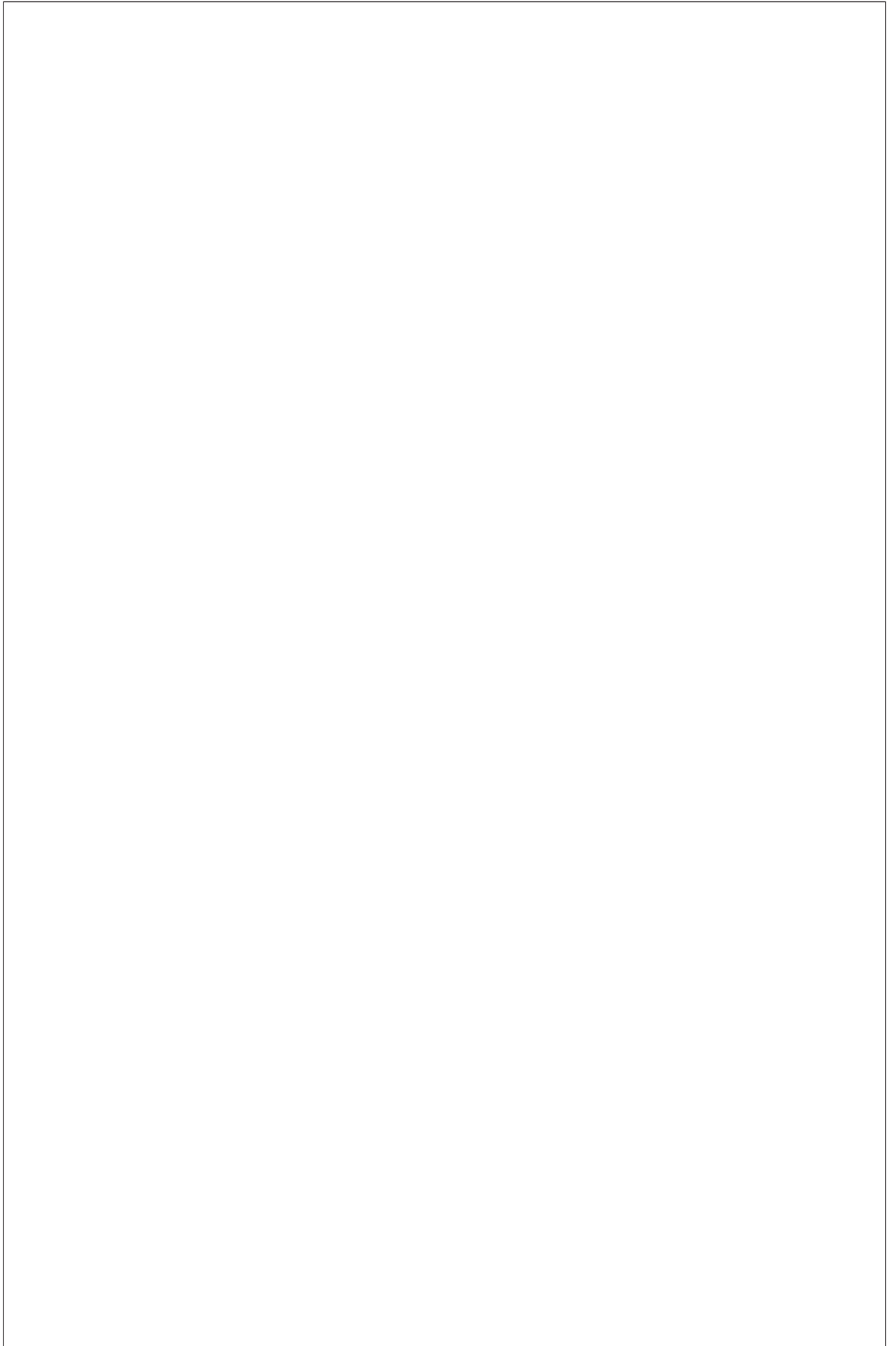


Development Control Policy 1.3 Strata title

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Background notes

- 1 This policy deals with those classes of strata title proposals which require the approval of the Western Australian Planning Commission (WAPC) and sets out the criteria to be used in the determination of applications for that approval. It does not apply to all strata title proposals, many of which are delegated to the relevant local government or exempt from needing WAPC approval.
- 2 The WAPC reconsidered and revised this policy in:
 - May 1998 to take account of the *Strata Titles Amendment Act 1995*. The affect of legislative changes on WAPC policy and practices was described in *Planning Bulletin 14 Amendments to Strata Titles Act May 1996*, and *Planning Bulletin 19 Strata Titles Amendment Act 1996 - Update on Policy and Practice* February 1997.
 - September 2003 to clarify the relationship of the WAPC's policy with the WAPC's policies on subdivision.
 - June 2009 to address the delegation of WAPC powers and functions to local government under section 25 of the *Strata Titles Act 1985* for 'built' strata applications, subject to



uses for this form of titling, which may necessitate the modification or expansion of this policy from time to time.

2 Policy objectives

- To clarify the procedure for the issue of certificate of approval to strata title proposals.
- To establish criteria for the determination of applications for the certificate of approval to strata title proposals.
- To ensure a consistent approach in the principles of subdivision control with particular regard to the amenity of the neighbourhood.

