



Your Ref : 164482  
Previous Ref :  
Enquiries : Rosa Rigali (6551 9306)

19 January 2024

**Application No: 164482 - Lot No 340 Collgar South Rd Norpa**

The Western Australian Planning Commission has received an application for planning approval as detailed below. Plans and documentation relating to the proposal are attached. The Commission intends to determine this application within 90 days from the date of lodgement.

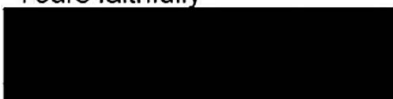
Please provide any information, comment or recommended conditions pertinent to this application by 1 March 2024 being 42 days from the date of this letter. The Commission will not determine the application until the expiry of this time unless all responses have been received from referral agencies. If your response cannot be provided within that period, please provide an interim reply advising of the reasons for the delay and the date by which a completed response will be made or if you have no comments to offer.

Referral agencies are to use the Model Subdivision Conditions Schedule in providing a recommendation to the Commission. Non-standard conditions are discouraged, however, if a non-standard condition is recommended additional information will need to be provided to justify the condition. The condition will need to be assessed for consistency against the validity test for conditions. A copy of the Model Subdivision Conditions Schedule can be accessed: [www.dplh.wa.gov.au](http://www.dplh.wa.gov.au)

Send responses via email to [referrals@dplh.wa.gov.au](mailto:referrals@dplh.wa.gov.au). **Always quote reference number "164482" when responding.**

This proposal has also been referred to the following organisations for their comments:  
*Western Power, Water Corporation, Dept Of Water & Environment Regulations, Dept Mines Ind Regulation And Safety, Dept Biodiversity, Conser & Attraction and LG Shire Of Merredin.*

Yours faithfully



Ms Sam Boucher  
Secretary  
Western Australian Planning Commission

**APPLICATION DETAILS**

<b>Application Type</b>	Subdivision	<b>Application No</b>	164482
<b>Applicant(s)</b>	[REDACTED]		
<b>Owner(s)</b>	[REDACTED]		
<b>Locality</b>	Lot No 340 Collgar South Rd Norpa		
<b>Lot No(s).</b>	340	<b>Purpose</b>	Rural
<b>Location</b>		<b>Local Gov. Zoning</b>	General Farming
<b>Volume/Folio No.</b>	1741/225	<b>Local Government</b>	Shire Of Merredin
<b>Plan/Diagram No.</b>	70530	<b>Tax Sheet</b>	
<b>Centroid Coordinates</b>	mE mN		
<b>Other Factors</b>	BUSHFIRE PRONE AREA, THREATENED ECOLOGICAL COMMUNITY BUFFER, REMNANT VEGETATION (NLWRA), DEMIRS RESOURCE REFERRAL AREA, HYDROGRAPHY ( )		



## Application for Approval of Freehold or Survey Strata Subdivisions

Lodgement ID: 2024-228840

Your Reference [REDACTED]  
 Location of Subject Property 67 Collgar South Road Norpa  
 No. of applicants 1  
 Are you applying on your own behalf? No  
 Are you the primary applicant? No  
 Do you have consent to apply from all landowners? Yes  
 Lodgement Type Subdivision  
 Submitted by [REDACTED]  
 Email [REDACTED]



### About the land

Number of current lots on the land	1	Total number of proposed lots on the land including balance lots	2
Drainage Reserves	0	Public Access Ways	0
Recreation Reserves	0	Right of Ways	0
Road Reserves	0	Road Widening	0
Number of fee paying lots	2	Number of fee exempt lots	0

N/A

### What is the proposed use/development?

Proposed Use	Lot size	Number of Lots	
Rural	Over 25 HA	1	
Rural	10 HA - 25 HA	1	
Local Government	Shire Of Merredin	Existing dwellings	Yes
Is common property proposed	No		

### Applicants

#### Primary applicant (1)

Is the applicant a company/organisation?	Yes	Is the applicant a landowner?	No
Name/Company	[REDACTED]	ABN / ACN	na
Email	[REDACTED]	Phone number	0408938007
Address			
Street address	116 Copley Road	Town / Suburb or City	Upper Swan
State	WA	Post Code	6069
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

### Certificate of Title Details

#### Lots with certificate (1)

Volume	1741	Folio	225
Lot Number	340	Plan/Diagram/Strata Plan Number	70530
Total land area	56.79	Land Area Units	Hectares
Reserve number (if applicable)	N/A	No. of landowners	2
Is the Landowners name different to that shown on the Certificate of Title?			No

### Landowners

#### Landowner (1)

Full name	[REDACTED]	Company / Agency	N/A
ACN / ABN	N/A	Landowner type	Registered Proprietor/s
Address			
Street address	[REDACTED]	Town / Suburb or City	Merredin
State	WA	Post code	6415
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

**Landowner (2)**

<b>Full name</b>	██████████	<b>Company / Agency</b>	N/A
<b>ACN / ABN</b>	N/A	<b>Landowner type</b>	Registered Proprietor/s
<b>Address</b>			
<b>Street address</b>	██████████	<b>Town / Suburb or City</b>	Merredin
<b>State</b>	WA	<b>Post code</b>	6415
<b>Country</b>	AUSTRALIA	<b>OR Non-Australian Address, P.O. Box, &amp; etc</b>	N/A

**Subdivision detail**

<b>Number of dwellings</b>	2	<b>Dwelling retained</b>	Yes
<b>Dwelling description</b>	N/A		
<b>Number of outbuildings/structures</b>	2	<b>Structure/s retained</b>	Yes
<b>Other description</b>	N/A		
<b>Structure description</b>	N/A		
<b>Is a battleaxe lot/s proposed?</b>			No
<b>Does plan show the width and length of the access leg, the area of the access leg and total area of the rear lot</b>			No
<b>Has the land ever been used for potentially contaminating activity</b>			No
<b>Does the land contain any sites that have been classified under the Contaminated Sites Act 2003</b>			No
<b>Does the land contain any sites that have been reported or required to be reported under the Contaminated Sites Act 2003</b>			No
<b>Is the land located in an area where site characteristics or local knowledge lead you to form the view that there is a significant risk of acid sulfate soils in this location</b>			No
<b>Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?</b>			No
<b>Is the development within a Bushfire Prone Area?</b>			N/A
<b>Are there any dewatering or drainage works proposed to be undertaken</b>			No
<b>Is excavation of 100 cubic metres or more of soil proposed</b>			No
<b>If yes did the Acid Sulfate Soils investigation indicate acid sulfate soils were present</b>			No
<b>Is a Termination Proposal Attached</b>			No
<b>Is a Strata Company Resolution Attached</b>			No

