

## 8.13 – HOMESTEAD SUB-DIVISION

### 1. POLICY PURPOSE

To provide the requirements and characteristics of Homestead lot sub-division within the Shire of Merredin (the Shire). The Shire has prepared this policy in draft form for discussion. The aim is to adopt the policy as an integral part of the Council's Local Planning Strategy to provide a clear picture of the Council's position on the creation of homestead lots.

### 2. POLICY SCOPE

The sub-division of land in the General Farming Zone to change the use to rural residential.

The assessment and approval of sub-division is the job of the Western Australian Planning Commission (WAPC). The Shire will provide assistance to the WAPC in its assessment.

### 3. LEGISLATIVE REQUIREMENTS

*Planning and Development Act 2005 [WA]*

*State Planning Policy 2.5 – Rural planning [WA]*

*Development Control Policy 3.4 – Subdivision of Rural Land [WA]*

### 4. POLICY STATEMENT

#### 1. DISCUSSION

Much of the Wheatbelt region of Western Australia was established in the 1890s. The heirs of the original settlers (farmers) are now at, or near, retirement age. Many of these farmers wish to stay on the land in their homesteads but are no longer able or prepared to continue farming. ABS data shows an increased average age of people living in rural WA.

The Council acknowledges that many residences associated with farming properties have been vacated over the last 30 years due to modernisation, mechanisation and the need to sow larger farm areas to maximise economies of scale. In the late 1970's Merredin had approximately 220 farms compared with less than 150 in 2006.

Two situations exist. The first is where some homesteads have been vacated as they are no longer required by the farmers. These dwellings already exist but cannot be purchased by others without clear title for the prospective purchaser. This is a clear waste of the already established infrastructure as it could well be used by others seeking a rural lifestyle but with work in town. ABS statistics (2001) indicate that 16% (or 194) of the Shire's dwellings were vacant.

The second is where the farmer wishes to stay in the homestead but wishes his farm to be managed by either his heirs or a third party. In either case the new farm managers may need to build a new dwelling, but cannot do so without the security of Title to the land. The creation of a separate lot is necessary to do this.

Experience shows that excisions of homestead lots do not necessarily lead to the construction of

Formatted: Right: 2.25 cm

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Right: 0.15 cm, Space Before: 6 pt, After: 6 pt

Formatted: Heading 3, Right: 0.15 cm, Space Before: 6 pt, After: 6 pt, Tab stops: 2.09 cm, Left

Formatted: List Paragraph, Right 0 ch, Space Before: 6 pt, After: 6 pt

Formatted: List Paragraph, Right 0 ch

Formatted: Right: 0.15 cm, Space Before: 6 pt, After: 6 pt

an additional dwelling. Often the original lot is usually part of a larger farm that already has an alternative existing homestead.

## 2. CURRENT WAPC POLICY

The current WAPC Policy (DC 3.4) is shown below.

- 4.3 Subdivision for Homestead Lots**
- 4.3.1 Homestead lots can be considered in rural areas where:
- (a) There has been a declining population over two intercensal periods<sup>1</sup>;
  - (b) The local planning strategy - settlement strategy and the town planning scheme provide guidance on acceptable minimum lot sizes and servicing requirements; and
  - (c) The creation of homestead lots will not generate any additional needs for the provision of government and community services.
- <sup>1</sup> By comparing census collection districts (CCD) for any given area.

The Council does not support the policy parts a) and c) for the following reasons;

### a) A Declining Population

The policy requires a declining population over two intercensal periods (by comparing CCDs) for any given area. The shape and extent of CCDs are not consistent through each Census making analysis and measurement of populations between CCDs very awkward and cumbersome. The relevance of a CCD to change is questionable in rural areas, especially where some rural CCDs can be very small and changes in population counts misleading. The CCD boundaries do not exactly align with Local Government boundaries or townsite boundaries.

Nearly all DPI population forecasts have projected most Wheatbelt Shires to have decreasing or, at best, static, populations for the foreseeable future. Only those Shires closer to the Metropolitan Area of Perth may see some spin-off from the encroachment of the urban fringe.

The Shire of Merredin has 10 CCDs covering the Shire, north and south Merredin townsites, and north and south rural areas. Advice indicates that CCDs were designated for each Census collector to deal with around 200 houses. The Shire may have originally had 2,000 houses (or 6,000 people at 3 people per house) but only has 1,214 houses and a population of 3,768 as at the 2001 Census.

