

Subdivision conditional approval

This information sheet is intended to provide a guide to completing the most common conditions of the Western Australian Planning Commission's conditional subdivision approvals.

A conditional approval to subdivide a parcel of land issued by the Western Australian Planning Commission (WAPC) will almost certainly list a number of conditions for the applicant/owner to satisfy.

Prior to the City endorsing the deposited plan, the conditions of approval must be fulfilled. The conditions that are required to be cleared by the City of Fremantle are denoted by a (local government) or (LG) printed next to the condition on the conditional approval letter from the WAPC.

How to clear specific WAPC conditions

1. ***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)***

This condition is applied to all subdivisions where a dwelling may have been connected to a septic tank system. It is the applicants/owners' responsibility to arrange for any septic systems to be completely and safely removed and is to provide a statutory declaration confirming that a septic system is no longer present on the site.

2. ***Redundant vehicle crossover(s) to be removed and the kerbing, verge and footpath (where relevant) reinstated to the satisfaction of the City. (Local Government)***

The applicant/owner is required to remove any crossover that the city identifies as redundant or in poor condition. On side by side lots this condition is commonly imposed as the future driveway location is usually unknown. Missing portions of kerbing or guttering are to be reinstated, and the verge reinstated with landscaping or suitable verge treatment to the satisfaction of the City, within a timely manner. The City may consider pre-payment for the removal of the crossover for vacant lots or where there is dwelling(s) under construction in lieu of the works being completed at the time of subdivision clearance (through a refundable bond).

3. ***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)***

The applicant/owner is to arrange for the construction of new crossover(s) to service each lot. This condition is usually imposed where an existing crossover is in poor condition or not to the City's specifications or a new crossover location is required.



Installation of new crossovers are to be in accordance with the City's Crossover Technical Specifications & Policy. The applicant is to submit an Application for Crossover, design & supporting documents, once a permit is issued then the applicant can sought quotes and proceed for the installation through a private contractor. Should you require a preliminary assistance or further assistance, you can contact the City's Engineering Team on 9432 9999 or Engineering-DA@fremantle.wa.gov.au.

The City does not commonly require a crossover to be constructed without a driveway already installed however should this be required, the City may be able to clear the condition if the applicant/owner has pre-paid (via a bond) the City in full for the crossover to be constructed. In this instance the applicant/owner would need to contact the City 's Engineering Team and arrange for a bond to be issued. The City can clear the condition on payment of the bond and when they are ready for the crossover to be installed and the City/ or a private contractor can then undertake the works (usually at the completion stage of a new dwelling). Please note that kerbing and drainage may also need to be reinstated.

4. The common property access way(s) being constructed and drainage/soak wells to be provided at the subdivider's cost to the satisfaction of the local government. (Local Government)

The City requires the common property accessway to the rear lot(s) to be constructed in concrete or brick paving and suitably drained, which includes the installation of soak wells and drains to contain all stormwater within the lot. Drainage plans may be required to be submitted to the City prior to construction and evidence that the drainage has been installed may be requested at the subdivision clearance stage. The driveway must be fully constructed in order to provide access and compliant manoeuvring to any existing dwelling that is being retained.

If all lots subject to the subdivision clearance are vacant or there are dwellings under construction, then the City may accept the driveway to be partially constructed prior to clearance. In this instance a compacted limestone base is to be provided, and drainage/ soak wells installed prior to clearance in accordance with the below specifications:

MATERIALS

Temporary access ways and crossovers are to be constructed from crushed limestone that conforms with the following requirements;

- The crushed limestone shall be free of sand, capstone, roots and other deleterious material.
- The crushed limestone shall conform to the following grading requirements;

AS Sieve	% By Weight Passing
76mm	100%
19mm	60-80%
2.36mm	20-40%

- The crushed limestone shall be compacted to no less than 95% M.M.D. as per AS1289.
- A minimum compaction depth of 50mm shall be achieved evenly throughout.

It is the landowners responsibly to maintain temporary access ways to ensure that no material is washed onto the road. If the driveway is being fully constructed, it will need to be finished with concrete or brick paving along with drainage grates to the satisfaction of the City of Fremantle.



The City would only accept temporary form for up to 12 months, until a permanent installation was undertaken with formalised hardstand ie; concrete, pavers, etc.

DRAINAGE

- The drainage and surface grade of the temporary access way should be constructed in such a way to ensure all stormwater runoff is retained on site to the satisfaction of the City.