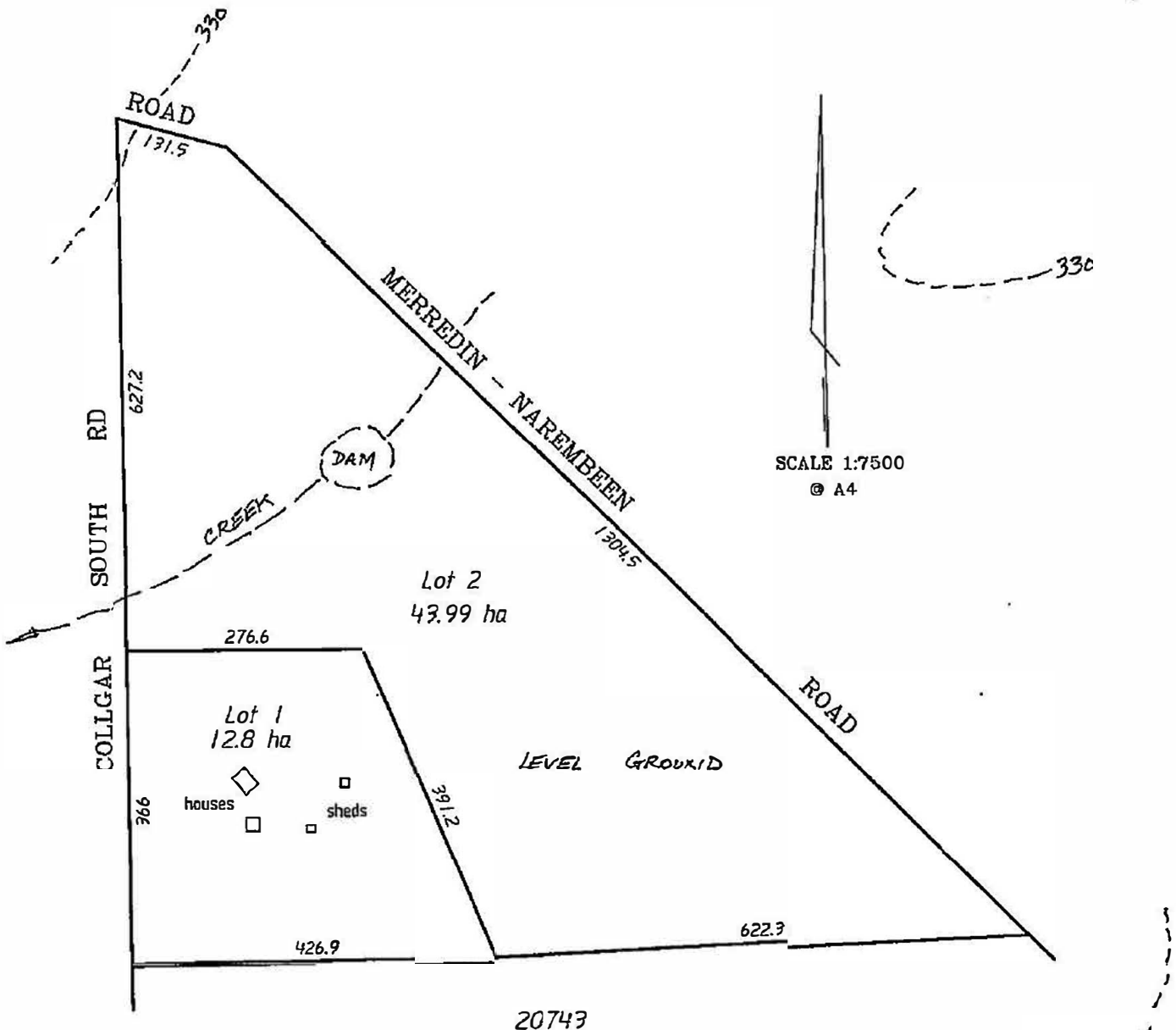
**Fee & Payment**

<b>Fee amount</b>	██████████	<b>Payment Type</b>	By Anyone
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**Attachments**

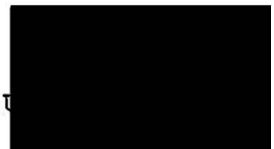
<b>Attachment name</b>	<b>Attachment type</b>
1. Consent-2.pdf	Authorised Letter of Consent
2. Consent-3.pdf	Authorised Letter of Consent
3. CT 1741-225 1-1.pdf	Certificate of Title
4. ██████████ BAL-5.pdf	Bushfire Attack Level(BAL) assessment
5. Plan-4.pdf	Subdivision Plan
6. Required Information Form-6.pdf	Required Information about the Proposal

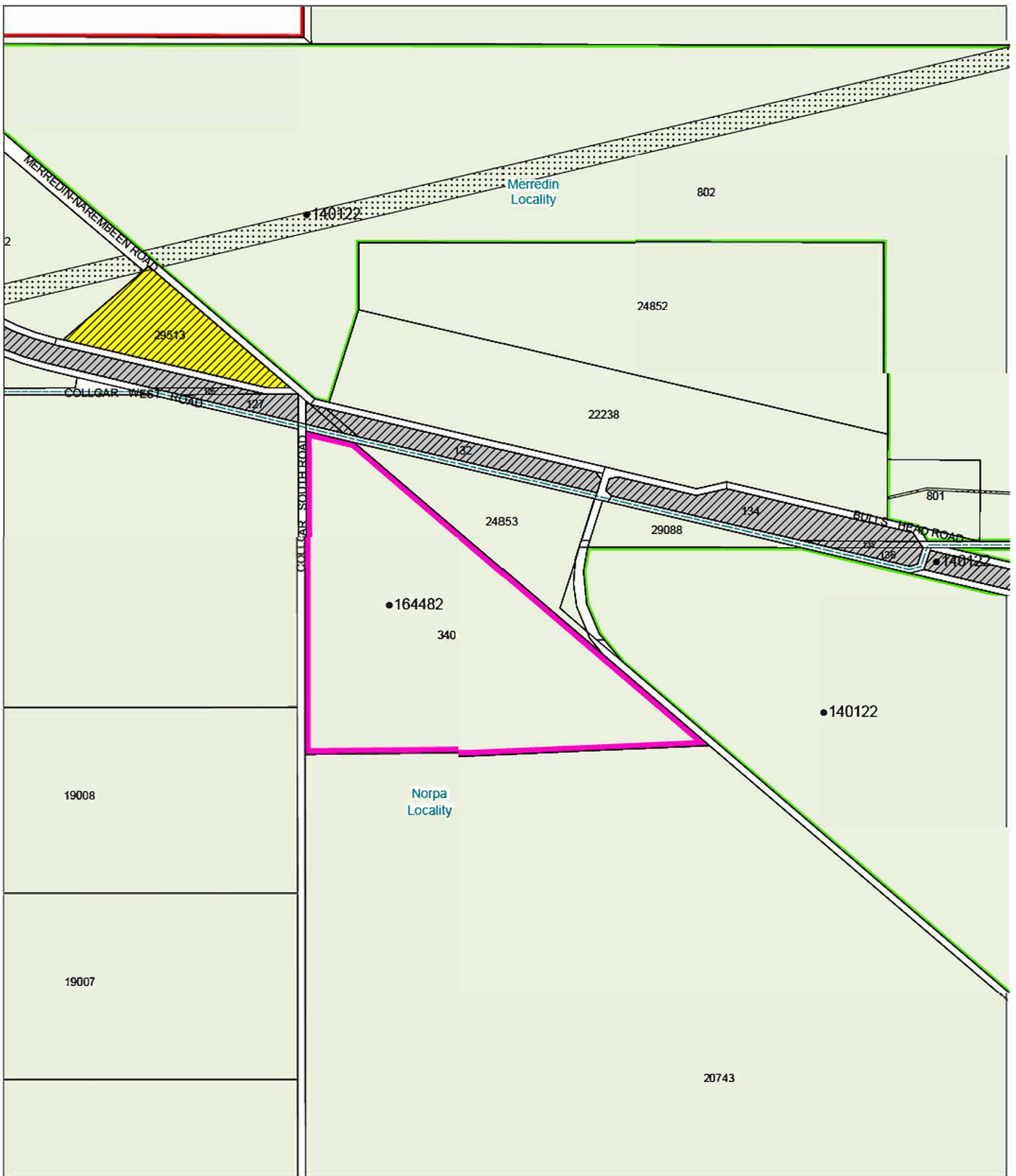
Perth	Albany	Bunbury	Geraldton	Mandurah
140 William Street	PO Box 1108	Sixth Floor	Regional Planning and Strategy	Unit 2B
Perth	Albany	Bunbury Tower	Office 10	Suite 94/16 Dolphin Drive
Western Australia, 6000,	Western Australia, 6330	61 Victoria Street	209 Foreshore Drive	Mandurah
Locked Bag 2506 Perth, 6001		Bunbury	Geraldton	Western Australia, 6210
		Western Australia, 6230	Western Australia, 6530	
Tel: (08) 6551 9000	Tel: (08) 9892 7333	Tel: (08) 9791 0577	Tel: (08) 9960 6999	Tel: (08) 9586 4680
Fax: (08) 6551 9001	Fax: (08) 9841 8304	Fax: (08) 9791 0576	Fax: (08) 9964 2912	Fax: (08) 9581 5491