### c) Generating Additional Need for Services

The Council considers the creation of homestead lots will not generate any undue additional need for government and community services.

The following details each service infrastructure component and how the creation of a homestead lot may impact on the successful continuance of that service to the rural areas.

## ROADS

### Background

The Shire of Merredin, established in early 1900s like many Wheatbelt Shires, has an established road network system that has been maintained and operational for many decades. The Shire currently has 565 kilometres of sealed road (mainly the Great Eastern Highway and inter town roads) and 816 kilometres of unsealed roads.

### Status

All existing farms are serviced by Shire roads that were established many decades ago. The Shire's population was around 4,900 in 1976 (Source: Local Planning Strategy, Merredin). Some of these roads only service one or two farms and are considered to be under-used.

#### *Impact*

The creation of additional homestead lots will not have an impact on the road infrastructure or on-going maintenance costs.

#### *Policy*

The Council will only support the creation of a homestead lot where it is to be serviced by an existing Shire Road (see Appendix 1) or the subdivider/developer is prepared to construct and maintain any new public road to MRWA standards for a period of not less than 10 years.

### **POWER**

#### *Background*

Power to the Shire is via the State Grid system and is distributed throughout the Shire. This comprehensive network services all dwellings in the Shire. The Council is not aware of any alternative power systems in the Shire.

Circa 1950 there was a statewide agreement between groups of farmers and the State Government for the provision of power supplies to the rural areas. These supplies were initially established and funded by the State, but then paid for by the local farmers over an agreed period of 33 years.

#### *Status*

Various areas of Merredin were subject to this agreement leading to a network that was designed to service a demand base much greater than the existing population can create.

#### *Headworks Policy*

In 2001 the State Government introduced headworks charges for all new development. For example a charge of over \$3500 applies to the construction or creation of every 'Single Residential Equivalent'. This charge is in addition to the actual cost of physically extending the supply to the residence or lot. The headworks charge was designed to cater for the upgrade or increased maintenance needs of the supply on the basis of 'user pays'.

The imposition of this headworks charge levied on existing farmers could be considered inequitable (or double dipping) as the farmers have already paid for the existing infrastructure.

#### *Impact*

There will be no additional impact on the existing power supply system as it was originally installed and designed to cater for a population of over 4,900. However if the power authority considers there will be additional demands on the system it will impose an appropriate headworks charge.

#### *Policy*

The Council will support the creation of a homestead lot where an existing power supply is already provided, or where the subdivider/developer is prepared to enter into an agreement with the appropriate provider to service the land.

### **WATER**

#### *Background*

The Shire's water supply originates from the Mundaring/Goldfields pipeline and is distributed

throughout the Shire. Circa 1900 the Water Corporation, Local Government and local farmers, through grant applications, extended the water supplies into many rural areas that were not already supplied with a potable water service.

#### *Status*

The Council believes that all properties are currently serviced with a potable water supply from the mains system. Where there is no potable water supply the applicant shall install rainwater tanks with a minimum capacity of 100,000l

#### *Impact*

There will be no additional impact on the existing water supply system as it was originally installed and designed to cater for a population of over 4,900. However if the water authority considers there will be additional demands on the system it will impose an appropriate headworks charge.

#### *Policy*

The Council will support the creation of a homestead lot where an existing water supply is already provided, or where the subdivider/developer is prepared to enter into an agreement with the appropriate provider to service the land.

### **TELECOMMUNICATIONS**

#### *Background*

The majority of properties were provided with telephone land lines around the 1960s onwards.

#### *Status*

These original services have been supplemented by the addition of other communication methods including satellite dishes, satellite phones and mobile phone coverage, including CDMA (over the whole Shire) and mobile net digital coverage in the Merredin townsite.

#### *Impact*

The existing system is based on 'user pays' and offers many alternatives.

### **FESA AND EMERGENCY SERVICES**

#### *Background*

Rural emergency response, with the exception of Police, is based on volunteers with support from St John's Ambulance, FESA and Local Government which substantially underwrites the provision of the service.

#### *Status*

There are two ambulances and road emergency response groups, 5 fire brigades and one town brigade (for structural fires) with further access to additional infrastructure from surrounding local governments. A larger community will provide a greater access to human resources for volunteer duties.

#### *Impact*

There is a potential for increased demand on emergency response services. These services are voluntary and have minimal impact on government infrastructure demands. For example, it may result in a new ambulance being needed every 10 years instead of 11 years.

### **RUBBISH**

#### *Background*

Rubbish collection in the townsites has been administered by the Shire since the inception of the Health Act (1911).