Soak well systems are to be designed to have a total combined minimum storage volume adequate for a 1:10 year storm event. The formula below should be used to calculate the required soak well volumes for properties within the City of Fremantle.

$$\text{AREA (m}^2\text{)} \times \text{RAINFALL (m)} = \text{VOLUME (m}^3\text{)}$$

AREA = Total combined impervious surfaces. The Impervious area includes all surfaces other than a highly mulched/well maintained garden beds.

RAINFALL = 12.5mm or 0.0125m

VOLUME = Minimum combined soak well capacity

If you are unsure of the drainage requirements, please submit the proposed drainage design to the City's Engineering Team prior to construction by emailing Engineering-DA@fremantle.wa.gov.au

ACCESS WAY SURFACE GRADIENT

- Maximum surface gradients to comply with AS2890.1.
- The maximum gradient of any proposed temporary access ways is 1 in 4 (25%).
- To prevent vehicles scraping or bottoming, changes in grade in excess of the following require introduction of a grade transition between the main grade lines:
 - a) 1 in 8 (12.5%) for summit grade changes
 - b) 1 in 6.7 (15%) for sag grade changes

5. *All lots shall utilise the common property access way for vehicular access to and from the site. (Local Government)*

The Residential Design Codes (R-Codes) requires that vehicle access is to be from a common property accessway if there is one available. Therefore, all vehicle parking bays may be required to be located where they can be accessed from the common driveway instead of directly accessed from the primary street.

6. *The existing dwelling being retained is to comply with the requirements of the Residential Design Codes including (but not limited to):*

- a) *provision and construction of [1-2] car bays;*
- b) *provision of a permanent enclosed storage area and adequate provision for rubbish storage;*
- c) *provision of a [area]m² outdoor living area, with a minimum dimension of 4m²;*
- d) *The provision of adequate stormwater storage within the lot.*



(Local Government)

This condition is applied where an existing house is being retained.

CAR PARKING AND ACCESS

The R-Codes require the existing dwelling to provide on-site parking for one – two cars depending on the property's proximity to high frequency public transport. The car bay dimensions are in accordance with the Residential Design Codes, are to be paved or concreted and are to have adequate (paved) manoeuvring and drainage, including the installation of soak wells.

STORE

The City requires the existing dwelling to have a permanent enclosed storage area of at least 4m² in area, with a minimum dimension of 1.5m. It should also be enclosed, lockable and accessible from outside the dwelling. The storage area should be built to match the existing dwelling where visible from the street. Note that if the store is located in close proximity to a lot boundary there may be setback and fire requirements under the National Construction Code. Please liaise with the City's Building Team in the first instance if you have any queries relating to the erection of a store.

BIN STORE

The existing dwelling is to have a location set aside for the storage of three waste bins.

OUTDOOR LIVING AREA

The existing dwelling is also required to have an outdoor living area, directly accessible from a living room with a minimum dimension of 4m. The required area varies according to the lot's zoning (e.g. for an R25 zoned lot an area of 30m² is to be provided). The outdoor living area should be located behind the street setback line, however where no other option exists it may be located within the front setback, subject to the area being clearly delineated by a fence, wall or landscaping. It should be noted that any fence or wall within the front setback area should be visually permeable above 1.2m and may require a separate planning approval and/or building permit from the City.

DRAINAGE

The existing house is required to demonstrate that stormwater has been contained on site. Soak well systems are to be designed to have a total combined minimum storage volume adequate for a 1:10 year storm event.

The formula below should be used to calculate the required soak well volumes for properties within the City of Fremantle.

$$\text{AREA (m}^2\text{)} \times \text{RAINFALL (m)} = \text{VOLUME (m}^3\text{)}$$

AREA = Total combined impervious surfaces. The Impervious area includes all surfaces other than a highly mulched/well maintained garden beds.

RAINFALL = 12.5mm or 0.0125m

VOLUME = Minimum combined soak well capacity

- 7. *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)***

The two major considerations for this condition are to ensure that structures do not cross over proposed lot boundaries and that structures have the necessary clearance for fire separation purposes



under the Building Codes of Australia. Please liaise with the City's Building Team in the first instance if you have any queries relating to this condition.

- 8. *Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on lot(s) at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)***

The City requires the subject lot to be cleared of all structures, including swimming pools. Should demolition of any structures, including dwellings or ancillary accommodation be required, a demolition permit is required to be obtained from the City's Building Team.

