (Local Government) | - | Battle-axe – access way being common property. | | <i>SPP 3.1 Residential Design Codes</i> <i>DC 1.3 Strata Subdivision</i> <i>DC 2.2 Residential Subdivision</i> <i>Liveable Neighbourhoods Element 3</i> |

| New code | Transport, roads and access condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|---|--|
| T19 | All pedestrian access way(s) within the subdivision being constructed and drained at the landowner/applicant's cost and shown on the diagram or plan of survey (deposited plan) as such and vested in the Crown under Section 152 of the <i>Planning and Development Act 2005</i> , such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government) | - | Pedestrian-access way – ceding and construction as per approved plan. | If PAW shown on plan. | <i>Planning and Development Act 2005</i> s.152 |
| T20 | 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) | - | Road – crossover construction. | Desirable if identifying the location of crossovers is integral to the design, or if there are significant site constraints. May not be applied in rural situations or where it is desirable to retain flexibility in siting of crossover(s). Generally on the advice of the Local Government. | <i>DC 1.1 Subdivision of Land General Principles</i> |
| T21 | Pursuant to Section 150 of the <i>Planning and Development Act 2005</i> and Division 3 of the <i>Planning and Development Regulations 2009</i> a covenant preventing vehicular access onto [INSERT VALUE] being lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the landowner/applicant. The covenant is to prevent access, to the benefit of [INSERT VALUE], in accordance with the plan dated [INSERT VALUE] (attached) and the covenant is to specify: "No vehicular access is permitted from [INSERT VALUE]." ([INSERT VALUE]) | - | Road access – restriction. | Where access to a road is to be restricted or prohibited, based on advice of relevant road authority and in accordance with s.150 of the <i>Planning and Development Act 2005</i> and Division 3 of the <i>Planning and Development Regulations 2009</i> . This includes annotating the plan to identify the portion or portions of the boundary between the land and road across which access to or from the land is prohibited. | <i>DC 1.1 Subdivision of Land General Principles</i> <i>DC 2.2 Residential Subdivision</i> <i>DC 5.1 Regional Roads (Vehicular Access)</i> |
| T22 | The landowner/applicant entering into an agreement with the local government to ensure reciprocal rights of access over adjoining battle-axe access ways. (Local Government) | T16 | Battle-axe – reciprocal rights of access over adjoining battle-axe access ways. | | <i>DC 2.2 Residential Subdivision</i> <i>Liveable Neighbourhoods Element 3</i> |
| T23 | Redundant vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Western Australian Planning Commission and to the specifications of the local government. (Local Government) | - | Vehicle crossover and reinstatement. | | <i>SPP 3.1 Residential Design Codes</i> <i>Liveable Neighbourhoods Element 3</i> |
| T24 | A notification, pursuant to Section 70A of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: "The lot/s is/are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise." (Local Government) | | Notification – Transport noise | In accordance with the implementation guidelines for <i>State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i> . Specifically, for those lots where noise reduction levels cannot achieve the target noise levels for noise sensitive developments. Use sparingly. | <i>SPP 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i> |

| New code | Transport, roads and access condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|--|--|
| T25 | The proposed rear lot/s being provided with a 1.5/1 <i>[DELETE AS APPLICABLE]</i> 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. (Local Government) | Ta4 | Pedestrian access leg. | Where the lots propose access via a right of way. To provide for visitor parking in the primary street, servicing, postal address and rubbish collection. To ensure pedestrian access leg is provided, with 1m width clear of any encroachments/projections. Projections which do not impact on the minimum 1m width may be suitable, if they provide sufficient height clearance, and if protected with appropriate easements (e.g. Survey Strata - Regulation 14H <i>Strata Title General Regulations 1996</i>). The 1.5 metre wide pedestrian access leg may be reduced to 1m, if there is an existing house to be retained. | <i>PB 33 Rights of Way or Laneways in Established Areas – Guidelines</i> |
| T26 | Easement(s) in accordance with Sections 195 and 196 of the <i>Land Administration Act 1997</i> for the benefit of <i>[INSERT VALUE]</i> are to be placed on the certificate(s) of title of the proposed lot(s) specifying access rights. Notice of this easement(s) is to be included on the diagram or plan of survey (deposited plan). The easement(s) are to state as follows: "... <i>[INSERT VALUE]</i> ..." | - | Easement – generic (195 & 196 LAA) easement in gross. | Where access rights for a local government or public body are necessary. Includes easement in gross, for public access. To allow for coordinated pedestrian access and parking arrangements. | <i>DC 5.1 Regional Roads (Vehicular Access)</i> |