Rubbish collection in the rural areas has been largely ignored by State and Local Government – to this day.

#### *Status*

The Shire provides a rubbish collection service to all properties within the townsite of Merredin and to all rural properties abutting inter town routes including Merredin Road, Bruce Rock, Doodlakine, Quairading and Great Eastern Highway to Kellerberrin.

#### *Impact*

There is a potential for increased demands for domestic putrescible waste services with every new dwelling.

#### *Policy*

The Council will not approve, or support, an application unless arrangements, to the satisfaction of the Environmental Health Officer, have been made for the disposal of putrescible waste. The Council will continue to provide a general rubbish collection service to the town and rural properties.

### **EDUCATION FACILITIES**

#### *Background*

Within all regional local government boundaries are school bus routes providing transport services to local primary and district high schools and to regional high schools. The local government continually liaises with providers to ensure assigned routes are properly maintained. These routes are fluid and change annually due to the mobility of the population. The Shire of Merredin is advised annually of school bus routes and any changes that are required.

The local district high school has the capacity to accommodate another 100 children. There are three schools located within the town site of Merredin.

#### *Status*

A bus route for up to 50 high school children exists between Merredin and Kellerberrin (55 kilometres west). Currently 30 children take this 110 kilometre round trip daily during term time. A similar service operates between Bruce Rock (50km SW) and Merredin and Nungarin (39km NW) and Merredin.

There is an extensive school bus route system within Merredin Shire which is maintained by the Shire.

The routes service existing rural properties and parents agree where to meet the school bus along the route.

The school bus routes are always subject to change.

#### *Impact*

There exists the potential for further demand on services and minor increases in road maintenance. This increase is seen as a positive impact as it makes better use of an existing service.

#### *Policy*

The Council supports the better use of the existing school bus service, however has little to no

impact on its operation. The Council has no issue with the minor increase in road maintenance costs as it far outweighs the benefit of having a more sustainable community.

**OTHER GOVERNMENT SERVICES**

*Background*

As previously mentioned, the Shire’s service infrastructure was originally designed for a far greater population than currently exists today. Local government provides many other services than those detailed above.

*Status*

These other services include Library, health, building, planning, salinity monitoring, animal control, tourism and other general duties.

*Impact*

There will inevitably be an increase in demands on these services, but they are already set up to cater for far greater numbers that currently exist.

*Policy*

The Council will welcome increased demands as this implies an increased population base, more rates and more income.

**3. COUNCIL POLICY**

The Council is keen to allow the continued use of homestead dwellings by supporting the excision of the homestead on a land area of between 4 and 10 hectares. The Council may support an alternative size under special circumstances.

Where the farm has more than one lot or location, the Council may request that the creation of the homestead lot be created by a boundary adjustment rather than the creation of a new lot.

Where the farm consists of only a single lot or location the policies relating to each of the services (detailed in this policy) shall apply.

**4.1 Circumstances for rural sub-division**

To provide guidance on the circumstances the WAPC will approve a homestead lot sub-division.

**Guidelines**

Sub-division of rural land is only approved in exceptional circumstances. The following are the exceptions relevant to the creation of homestead lots:

- a) To realign lot boundaries with no increase in the number of lots, where there will be no adversely affected rural land uses.
- To allow for the continued occupation of existing homesteads when they are no longer used as a part of a farming operation.

b)

**4.2 Lot Realignment**

To provide guidance for the requirements of realignment of existing plots.

**Guidelines**

For some residential properties, a homestead plot exists on the property but does not include the homestead. When no changes in land use and/or landforms are proposed, applications for property rationalisation may be unconditionally approved.

The requirements for the rationalisation of lots include the following:

Formatted: Right 0 ch, Space Before: 6 pt, After: 6 pt

Formatted: Space Before: 6 pt, After: 6 pt

Formatted: Right 0 ch, Space Before: 6 pt, After: 6 pt

Formatted: Font: (Default) +Body (Calibri), 12 pt

Formatted: Space Before: 6 pt, After: 6 pt

Formatted: Right 0 ch, Space Before: 6 pt, After: 6 pt

Formatted: Space Before: 6 pt, After: 6 pt

- a) There is no increase in lot numbers;
- b) The new boundaries improve environmental and land management practices and minimise adverse impacts on rural land use;
- c) No new roads are created, unless supported by the Shire;
- d) New vehicle access points to state roads are minimised;
- e) That an appropriate buffer from adjoining farming uses and water is provided; and
- ~~f) May have notifications placed on title advising that the lot is in a rural area, and may be impacted by primary production~~

f)

#### 4.3 Lot Requirements

To provide guidance on the requirements for the creation of a homestead lot sub-division.