- NOTES:**
1. Total area = 56.79 ha.
  2. 1 Existing lot.
  3. 2 Proposed lots.
  4. All buildings to be retained.
  5. Dimensions are subject to final survey.

PROPOSED SUBDIVISION OF LOT 340 ON DIAGRAM 70530  
67 COLLGAR SOUTH ROAD, NORPA.





**Location Plan for:  
Subdivision Application**

This data is to be used only for the processing of a Subdivision Application

Application Number: **164482**  
 Decision: **Outstanding**  
 Printed: **19/01/2024**



Produced by Data Analytics,  
 Department of Planning, Lands and Heritage, Perth WA

Base information supplied by  
 Western Australian Land Information Authority SLIP 1447-2023-1

**Application Status**

- Approved
- Outstanding

**Existing LPS Zones and Reserves**

- General farming
- Public purposes
- Railway
- Special use

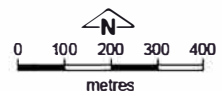
**Easements and Referrals**

- Easements

**Region Scheme Reserves**

**Localities & Local Government Boundaries**

- Local government boundary
- Locality











MERREDIN, SHIRE OF

67

971

th Rd

Merredin





# AS3959 Bushfire Attack Level Assessment Report

This report has been prepared using the Simplified Procedure (Method 1) as detailed in Section 2 of AS3959-2018.

Site Details	
Address:	Bushfire Prone Area – 67 Collgar South Road
Suburb:	Norpa
Local Government Area	Shire of Merredin
State:	Western Australia
Description of Area	Vegetation that triggers declared Bushfire Prone Area

Report Details			
Report / Job Number:	2310- 85	Report Version	1.0
Assessment Date:	7/11/2023	Report Date	11/12/2023
Assessor Details			
Name:	[REDACTED]		
Accredited Practitioner	[REDACTED]	Level 3 - BPAD 23160	

**Disclaimer:**

*This report has been prepared in good faith and is derived from sources believed to be reliable and accurate at the time of publication. Nevertheless, this publication is distributed on the terms and understanding that the author is not responsible for results of any actions taken based on information in this publication or for any error in or omission from this publication.*

*Notwithstanding the precautions adopted in this report, it should always be remembered that bushfires burn under a wide range of conditions. An element of risk, no matter how small always remains. The objective of the standard (AS 3959:2018) is 'to prescribe particular construction details for buildings to reduce the risk of ignition from a bushfire while the front passes' (Standards Australia, 2018). Building to the standard (AS 3959:2018) does not guarantee a building will survive a bushfire.*

## Site Assessment and Site Plans

The assessment of this development was undertaken on 7/11/2023 by Bushfire Safety Consulting Pty Ltd in collaboration with the land owner Peter Brown for the purposes of determining the Bushfire Attack Level Contour around an area of declared bushfire prone vegetation in accordance with AS 3959 – 2018 Simplified Procedure (Method 1). This assessment has been undertaken to provide a BAL Contour assessment of the vegetation and its impacts within 100 metres as outlined in the vegetation classification map. The declared bushfire prone vegetation is outlined below.





## Vegetation Classification

All vegetation within 150m of the declared bushfire prone vegetation was classified in accordance with Clause 2.2.3 of AS 3959-2018. Some classified vegetation within 100 metres occurs around the site.

Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below and outlined in the Vegetation Classification Plan.

**Photo ID: 1**

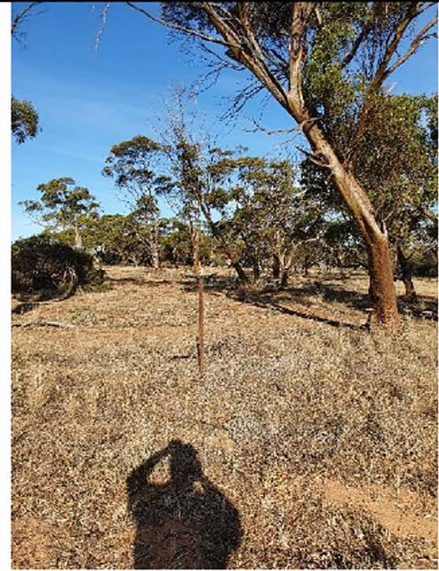
**Plot Number: 1**

**Vegetation classification or exclusion clause:**

Class: B Woodland

**Description/justification of classification:**

Salmon gum and smooth bark eucalypts with sparse canopy cover and grassy understorey.



**Photo ID: 2**

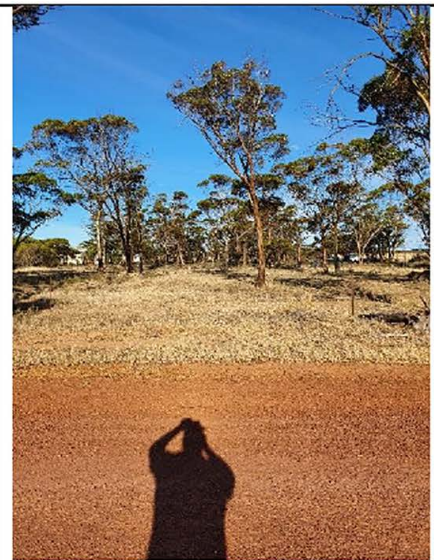
**Plot Number: 1**

**Vegetation classification or exclusion clause:**

Class: B Woodland

**Description/justification of classification:**

Salmon gum and smooth bark eucalypts with sparse canopy cover and grassy understorey.



**Photo ID: 3**

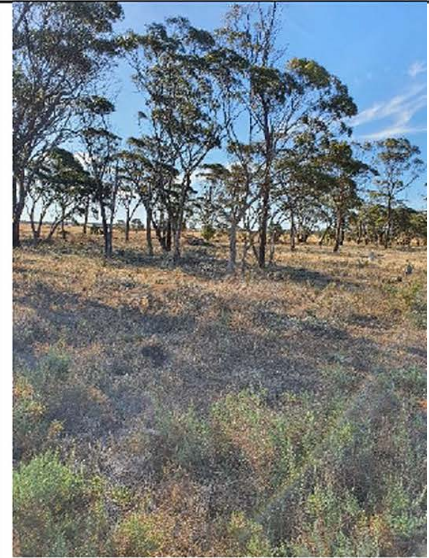
**Plot Number: 1**

**Vegetation classification or exclusion clause:**

Class: B Woodland

**Description/justification of classification:**

Salmon gum and smooth bark eucalypts with sparse canopy cover and grassy understorey.



