

# GREEN TITLE

## WHAT IS IT?

- Totally freehold land – owners have complete freedom.
- Considered the best type of title.
- Buildings are not shown on the Subdivision Plan.
- Common property is not allowed.

## ADVANTAGES

- Allows new titles to be created first without having to build on the lots.
- If the process is started at the right time, you can obtain new titles long before a new development is totally finished on site.
- Each lot owner has complete freedom in what they can do on their lot.
- In some areas a Green Title lot may be easier to sell.
- In some areas purchasers may pay more for a Green Title lot.

## DISADVANTAGES

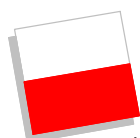
- Can be more difficult to achieve, especially if doing a Battle-axe scheme.
- Most expensive way to subdivide (in terms of Surveying fees).
- Each owner has no control over what the other lot owner(s) do on their lot(s).
- The WA Planning Commission (WAPC) must approve all Green Title subdivision applications. The WAPC is more difficult and less flexible than the Local Council when interpreting the rules to subdivide. They can also impose difficult conditions that would not be imposed by the Local Council.
- What the Local Council approves in its Development Application, be it outside the R-Codes or whatever, DOES NOT guarantee that the WAPC will approve a Green Title Subdivision under the same configuration.
- Any proposed vacant lots must be clear of all buildings and have all services supplied to it (water, sewer, power, drainage) BEFORE new titles can be obtained.
- Lots CANNOT share any services – each lot must have DIRECT access to the sewer mains, water mains, underground power dome, etc. This can dramatically increase costs.
- Any proposed lots with an existing building must comply and have car bays and a driveway completed BEFORE new titles can be obtained.
- Minimum building setback distances between buildings and proposed boundaries may be more difficult to achieve.

## PROCEDURE

- Put simply: a Green Title subdivision can be done at any time before, during or after construction, HOWEVER;
- NOTE: IF A SUBDIVISION IS IN PROGRESS THE AUTHORITIES WILL NOT ISSUE A 2<sup>ND</sup> BUILDING LICENSE UNTIL THE SUBDIVISION IS TOTALLY COMPLETED.

See Flowchart attached.

## COSTS



**COTTAGE & ENGINEERING  
SURVEYS**

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## OTHER COSTS AND WORKS

- Water Corporation: see separate section.
- Western Power: see separate section.
- Local Council (depending on the circumstances):
  - Car bays (for existing house only)
  - Demolition, site clearing, grading and drainage of any proposed vacant lots or driveways
  - Removal of any septic tanks
  - Removal / upgrading / construction of crossovers
  - Modification of any buildings / walls / windows to meet building setback requirements (for existing house only)
  - Stormwater drainage
  - Construction of any unmade Right Of Way abutting the lot
  - Retaining walls (in need)
  - Engineer's reports (in need)
  - Development Application (in need)
  - Local Council Scheme costs (in need)
  - Public Open Space contributions (in need).

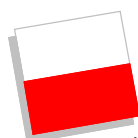
## HANDY TIPS

### Lot Sizes

- Lot sizes must comply with the minimums required in the R-Codes.
- The WAPC will allow a bonus of up to 5% on undersized lots, but will only approve under special circumstances.
- Corner truncation areas (UP TO A MAXIMUM OF 20m<sup>2</sup>) can be included when calculating average or minimum lot sizes.
- In some circumstances part of a rear Right Of Way or Public Open Space (UP TO A MAXIMUM WIDTH OF 2m) can be included when calculating average or minimum lot sizes.
- If there is an existing house to remain, when designing proposed boundaries consider the following requirements:
  - Driveway / Pedestrian Access Leg width / position
  - Building setback distances
  - Site Coverage
  - Outdoor living areas
  - Car bays, vehicle access, reversing.

### Construction

- IF A SUBDIVISION IS IN PROGRESS THE AUTHORITIES WILL NOT ISSUE A 2<sup>ND</sup> BUILDING LICENSE UNTIL THE SUBDIVISION IS TOTALLY COMPLETED.
- Using a duplex as an example, if you want to build two new houses (or a 2<sup>nd</sup> house) ASAP but haven't started the subdivision:
  1. Obtain the building license from the Local Council UNDER STRATA – this means you may need to alter the design to comply with Strata requirements
  2. Obtain the building license from Water Corporation
  3. Make sure all trades / service contractors are FULLY aware that all services must be separate for Green Titles
  4. Commence construction
  5. Contact Cottage to commence the subdivision process.



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## Street Frontage

- For Side-by-side and Corner lot schemes, each proposed lot must achieve the minimum street frontage required in the R-Codes.

## Driveways

- Must be a minimum of 4m wide.
- 4m is the absolute minimum width – the house wall and all of its attachments (eaves, gutters, down-pipes, air conditioners, hot water units, etc.) must be at least 4m clear of the boundary.

## Pedestrian Access Legs

- Must be a minimum of 1.5m wide.
- 1.5m is the absolute minimum width – the house wall and all of its attachments (eaves, gutters, down-pipes, air conditioners, hot water units, etc.) must be at least 1.5m clear of the boundary.

## Intrusions

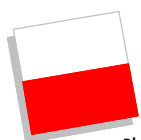
- Intrusions and wall attachments (house, garage, store, etc.) are not allowed to encroach into another lot owner's property.

## Services

- Lots CANNOT share any services – each lot must have DIRECT access to the sewer mains, water mains, underground power dome, etc.

## Restrictive Covenants

- At the start of any development ALWAYS CHECK THE TITLE FOR RESTRICTIVE COVENANTS - get a copy of any Covenant document and find out what the restrictions are. Some Covenants only allow one dwelling on the lot, thus by doing a subdivision you are potentially breaching the Covenant - new titles will issue but future owners will breach the covenant if they build.
- If in doubt, the Client should seek legal advice – do not try to interpret the Covenant.



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