##### Guidelines

For a homestead lot to be approved by the WAPC, the following requirements must be met:

- a) Area size of 1 to 20ha.
- b) Adequate water supply for domestic, land management and fire management purposes.
- c) The homestead lot has access to a constructed public road
- d) The homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses
- e) A homestead lot has not been excised/removed from the farm in the past
- f) The **balance lot** is suitable for the continuation of rural land use, and generally with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property
- g) The dwelling must be of a habitable standard, certified as habitable by the local government.

Where there are several existing and approved dwellings on the rural lot, more than one homestead lot may be considered.

Additional requirements for the approval of homestead lots are set by the Shire of Merredin Local Planning Scheme, which require that:

- a) The dwelling on the rural lot has been established for at least 15 years;
- b) The lot has access, or provides and maintains access, to an existing Shire road;
- c) The homestead is connected to electricity and has reliable water supply; and
- ~~d) The disposal of putrescible waste from the homestead lot can be serviced to the satisfaction of the Shire.~~

d)

#### 4.4 Consultation

The WAPC has discretionary authority to require consultation for a proposed sub-division from a local government, public authority or a utility service provider. If consultation is requested, the authority has 42 days to provide a memorandum containing objections or recommendations in respect of the whole or part of the proposed sub-divisions plan. If no memorandum is received, the WAPC will take this as no objections or recommendations to make or advice to give.

The Council will not support the creation of more than one homestead lot from an original farming location or lot.

**Formatted:** Font: (Default) +Body (Calibri), 12 pt, Font color: Custom Color(121,109,109)

**Formatted:** Space Before: 6 pt, After: 6 pt

**Formatted:** Indent: Left: 1.25 cm, Right: 0.15 cm, Space Before: 6 pt, After: 6 pt

**Formatted:** Right 0 ch, Space Before: 6 pt, After: 6 pt

**Formatted:** Font: (Default) +Body (Calibri), 12 pt, Font color: Text 1

**Formatted:** Right 0 ch, Space Before: 6 pt, After: 6 pt

**Formatted:** Normal, Indent: Left: 0 cm

**Formatted:** List Paragraph, Right 0 ch, Space Before: 6 pt, After: 6 pt

5. KEY POLICY DEFINITIONS

**BA-balance Lot** is the residual land created from the reclassification of the lot, if the lot is divided in two by a new sub-division or road going through the lot.

Formatted: Font: Italic

**Homestead Lot** is defined as a small lot generally ranging from one to four hectares, but may be up to 20 hectares in size depending on site specific circumstances, which is excised from a larger farm holding for separate occupation, such as by a retiring farmer wishing to remain in an approved existing dwelling,

Formatted: Font: Italic

**Rationalisation** is the realignment of lot boundaries.

Formatted: Font: Italic

Formatted: List Paragraph, Right 0 ch, Space Before: 6 pt, After: 6 pt

Formatted: List Paragraph, Left, Right 0 ch

6. ROLES AND RESPONSIBILITIES

The Development Services Officer is responsible for this Policy:-

7. MONITOR AND REVIEW

This Policy will be reviewed by the Governance Officer every ~~X~~2 years.

Formatted: Space Before: 6 pt, After: 6 pt

The review will be undertaken by Executives and presented to Council biennially.

| Document Control Box       |                                        |                        |                   |                           |
|----------------------------|----------------------------------------|------------------------|-------------------|---------------------------|
| Document Responsibilities: |                                        |                        |                   |                           |
| Owner:                     | CEO                                    | Decision Maker:        | Council           |                           |
| Reviewer:                  | Governance Officer                     |                        |                   |                           |
| Compliance Requirements    |                                        |                        |                   |                           |
| Legislation                | Planning and Development Act 2005 [WA] |                        |                   |                           |
| Document Management        |                                        |                        |                   |                           |
| Risk Rating                | Medium                                 | Review Frequency       | Biennial          | Next Due MonthAugust 2028 |
| Version #                  | Action                                 | Date                   | Records Reference |                           |
| 1.                         | Adopted                                | 15 January 2008        | CMRef 29317       |                           |
| 2.                         | Reviewed                               | XX MonthXX August 2026 | CMRef XXXXX       |                           |

Formatted: Font: Italic