**Photo ID: 4**

**Plot Number: 1**

**Vegetation classification or exclusion clause:**

Class: B Woodland

**Description/justification of classification:**

Salmon gum and mallee smooth bark eucalypts with sparse canopy cover and grassy understorey.



**Photo ID: 5**

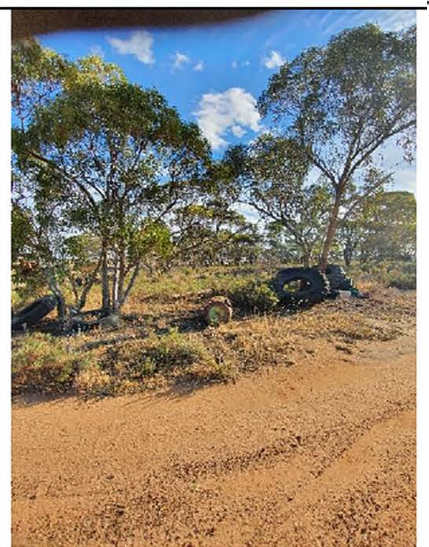
**Plot Number: 1**

**Vegetation classification or exclusion clause:**

Class: B Woodland

**Description/justification of classification:**

Salmon gum and mallee smooth bark eucalypts with sparse canopy cover and grassy understorey.





**Photo ID: 6**

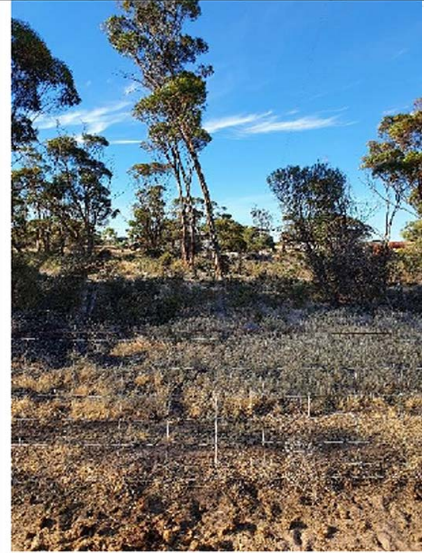
**Plot Number: 1**

**Vegetation classification or exclusion clause:**

Class: B Woodland

**Description/justification of classification:**

Salmon gum and mallee smooth bark eucalypts with sparse canopy cover and grassy understorey.



**Photo ID: 7**

**Plot Number: 2**

**Vegetation classification or exclusion clause:**

Exclusion Clause 2.2.3.2(f)

**Description/justification of classification:**

Plowed paddock for cropping.



**Photo ID: 8**

**Plot Number: 2**

**Vegetation classification or exclusion clause:**

Exclusion Clause 2.2.3.2(f)

**Description/justification of classification:**

Low grass fuels in paddock.



**Photo ID:** 9

**Plot Number:** 2

**Vegetation classification or exclusion clause:**

Exclusion Clause 2.2.3.2(f)

**Description/justification of classification:**

Plowed paddock for cropping.



**Photo ID:** 10

**Plot Number:** 2

**Vegetation classification or exclusion clause:**

Exclusion Clause 2.2.3.2(f)

**Description/justification of classification:**

Low grass fuels in paddock.



**Photo ID:** 11

**Plot Number:** 2

**Vegetation classification or exclusion clause:**

Exclusion Clause 2.2.3.2(f)

**Description/justification of classification:**

Driveways and garden and mowed grass in house paddock area.





**Photo ID:** 12

**Plot Number:** 2

**Vegetation classification or exclusion clause:**

Exclusion Clause 2.2.3.2(f)

**Description/justification of classification:**

Driveways and garden and mowed grass in house paddock area.



**Photo ID:** 13

**Plot Number:** 2

**Vegetation classification or exclusion clause:**

Exclusion Clause 2.2.3.2(f)

**Description/justification of classification:**

Driveways and garden and mowed grass in house paddock area.



**Photo ID:** 14

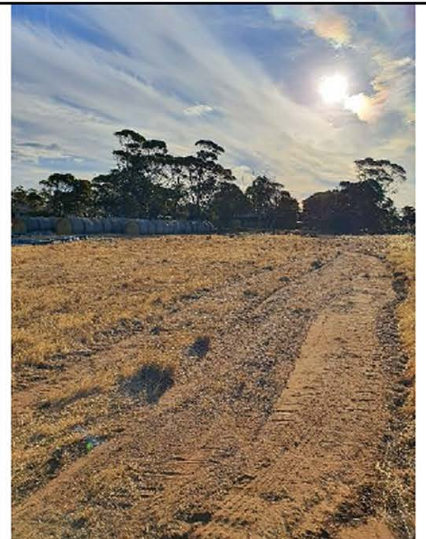
**Plot Number:** 2

**Vegetation classification or exclusion clause:**

Exclusion Clause 2.2.3.2(f)

**Description/justification of classification:**

Driveways and garden and mowed grass in house paddock area.



### Relevant Fire Danger Index

The fire danger index for this site has been determined in accordance with Table 2.1 in AS3959–2018.