Transport, roads and access advice

| New code | Transport, roads and access condition | Related code | Summary | Situation | Policy link |
|----------|--|----------------|---|--|--|
| Ta1 | In regard to Condition <i>[INSERT VALUE]</i> , the landowner/applicant is advised to contact the Department of Planning /Main Roads WA/ Local Government <i>[DELETE AS APPLICABLE]</i> for information on purchase option(s). | T7 | Road – widening lot purchase advice; advice. | Always use with T7. | |
| Ta2 | The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed. | T1, D2, D3, D4 | Subdivisional works to be undertaken generally in accordance with the IPWEA guidelines. | All applications that include site preparation including earthworks, roads, drainage, street lighting, pathway, and/or public open space conditions. | <i>Planning and Development Act 2005</i> |
| Ta3 | In regard to Condition <i>[INSERT VALUE]</i> , the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision. | T1, T2, T3 | Road Reserves consistent with approved plan of subdivision | Freehold subdivision, to ensure that engineering drawings are consistent with approved plan of subdivision. | <i>DC 2.2 Residential Subdivision</i> <i>DC 2.6 Residential Road Planning</i> <i>Liveable Neighbourhoods</i> |
| Ta4 | In regard to Condition <i>[INSERT VALUE]</i> , the landowner/applicant is advised that to provide a minimum 1 metre clear of any encroachments or projections, any such encroachments or projections will need to be either removed, relocated or appropriately protected with easements, as required. | T25 | Pedestrian access Leg Advice. | Always with T25. | <i>PB 33 Rights of Way or Laneways in Established Areas – Guidelines</i> |

| New code | Transport, roads and access condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|--------------|--|-------------|
| Ta5 | Main Roads Western Australia advises the landowner/application with regard to the [INSERT ROAD RESERVE NAME] i) no earthworks are to encroach onto the road reserve; ii) no stormwater drainage is to be discharged onto the road reserve; and iii) the landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve. | | MRWA advice. | Upon the advice of Main Roads Western Australia. | |

Part 13 – Water and sewer conditions

| New code | Water and sewer condition | Related code | Summary | Situation | Policy link |
|----------|---|-----------------------------|---------------------------------|--|---|
| W1 | Arrangements being made with the Water Corporation [DELETE / INSERT SERVICE PROVIDER AS APPLICABLE] so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Water Corporation) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] | If exemption use W4 | Water Supply. | <p>Considered an essential service.</p> <p>Majority of freehold, survey-strata and vacant lot strata approvals require the imposition of this condition.</p> <p>Guidance for water servicing in Rural, Rural Residential and Rural Living zone types is provided in <i>SPP 2.5 and DC 3.4</i>.</p> <p>Water service suppliers in WA are required to be licensed by the Economic Regulation Authority (<i>Water Services Licensing Act 1995</i>).</p> <p>Generally inappropriate for boundary realignments and rural subdivision.</p> | <p><i>SPP 2.5 Agricultural and Rural Land Use Planning Policy</i></p> <p><i>DC 1.1 Subdivision of Land – General Principles</i></p> <p><i>DC 3.4 Subdivision of Rural Land</i></p> <p><i>Liveable Neighbourhoods Element 6</i></p> |
| W2 | Arrangements being made with the Water Corporation [DELETE / INSERT SERVICE PROVIDER AS APPLICABLE] so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Water Corporation) [DELETE / INSERT LICENSED SERVICE PROVIDER AS APPLICABLE] | Wa1- If exemption use W5 | Sewerage service. | <p>Considered an essential service.</p> <p>Majority of freehold, survey-strata and vacant lot strata approvals require the imposition of this condition.</p> <p>Possible exemptions are outlined in the <i>Government Sewerage Policy (Perth Metropolitan Area) 1995</i>, the <i>Draft Country Sewerage Policy 2003</i>, <i>SPP 2.1</i>, <i>DC 2.2</i>, <i>DC 2.5</i>, <i>DC 4.1</i>.</p> <p>Need to confirm that reticulated sewerage service can be provided with the licensed service provider.</p> | <p><i>SPP 2.1 The Peel Harvey Coastal Plain Catchment</i></p> <p><i>DC 2.2 Residential Subdivision</i></p> <p><i>DC 2.5 Special Residential Zones</i></p> <p><i>DC 4.1 Industrial Subdivision</i></p> <p><i>Government Sewerage Policy Perth Metropolitan Region 1995</i>;</p> <p><i>Draft Country Sewerage Policy 2003</i>;</p> <p>Both are available at www.public.health.wa.gov.au.</p> <p><i>Liveable Neighbourhoods Element 6</i></p> |
| W3 | The provision of easements for existing or planned future water, sewerage and/or drainage infrastructure as may be required by the Water Corporation [DELETE / INSERT SERVICE PROVIDER AS APPLICABLE] being granted free of cost to that body. (Water Corporation) [DELETE / INSERT SERVICE PROVIDER AS APPLICABLE] | - | Water/sewer/drainage easements. | <p>Easements may be required for essential infrastructure.</p> <p>Freehold, survey-strata and vacant lot strata approvals may require the imposition of this condition; unless easements requirements are known and shown on approved plan.</p> <p>Planned Future Water, Sewerage and Drainage Infrastructure, is one that can be provided by the licensed service provider.</p> | <p><i>Planning and Development Act 2005 s.167</i></p> <p><i>DC 1.1 Subdivision of Land General Principles</i></p> |