3 Policy measures

3.1 General requirements

3.1.1 In its consideration of applications for certificate of approval, as required by section 25 of the *Strata Titles Act 1985*, the WAPC will apply the following criteria:

- a) The development proposed for strata titles is, or will be, in accordance with all relevant provisions of the local government local planning scheme.
- b) The proposed strata subdivision will not affect a subdivision of land in situations where the WAPC would not grant the approval required by section 135 of the *Planning and Development Act 2005*.
- c) The division by strata of the development is consistent with long-term planning goals and objectives for the area concerned.
- d) The proposal is consistent with the policies of the WAPC regarding subdivision, and in particular, the standards for roads, public open space and residential design.

3.1.2 Given the increased scope for the use of strata schemes, especially for land and buildings to be divided in a manner similar to that involved in conventional subdivision, it is inevitable that circumstances will arise where a strata scheme will be found to be acceptable only on conditions that affect the parent

land parcel, eg that land required for road widening or for public open space be ceded free of cost to the Crown. In these cases, because subdivision by strata scheme is not subdivision for the purposes of sections 135 and 136 of the *Planning and Development Act 2005*, it may be necessary to require a subdivision application to be submitted and approved by the WAPC to excise from the parent lot the land required for a public purpose with the result that the strata scheme will relate to the residual parcel.

3.2 Procedure for approvals

3.2.1 Section 25 (3) of the *Strata Titles Act 1985*, clearly contemplates that unless special circumstances exist, all certificate of approval applications be lodged prior to the commencement of any development whether it is a new proposal or it involves modification to or adaptation of an existing building. The WAPC expects that the tenor of the Act will be complied with.

3.2.2 The WAPC will consider all strata subdivision having regard to this policy and to advice received from the relevant local government and servicing agencies. The WAPC must be satisfied that all strata proposals comply with the provisions of the local government local planning scheme and that the lots proposed will be capable of development.

3.2.3 The WAPC is required to refer applications for a vacant strata lot to affected authorities as set out in section 142 of the *Planning and Development Act 2005*. The WAPC is responsible for the clearance of conditions, in the same way as for conventional subdivision.

3.2.4 The creation of survey strata lots will be dealt with under part 10 of the *Planning and Development Act 2005*, which means the full involvement and responsibility of the WAPC, to the same extent as with the creation of conventional lots. Accordingly, the WAPC is able to impose conditions, including the setting aside and vesting of reserves where appropriate.

3.2.5 With respect to dimensions and areas of proposed lots and their relationship to the *State Planning Policy 3.1 Residential Design Codes (Variation 1) (R-Codes)*, the WAPC will treat applications for vacant strata or survey strata subdivision which

include common property on Residential zoned land as proposals to accommodate grouped dwellings and not single houses.

3.3 Vacant strata and survey strata title lots

3.3.1 Strata schemes may show the creation of vacant strata title lots, provided that there is at least one building on any land parcel in the scheme. Alternatively, survey strata title lots consisting of surveyed land boundaries may be created and there may or may not be buildings on the land but the buildings do not form part of the strata scheme. This brings such schemes very closely in line with conventional freehold subdivisions. The WAPC believes that although the strata subdivision system is more flexible than freehold subdivision, there are considerations which will be

accordance with *Development Control Policy 2.6 Residential Road Planning* and the *Guidelines for the Design and Geometric Layout of Residential Roads*, with provision for the road pavement and verges for pedestrian access, landscape and public utilities. Verge widths may be reduced if acceptable alternative provision for pedestrian access, landscape and utility provision is made.

- f) In respect of larger schemes, that adequate road access will be available and that the scheme, if approved, complies with the standard requirements with respect to the provision of public open space. Also, the WAPC will ensure that any such strata scheme does not prejudice the proper overall planning of a locality, in particular the establishment of an effective road network to and within that locality.

Non-residential

- a) The proposed lot or lots will be capable of development in accordance with the provisions of the local planning scheme, including compliance with the appropriate development standards.
- b) The proposed lot or lots will be capable of being appropriately serviced, particularly with reticulated water and, if relevant, deep sewerage facilities. In the absence of deep sewerage, the WAPC will wish to satisfy itself that land areas and soil conditions are such as to ensure effective operation of on-site wastewater disposal systems.

3.3.5 In order to satisfy itself with respect to these matters, the WAPC may require the submission of concept or sketch plans showing a form of development which complies with all relevant development standards and requirements, and also may undertake consultation with other affected bodies. In the latter regard, while every

Appendix 1 - Examples of strata title schemes

The following are representative of some of the strata schemes which have been considered by the WAPC since 1 July 1985:

a) Conventional schemes

- i) The division of multi-storey residential buildings into dwellings usually referred to as home units.
- ii) The division of multi-storey office buildings into separate office suites.
- iii) The division of grouped housing projects into their component dwelling units.
- iv) The division of shopping centres and warehouse/showroom/factory-unit development into their component units.

b) Extensions to conventional schemes

- i) The division of multiple and grouped housing projects but with allocation of land in the form of gardens, courtyards, car parking spaces or garages as part of the lots.
- ii) The division of grouped housing projects into lots only with no common property.
- iii) The division of office buildings, shopping centres and industrial complexes into their component units; each lot also containing service courts, parking spaces and loading facilities etc.

c) New techniques and schemes

- i) The division of land into vacant strata titled lots with private roads and infrastructure, provided that there is at least one building on any parcel of land which is the subject of a strata scheme.
- ii) For equestrian centres, the division of land into strata lots with the exercise track, jumping area etc set out as common property.
- iii) The division of land associated with marinas for pens, clubrooms and storage areas.
- iv) The division of motels to create lots for each motel unit.
- v) The division of land into survey strata lots defined by surveyed land boundaries. No buildings need to be shown on the plan, although this type of strata can be used where there are existing buildings.