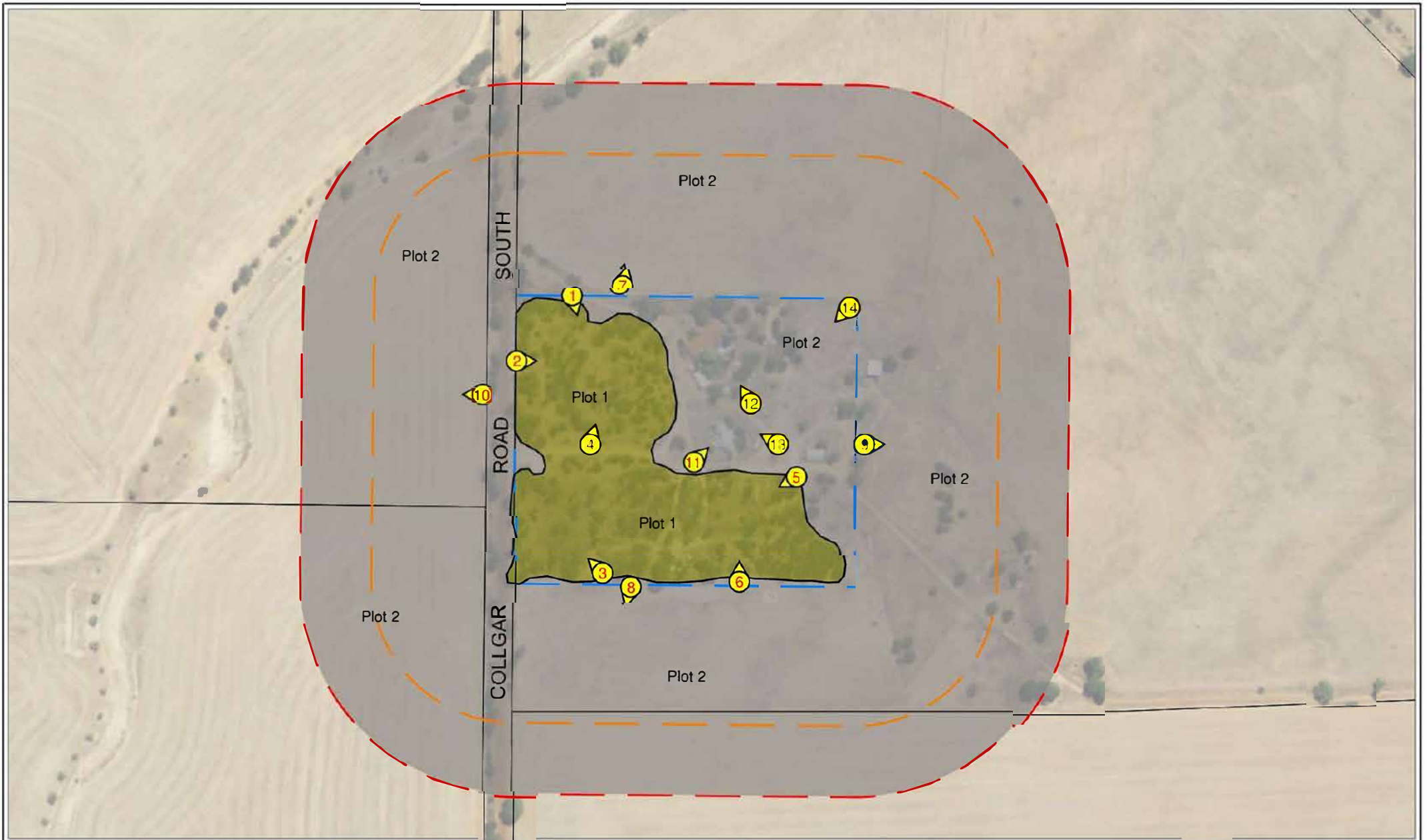
Fire Danger Index:	Table
FDI : 80	2.5

### Effective Slope

The effective slope under the classified vegetation is outlined in the following table.

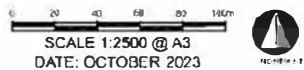
Plot No.	Classified Vegetation	Effective slope
1	Class B Woodland	Flat/upslope
2	Exclusion Clause 2.2.3.2(f)	N/A





Location details: 67 Collagar Road South  
Norpa  
Assessment date: October, 2023  
Prepared by: Bushfire Safety Consulting  
Accreditation level: Level 3 BPAD Practitioner  
Accreditation number: BPAD 23160  
Accreditation expiry date: 31st January, 2024  
Date aerial photo: March, 2016

**VEGETATION  
CLASSIFICATION MAP  
(BAL CONTOUR MAP)**

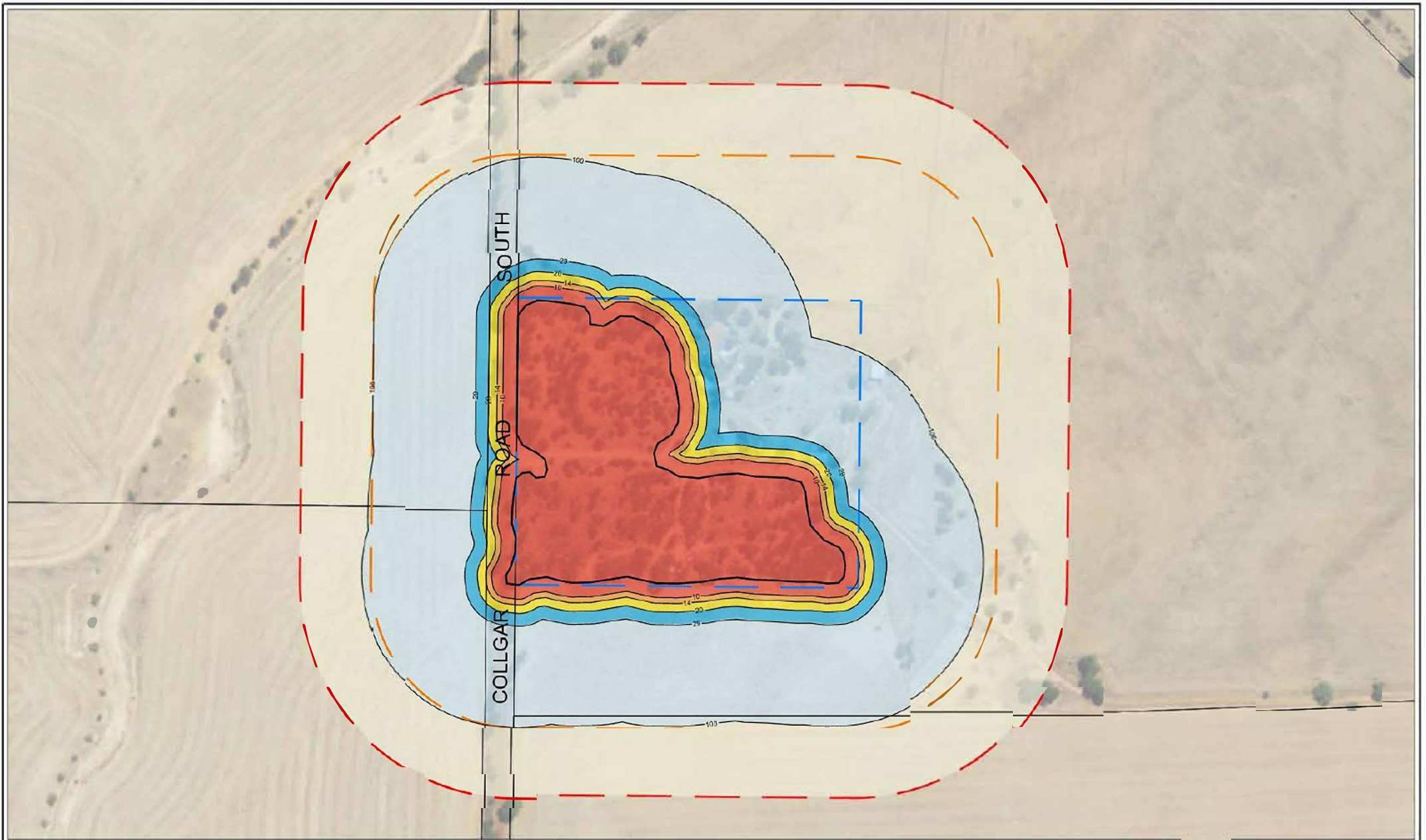


**LEGEND:**  
 SUBJECT LAND  
 ASSESSMENT AREA (150m) FROM THE EXTERNAL BOUNDARY OF THE SUBJECT SITE  
 ASSESSMENT AREA (100m) FROM THE EXTERNAL BOUNDARY OF THE SUBJECT SITE

PLOT 1 CLASS B WOODLAND  
 PLOT 2 EXCLUSION CLAUSE 2.2.3.2 (f)

SOURCE OF PHOTOGRAPHY: NEARMAP





Location details: 67 Collgar Road South  
 Norpa  
 Assessment date: October, 2023  
 Prepared by: Bushfire Safety Consulting  
 Accreditation level: Level 3 BPAD Practitioner  
 Accreditation number: BPAD 23160  
 Accreditation expiry date: 31st January, 2024  
 Date aerial photo: March, 2016

### BAL CONTOUR MAP

SCALE 1:2500 @ A3  
 DATE: DECEMBER 2023



- LEGEND**
- SUBJECT LAND
  - ASSESSMENT AREA (150m) FROM THE EXTERNAL BOUNDARY OF THE SUBJECT SITE
  - EXTERNAL BOUNDARY OF THE SUBJECT SITE
  - ASSESSMENT AREA (100m) FROM THE EXTERNAL BOUNDARY OF THE SUBJECT SITE

SOURCE OF PHOTOGRAPHY: NEARMAP

**INDICATIVE BUSH-FIRE ATTACK LEVELS**

- BAL LOW
- BAL 12.5
- BAL 19
- BAL 20
- BAL 40
- BAL FLAME ZONE

**bushfire safety**  
 CONSULTING  
 Science. Culture. Solutions.  
 PO BOX 84 STONEVILLE WA 6081  
 t: 08 9429 9459  
 www.bushfiresafety.net



### Potential Bushfire Impacts

The predicted radiant heat flux levels into the area surrounding the woodland from the assessment are outlined below and the BAL Contour Plan.