Vegetation is permitted to be retained on the site, however all leftover building materials and rubbish are to be removed. The City's Environmental Health Section has stringent requirements for the safe removal of structures containing asbestos. Please contact the Environmental Health Team on 9432 9999 or Health@fremantle.wa.gov.au.

- 9. *Suitable arrangements being made to enable all vehicles to exit the property in a forward gear. (Local Government)***

The City requires all vehicles to be able to exit the lot in a forward gear along major roads. This may involve the installation of a turning bay for the existing dwelling to provide an adequate manoeuvring area. The turning bay is to be paved or concreted and provided with drainage. Landowners should take this condition into account when considering a potential new dwelling on lots along Primary or Other Regional Roads, or Local Distributor Roads.

- 10. *A [insert value] metre wide right-of-way is to be provided, constructed and drained at the landowner/applicants cost along the south-west boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the Survey-Strata Plan and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)***

This condition is applied where a right of way does not achieve a 6m width, or a road reserve requires widening. It is a WAPC requirement for all rights of way to achieve a minimum width of 6.0m to allow two-way access. The condition will state how much of widening area is required. The widened portion of the right of way or street is to be granted free of cost and shown on the finalised deposited/survey-strata/strata plan submitted for clearance.

- 11. *The portion of the right-of-way abutting the 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 boundary to the existing nearest constructed road being made trafficable. (Local Government)***

The City requires the full width of the right of way (ROW) immediately adjacent to the subject property to be sealed, drained and paved, including any portion of the ROW to be widened. Specifications for the ROW construction are available from the City's Engineering Team on 9432 9999 or Engineering-DA@fremantle.wa.gov.au. All costs of construction are to be borne by the applicant/owner.

The applicant/owner may be required to make the remainder of the right of way, to the street indicated in the condition, trafficable by removing all obstructions and providing a limestone base where significant amounts of sand/mud are located. Should you have any queries, please contact the City's Engineering Team on 9432 9999 or Engineering-DA@fremantle.wa.gov.au.

12. Arrangements being made 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)

Bores must be filled if they are located in a position where the future development is to take place. A bore may be retained if it is located where it does not compromise the ability to develop a new lot(s). A statutory declaration is also required confirming that a bore is no longer present on the site. If a bore is to be retained, then the bore should be capped and identified on site for safety reasons.

13. 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 accordingly. (Local Government)

The accessway is required to be free of projection to allow an adequate vertical height clearance for emergency vehicle access. This means that any air-conditioning units must be removed, overhanging eaves must be cutback, and any openings such as doors or windows must be modified so they do not open outwards into the accessway. A building permit may be required prior to cutting back eaves or modifying openings.

14. Prior to the commencement of subdivisional works, measures being undertaken to identify any vegetation on the site worthy of retention, including any potential habitat or foraging trees for threatened fauna species, and protection measures implemented to ensure such vegetation is not impacted by subdivisional works. (Local Government)

This condition is imposed where significant trees have been identified on site in a location where they could feasibly be retained so as to not prevent reasonable future development of the lots. To clear the condition a site plan identifying the location of the trees along with a report addressing the requirements of the condition prepared by a suitably qualified consulting arborist or landscape architect is to be submitted to the City.

15. A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the certificates of title of proposed lot(s) [INSERT] advising of the existence of a restriction of the use of the land. The restrictive covenant is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation of the development hereby approved. 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;

'No new development is to take place which is not designed in accordance with the City of Fremantle Energy Efficiency and Sustainability Schedule, unless otherwise approved by the local government.' (Local Government)

This condition is imposed when a property uses the higher density coding in a split density code area to subdivide the land. Typically a WALGA preferred legal supplier ([Preferred Supplier Directory | WALGA](#)) can be used to draft the restrictive covenant documentation at the expense of the subdivider and once drafted this can be sent to the City for execution via the City's online portal system - [Legal document for execution | City of Fremantle](#)