| New code | Water and sewer condition | Related code | Summary | Situation | Policy link |
|----------|---|--------------|--|---|--|
| W4 | A notification, pursuant to Section 70A of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: <i>'A mains potable water supply is not available to the lot/s.'</i> (Local Government) | - | Notification of no mains potable water supply. | Generally only for urban or rural living lots and always where the relevant licensed water service advises that a mains water supply is not available. Local Government to clear if it recommends the condition. Otherwise WAPC is the clearance agency. | <i>PB 3 Record of Information on Titles</i> |
| W5 | A notification, pursuant to Section 70A of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: <i>'A reticulated sewerage service is not available to the lot/s.'</i> (Local Government) | Wa1 | Notification – reticulated sewerage connection is not available. | Always if reticulated sewerage connection is not available. | <i>Government Sewerage policy, Perth Metropolitan Region 1995</i> <i>PB 3 Record of Information on Titles</i> |
| W6 | 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) | - | Sewer, decommissioning on-site effluent disposal system. | If septic sewer system(s) exist on the land they are to be removed and the site made-good. | <i>DC 1.1 Subdivision of Land – General Principles</i> |
| W7 | The transfer of land for the purposes of the provision of water and sewerage infrastructure to be shown on the diagram or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the <i>Planning and Development Act 2005</i> , such land to be ceded free of cost and without any payment of compensation by the Crown. (Water Corporation) [DELETE / INSERT AS APPLICABLE] | R2 | Transfer of crown reserve for water and/or sewer infrastructure. | If land to be transferred shown on subdivision plan- use RS3. | |

Water and sewer advice

| New code | Water and sewer advice | Related code | Summary | Situation | Policy link |
|----------|---|--------------|---|---|-------------|
| Wa1 | In regard to Condition/s [INSERT VALUE], 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 67 of the <i>Water Agencies (Powers) Act 1984</i> will be prepared by the Water Corporation to document the specific requirements for the proposed subdivision. | W1, W2, D6 | Water Corporation easements advice. | Always with W1 & W2 if the service provider is the Water Corporation. | |
| Wa2 | The Water Corporation has tentatively scheduled construction of sewers for this area in the Five Year Programme [INSERT VALUE]. Subject to factors that influence adherence to the programme, it is unlikely that a connection to sewerage would be available before [INSERT VALUE]. | W5 | Sewer - connection tentatively scheduled advice (WC). | If the Water Corporation is able to give advice regarding the projected development of a reticulated sewerage service to the subject land pass this advice on to the landowner/applicant. | |