Applied Vegetation Classification	Effective Slope	Separation distance to Classified Vegetation (metres)	Highest BAL Contour
Plot 1 - Class B Woodland	Flat/upslope	14 metres	BAL-29
		20 metres	BAL-19
		29 metres	BAL-12.5
		>100 metres	BAL-LOW

Appendix 1: Additional Information / Advisory Notes

A Bushfire Attack Level (BAL) Assessment is a means of measuring the severity of a buildings potential exposure to ember attack, radiant heat and direct flame contact from a bushfire event, and thereby determining the construction measures required for the dwelling.

The method used to determination of the BAL rating, and subsequent building construction standards, are directly referenced from Australian Standard *AS3959-2018 Construction of buildings in bushfire prone areas*.

The BAL rating is determined through the identification and assessment of the following parameters:

- Fire danger Index (FDI) rating; assumed to be FDI-80 for Western Australia
- All classified vegetation within 100m of the subject building
- Separation distance between the building and the classified vegetation
- Slope of the land under the classified vegetation

AS3959-2018 has six (6) levels of BAL, based on the radiant heat flux exposure to the building, and also identifies the relevant sections for building construction as detailed below;

Bushfire Attack Level (BAL)	Classified Vegetation within 100m of the site and heat flux exposure thresholds	Description of predicted bushfire attack and levels of exposure	Construction Sections (within AS3959)
BAL-LOW	See Clause 2.2.3.2	There is insufficient risk to warrant specific construction requirements	4
BAL-12.5	$\leq 12.5 \text{ kW/m}^2$	Ember attack	3 & 5
BAL-19	$> 12.5 \text{ kW/m}^2$ to $\leq 19 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windbourne embers together with increasing heat flux	3 & 6
BAL-29	$> 19 \text{ kW/m}^2$ to $\leq 29 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windbourne embers together with increasing heat flux	3 & 7
BAL-40	$> 29 \text{ kW/m}^2$ to $\leq 40 \text{ kW/m}^2$	Increasing levels of ember attack and burning debris ignited by windbourne embers together with increasing heat flux with the increased likelihood of exposure to flames	3 & 8
BAL-FZ	$> 40 \text{ kW/m}^2$	Direct exposure to flames from fire front in addition to heat flux and ember attack	3 & 9





Department of  
**Planning**



Western  
Australian  
Planning  
Commission

December 2016

# DC Policy 3.4

- Subdivision of rural land

# Development Control Policy 3.4

## - Subdivision of rural land

[click to follow](#)

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#### Disclaimer

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website: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)  
email: [corporate@planning.wa.gov.au](mailto:corporate@planning.wa.gov.au)

tel: 08 6551 9000  
fax: 08 6551 9001

National Relay Service: 13 36 77  
infoline: 1800 626 477

This document is available in alternative formats on application to Communication Services.



## Background

This policy supersedes *Development Control Policy 3.4: Subdivision of rural land* (DC 3.4) (March 2012). The Western Australian Planning Commission (WAPC) is the responsible authority for subdivision approvals in Western Australia. This policy sets out the principles that will be used by the WAPC in determining applications for the subdivision of rural land. The policy is consistent with the objectives of *State Planning Policy 2.5: Rural Planning*, which establishes the statewide policy framework for rural land use planning in Western Australia.

It is recognised that other policies and planning instruments will have a direct, or indirect, influence on the implementation of this policy and as such, they should be considered where relevant.

The aims and objectives of the *State Planning Strategy* and *State Planning Policy 1: State Planning Framework Policy* are supported through the provisions of this policy. Subdivision and environmental planning proposals should consider policies such as *State Planning Policy 2: Environment and Natural Resources Policy* and *Development Control Policy 1.1: Subdivision of Land - General Principles*. Specific matters such as industrial buffers and water resources may be addressed in compliance with policies such as *State Planning Policy 4.1: State Industrial Buffer Policy*; *State Planning Policy 2.7: Public Drinking Water Source Policy*; *State Planning Policy 2.2: Gngara*

*Groundwater Protection*; *State Planning Policy 2.3: Jandakot Groundwater Protection*; *State Planning Policy 2.10: Swan Canning River System*; and *State Planning Policy 2.9: Water Resources*.

Alternatively, specific areas may require consideration of policies and instruments such as *State Planning Policy 2.1: Peel-Harvey Coastal Plain Catchment*, *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge* and the *Greater Bunbury Region Scheme*.

Guidance for the implementation of this policy, or sections of this policy, is provided through planning guidelines such as *Better Urban Water Management*, *Guidelines for Planning in Bushfire Prone Areas* and the *Rural Planning Guidelines*.

Planning policies and guidelines other than those listed above may also contain provisions applicable to the subdivision of rural land and should be read in conjunction with this policy, where appropriate.





## 1. Introduction

The changes to land use in Western Australia in the years since European settlement in 1829 have been dramatic. Subdivision, development and use of land for settlement and agriculture provided significant economic and social benefits to the State's expanding community. This growth is anticipated to continue with the State's population expected to increase to 3.5 million people by 2050.

Rural zones are generally flexible and permit a range of agricultural, commercial and industrial land uses. This policy aims to support the range of land uses that are appropriate for rural settings, while limiting the loss of this land to incompatible uses such as housing.

This policy is primarily concerned with those matters contained in Part 10 of the *Planning and Development Act 2005*, which deals with the subdivision of land separate from the Crown, and sets out the functions of the WAPC in its operation of that Part. For the purpose of the policy, subdivision includes the creation of a new lot or multiple lots; the amalgamation of existing lots; and any other dealings in land that require a decision by the WAPC, including the creation of survey strata lots.

In determining subdivision applications, the WAPC will seek to ensure that the broad objectives contained in Section 2 of this policy are met and may impose conditions on an approval to secure these objectives. In addition to the provisions of this policy the WAPC will have due regard to:

- the provisions of a local planning scheme;
- a local planning strategy or local rural strategy;
- applicable region schemes;
- applicable regional strategies;
- relevant State planning and operational policies;
- the individual merits of the proposal; and
- existing precedent(s) or any potential precedent the proposal may create.

## 2. Policy objectives

This operational policy guides the subdivision of rural land to achieve the key objectives of *State Planning Policy 2.5: Rural Planning*, which are to:

- (a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;
- (b) provide investment security for existing, expanded and future primary production, and promote economic growth and regional development on rural land for rural land uses;
- (c) outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;
- (d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;
- (e) avoid and minimise land use conflicts;
- (f) promote sustainable settlement in, and adjacent to, existing urban areas; and
- (g) protect and sustainably manage environmental, landscape and water resource assets.



### 3. Rural living

It is the policy of the WAPC that the subdivision of rural land for rural living land uses must be properly planned through the preparation and endorsement of strategies and schemes and be zoned accordingly in local planning schemes prior to subdivision.