Truncations

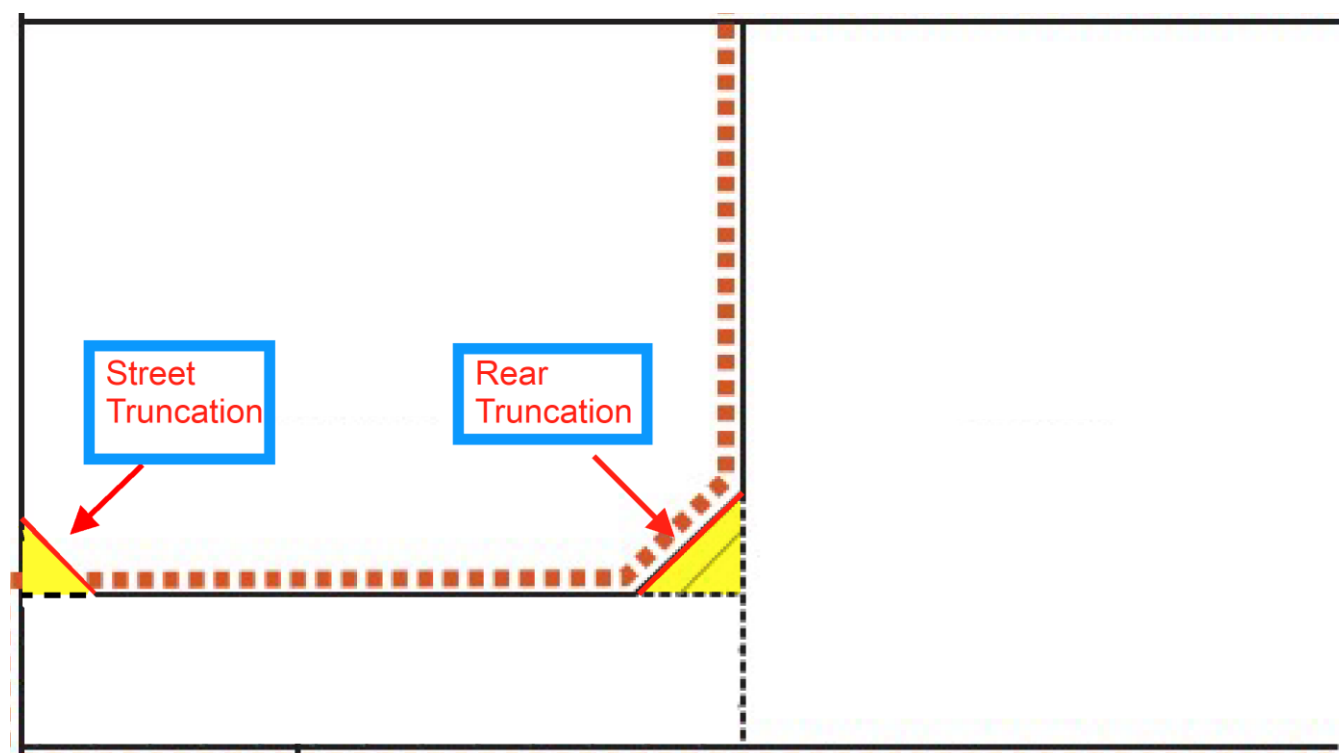
Street

16. **A [INSERT] meter truncation is to be provided at the junction of the access way and the [INSERT] road reserve. (Local Government)**

Rear lot

17. **A [INSERT] meter truncation is to be provided at the junction of the access way and the proposed rear lot. (Local Government)**

This condition is typically imposed to ensure adequate sightlines and safe manoeuvring of vehicle to and from subdivided properties. The image below indicates the two types of truncations. No vegetation, built form (fences, retaining walls buildings) or incidental services (consumer poles, electrical services etc) should be located within this truncation area.



TREE RETENTION

18. **Prior to the commencement of subdivisational works, measures being undertaken to identity any vegetation on the site worthy of retention, including any potential habitat or foraging trees for threatened fauna species, and protection measures implemented to ensure such vegetation is not impacted by subdivisational works. (Local Government)**

This condition is imposed when sites have existing mature vegetation which meets the definition of 'Regulated tree' under Council's LPP2.26 – Regulated trees policy. Prior to commencement of any subdivisational works a site plan and photographic record of the retained trees is to be provided with a report of what protection measures (e.g. Tree Protection Zone) will be implemented during the clearance works.



OTHER CONDITIONS

Should the approval letter contain other conditions that are not self-explanatory, please contact the City's Planning Department on 9432 9999 for information on how to clear the condition.

INFORMATION ON STREET TREES

The City has a Trees on Private Land and Street Verges Policy and an Urban Trees Policy which outlines requirement for retention of street trees. A street tree is not permitted to be removed unless the City has granted approval in writing. Please contact the City's Parks and Landscape Department on 9432 9999 for information about street trees.

Responsible Department – Statutory Planning

Document updated 1 July 2026