Rural living is considered a residential land use and not a rural land use. Therefore, this policy does not apply to rural living proposals or subdivision. Rural living policy is outlined in clause 5.3 of *State Planning Policy 2.5: Rural Planning*.

### 4. Policy measures for more intensive agricultural uses

It is the view of the WAPC that there is an existing supply of suitably sized and located rural lots to cater for intensive and emerging primary production land uses.

Where local conditions require subdivision or creation of land parcels for this purpose, it should be provided for in a strategy or scheme and supported by evidence from the agency responsible for agriculture and food. Creation of new rural lots through ad-hoc, unplanned subdivision is considered to be inconsistent with or contrary to the objectives of this policy.

### 5. General policy provisions

It is the opinion of the WAPC that rural land uses are the highest and best use for rural zoned land. Where an alternative use is proposed, such as residential, the use must be planned in a strategy or scheme and zoned accordingly.

When determining subdivision proposals on rural land, the following measures will be applied:

- (a) the creation of new or smaller lots will be by exception;
- (b) proposals will be considered against strategies and schemes;
- (c) adequate buffer distances for sensitive and/or incompatible land uses can be achieved; and
- (d) proposals will be assessed against any relevant State planning policies and/or operational policies.

### 6. Circumstances under which rural subdivision may be considered

In considering applications under section 6, the WAPC will consider rural subdivision in the following exceptional circumstances:

- (a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;
- (b) to protect and actively conserve places of cultural and natural heritage;
- (c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;
- (d) in the Homestead lot policy area (**Appendix 2**), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and
- (e) for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.

Although the WAPC seeks to minimise the creation of new or smaller rural lots, there are some circumstances where subdivision may be appropriate in order to promote better land management and achieve environmental, cultural and/or social benefits. These forms of subdivision, which may result in



additional dwelling entitlements, are considered to provide incentives for rural subdivision. As such the remainder of this policy outlines the applicable standards for rural subdivision.

## 6.1 Significant physical divisions

The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision. The physical division in itself however, does not warrant the creation of additional or smaller lots. A significant physical division would include, but not be limited to, a controlled access highway or a river but would not generally include minor barriers such as rural roads or creeks that are commonly crossed for farm management purposes.

The WAPC may support boundary realignment where a rural property comprises multiple small titles and there is scope to resolve the physical division by rationalising multiple lots in one ownership through boundary realignments, without creating additional lots.

Lot boundaries that result in encroachments may be corrected through minor boundary realignments, provided the realignments do not adversely affect environmentally sensitive areas or create additional or smaller lots.

## 6.2 Subdivision for other purposes

New lots for existing or proposed land uses such as recreation facilities, public utilities, rehabilitation of degraded land, extractive industries, or uses necessary to the rural use of the land such as abattoirs and processing works (including buffers), may be created through subdivision. The WAPC may approve subdivision for these purposes if a development approval has been granted, or where development of the intended land use has substantially commenced. Where appropriate the WAPC may preclude sensitive land uses on the new lot(s).

The existence or approval of an ancillary dwelling, aged persons dwelling or farm workers' dwelling is not a satisfactory justification for subdivision, except as provided for in clause 6.6.

## 6.3 Property rationalisation to improve land management

Many rural properties comprise multiple titles and landowners may wish to subdivide to achieve better land management. Subdivision may also present opportunities to create access to landlocked lots. Multiple lots in one ownership may be rationalised provided that:

- (a) there is no increase in the number of lots;
- (b) the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;

- (c) no new roads are created, unless supported by the local government;
- (d) new vehicle access points on State roads are minimised; and
- (e) rural living sized lots (1-40 hectares), created as a result of the rationalisation, have appropriate buffer from adjoining farming uses and water resources, and may have notifications placed on title advising that the lot is in a rural area and may be impacted by primary production.

Former road reserves and small remnant portions of lots are not considered lots for the purpose of boundary rationalisation.

In instances where a subdivision only proposes to realign existing lot boundaries, where no change to the land use and/or landform is proposed, and no additional development is proposed, applications for property rationalisation may be unconditionally approved.

## 6.4 Conservation of heritage buildings and places

Lots may be created to facilitate the conservation of a heritage building or place provided that:

- (a) the building, object or place is listed in the State Register of Heritage Places, the Aboriginal Sites Register, the Heritage List in the local planning scheme, or has been assessed by a recognised





- heritage consultant as warranting heritage protection;
- (b) the subdivision is supported by the local government;
- (c) the allotment is of sufficient size to contain its own impacts and will not adversely affect the operation of neighbouring uses;
- (d) a Conservation Plan formulated by an appropriately qualified person, is submitted and approved; and
- (e) any urgent works required for the preservation of buildings are completed prior to the creation of the lot(s).

## 6.5 Conservation of biodiversity and natural heritage

Conservation lots may be created to conserve significant environmental features and remnant vegetation provided that:

- (a) the application includes advice from the Department of Parks and Wildlife, National Trust of Australia (WA), or another relevant agency, endorsing the suitability of the new lot for the intended purpose of retaining environmental values including:
  - (i) the adequacy of the lot size proposed (if it is less than 40 hectares) to retain the conservation value in perpetuity; and

- (ii) in-principle agreement to administer the necessary conservation covenant.
- (b) generally at least 85 per cent of the area of the conservation lot has high environmental values or is covered by endemic or regenerated vegetation and/or wetland;
- (c) the proposed conservation lot has an appropriate shape having regard for the native vegetation, natural features, bush fire management, water resources, property management and existing or proposed structures;
- (d) a conservation covenant in perpetuity with the Department of Parks and Wildlife, the National Trust of Australia (WA), or an alternative authority acceptable to the WAPC, is registered on the certificate of title as a condition of subdivision for the proposed conservation lot and that the covenant includes provisions that:
  - (i) prohibit further clearing (other than for necessary land and fire management requirements);
  - (ii) clearly delineate a building envelope and/or building exclusion area which is also shown on the subdivision plan; and
  - (iii) prohibit stocking outside any existing cleared area.
- (e) bushfire risk can be managed in accordance with WAPC guidelines without resulting in loss of conservation values; and

- (f) the balance lot is suitable for the continuation of the rural land use and retains where practical, native or regenerated vegetation as an integral part of sustainable primary production, provided that this does not result in the division of significant endemic vegetation in order to include a portion of that vegetation within the agricultural lot.

The creation of more than one conservation lot is inconsistent with the objectives of this policy. The creation of multiple conservation lots will require land to be appropriately zoned as conservation themed rural-residential or rural smallholdings with conservation covenants and building envelopes specified.

The creation of conservation lots shall continue to be considered in the Leeuwin-Naturaliste Ridge policy area in accordance with the land use strategies under *State Planning Policy 6.1: Leeuwin-Naturaliste Ridge Policy*.

Following the creation of a lot under this clause, the resultant conservation lot should be appropriately zoned by the local government in the local planning scheme in a future omnibus amendment or when the scheme is reviewed.



## 6.6 Homestead lots

The creation of homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.

Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that:

- (a) the land is in the DC 3.4 Homestead lot policy area (refer **Appendix 2**);
- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;
- (c) there is an adequate water supply for domestic, land management and fire management purposes;
- (d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;
- (e) the homestead lot has access to a constructed public road;

- (f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;
- (g) a homestead lot has not been excised from the farm in the past;
- (h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and
- (i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.

Where there are a number of existing approved dwellings on a rural lot, more than one homestead lot may be considered as a one-off application.

## 7. Other matters

### 7.1 Strata proposals

This form of subdivision may be appropriate to achieve land management or environmental protection objectives.

Strata proposals that increase dwelling entitlements on rural land are considered rural living and will be assessed in accordance with clause 5.3 of *State Planning Policy 2.5: Rural Planning*.

## 7.2 Electricity

WAPC policy is that servicing of lots be commensurate with their intended land use. As such, some forms of rural subdivision may not require an electricity supply to support the intended or existing land use. Section 6.5.1 of *State Planning Policy 2.5: Rural Planning* outlines WAPC's policy in regards to electricity requirements.

## 8. Information requirements

In considering applications for the subdivision of rural land, the WAPC requires adequate information on which to base its decisions and may require applicants to address any or all relevant matters from the list at **Appendix 3**.

Where required information is not provided the application may be considered non-compliant until such time as the information is provided.

## 9. Separate applications

Separate subdivision applications are required where there are separate groups of lots which are in different ownerships or which do not form part of one contiguous landholding.



## Appendix 1

### Definitions

Uses shall have the meanings ascribed to them in the *Planning and Development (Local Planning Schemes) Regulations 2015* made under Part 15 Division 1 of the *Planning and Development Act 2005* and *State Planning Policy 2.5: Rural Planning* unless defined below.

### Conservation covenant

A conservation covenant is an agreement between a landowner and a designated conservation covenant agency such as the National Trust or an environmental agency, which protects and enhances the natural and cultural values of the land. The conservation covenant is restrictive in effect and is registered on the property, binding all future owners. Conservation covenants have the force of statute, and should be distinguished from common law covenants. Unlike common law covenants, conservation covenants are generally permanent 'in perpetuity'.

### Homestead lot

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.

### Restrictive covenant

A notice on a Certificate of Title restricting the use or enjoyment of certain land for the benefit of other land and binding on every owner of the burdened land having notice of the covenant.

A covenant indicates to owners and prospective purchasers that pre-existing conditions relating to the subject land may influence the ability to use and develop the land.

### Water supply - non-potable

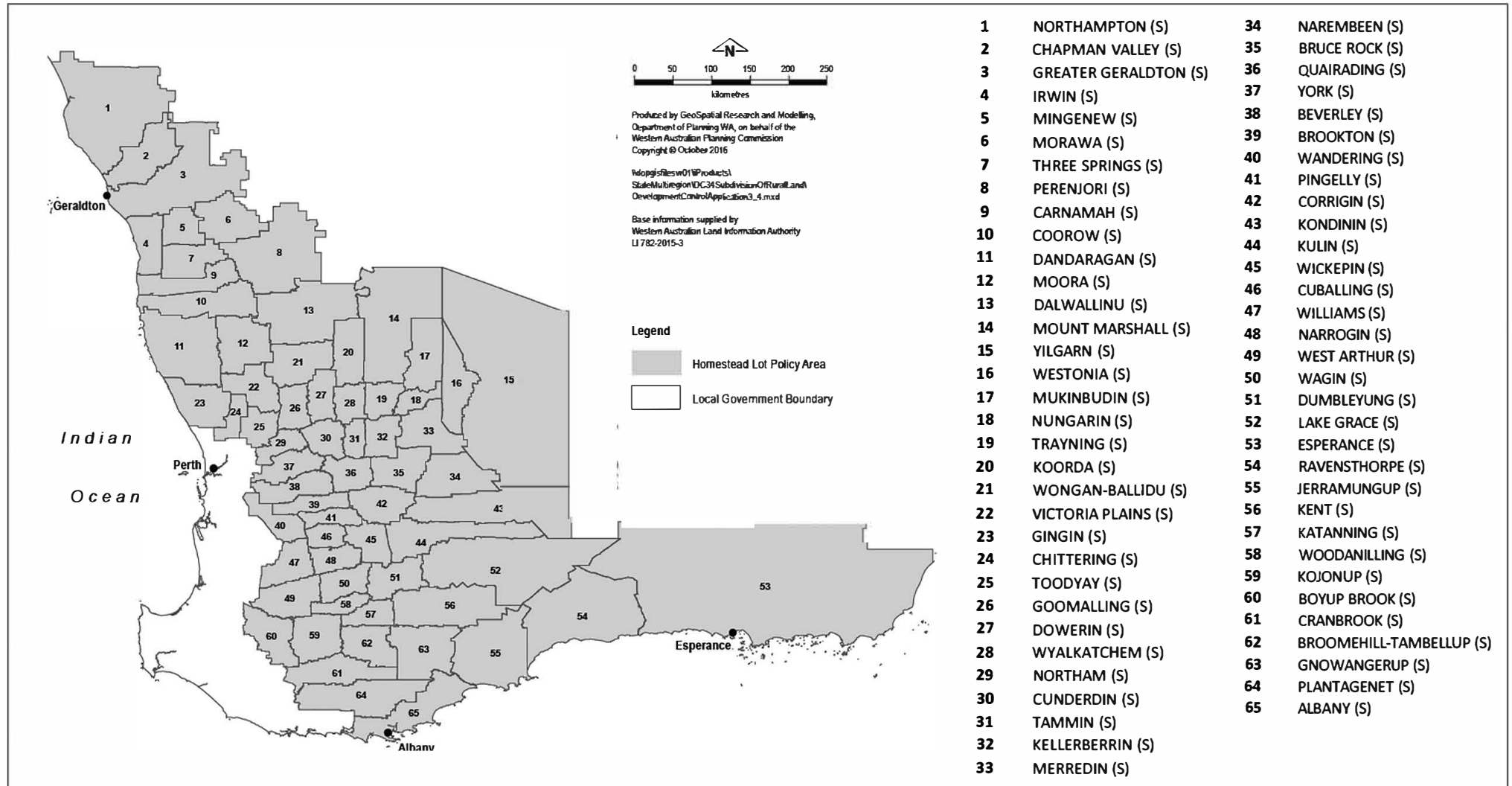
Water required outside the dwelling which may include, but is not limited to, firefighting, stock, horticulture, domestic gardens, re-vegetation and wash down areas.





## Appendix 2

### Homestead lot policy area





## Appendix 3

### Additional information to support subdivision applications

In accordance with Section 8 of this policy, applicants are encouraged to address the following matters, where relevant, in support of their application for subdivision:

- (a) a statement explaining the intent of the subdivision and any relevant background information;
- (b) whether each lot has a sustainable water supply for domestic, fire management and agricultural purposes, including, if relevant, the need for and proximity to existing services and infrastructure, and details of the service provider;
- (c) whether subdivision boundaries have been designed to reflect sound planning and land management principles;
- (d) whether a proposal complies with the performance criteria and standards specified in the relevant guidelines for bushfire protection, including appropriate access and egress in case of emergency;
- (e) how the proposal relates to adjacent properties, reserves, roads and existing and proposed adjoining land uses;
- (f) whether the subdivision would prejudice future urban expansion;
- (g) whether there are any significant noise sources or other potential forms of nuisance to the proposed use;
- (h) whether a previous use has resulted in contaminated soils or the use of construction and demolition waste for filled areas;
- (i) whether there are any heritage features including archaeology and any sites of Aboriginal significance or claims on the land;
- (j) any potential adverse environmental impacts of the proposed subdivision;
- (k) any potential adverse impacts on amenity and/or health, such as noise, dust and spray drift;
- (l) whether the proposal is consistent with the provisions of a WAPC endorsed strategy or scheme operating in the district; and
- (m) the capability of the land to support the proposed land use.