

## State Planning Policy 2.5

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# Land Use Planning in Rural Areas

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# **State Planning Policy 2.5 Land Use Planning in Rural Areas**

**Draft for Public Comment**

**Prepared under part 3 of the  
*Planning and Development Act 2005***



Western Australian Planning Commission  
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## 1 Citation

This is a State Planning Policy (SPP) made under Part 3 of the *Planning and Development Act 2005*. This policy may be cited as *State Planning Policy No. 2.5 - Land Use Planning In Rural Areas* (SPP 2.5).

## 2 Application of this policy

### 2.1 Where does this policy apply

This policy applies to rural land in Western Australia, in particular:

- land zoned for rural or agricultural purposes in a local or region planning scheme; and
- land zoned or proposed for rural living land uses.

### 2.2 When should this policy be applied

This policy should be applied at the State and local planning level, in conjunction with other State Planning policies;

- in the preparation of regional and sub-regional strategies and local planning strategies and schemes;
- when initiating or assessing amendments to region schemes or local planning strategies and schemes; and
- to guide decision-making for subdivisions in tandem with *Development Control Policy 3.4 - Subdivision of Rural Land*.

Where there is no Western Australian Planning Commission (WAPC) endorsed strategic or statutory planning instrument in place to guide decision-making, the intent and measures of this policy shall apply. If, in the view of the WAPC, the endorsed strategy or scheme is considered to be out-dated (greater than 10 years old) and inconsistent with this policy, this policy shall prevail.

### 2.3 Other policies or guidelines that relate to this policy

- SPP 2 - Environment and Natural Resources policy;
- SPP 2.4 - Basic Raw Materials;
- SPP 2.1 - Peel-Harvey Coastal Plain Catchment policy;
- SPP 3 - Urban Growth and Settlement;
- SPP 4.1 - State Industrial Buffer policy;
- SPP 6.1 - Leeuwin-Naturaliste Ridge policy;
- DC Policy 3.4 - Subdivision of rural land;
- Better Urban Water Management;
- Planning Guidelines: Planning for Bushfire Protection (Edition 2);
- Planning Guideline 2.5.1 - land use planning in rural areas; and
- other WAPC policies that may be relevant to rural land

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### 3 Background to this policy

The changes in land use in Western Australia over the years since European settlement in 1829 have been dramatic. Clearing, subdivision, development and use of land for settlement and agriculture provided significant economic and social benefits to the expanding WA community. The growth of WA's population is expected to increase to over 2.8 million by 2031, mainly due to the expansion of the mining and resources sector.

A growing economy and population will increase pressure on rural resources for a wide variety of purposes including expansion of urban settlement, economic development, infrastructure and utilities, essential services such as water, and areas for conservation, cultural and recreational purposes. Efforts are being made to contain development to existing footprints and to use existing resources more wisely but this will not be enough.

Demand pressures associated with economic and population growth are occurring in an environment where the quality and availability of rural land has declined, mostly due to natural resource degradation and climate change. Rural land resources are becoming increasingly contested leading to increased competition and conflict. WA cannot afford to be wasteful in its use of rural resources. A versatile and flexible environment in which to develop and change in response to existing and emerging drivers should be fostered so that rural land uses can be protected and allowed to develop to future needs.

### 4 Objectives of this policy

The objectives of this policy are:

- a) to protect rural land from incompatible uses by:
  - requiring comprehensive planning for rural areas;
  - making land-use decisions for rural land that support existing and future primary production and protection of priority agricultural land;
  - providing investment security for the existing and future primary production sector;
- b) to promote regional development through provision of economic opportunities on rural land;
- c) to promote sustainable settlement in, and adjacent to, existing urban areas;
- d) to protect and improve environmental, landscape and cultural assets; and
- e) to minimise land use conflicts that compromise rural land uses.

### 5 Policy Measures

#### 5.1 Protection of rural land

The WAPC considers rural land use to generally be the highest and best use of land zoned for rural purposes. As a subset of rural land, land with suitable soils, climate, water (rain or irrigation) and access to services is of State significance and is considered to be priority agricultural land. This land must be retained for food production purposes. It is the view of the WAPC that there is an existing supply of suitably sized and located lots to cater for intensive and emerging primary production land uses. The overarching policy requirements are therefore:

- a) Land use change from rural to all other uses must be planned and provided for in a planning strategy endorsed by the WAPC;
- b) Land identified as priority agriculture in a planning strategy endorsed by the WAPC must be retained for that purpose;

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- c) Beyond its principle function for primary production, rural land is also required for public purposes, natural resource management and protection of landscapes and views;
  - d) The conversion of rural land to public purposes may occur as required by the State of Western Australia; and
  - e) The use of rural land for intensive or emerging primary production land uses does not warrant creation of new rural lots. Creation of new rural lots will be by exception in accordance with *Development Control Policy 3.4*, or planned in a local planning strategy.

## 5.2 Rural land in the metropolitan region

In future years, metropolitan Perth will continue to accommodate the majority of the State's population growth and landowners in existing rural areas will ultimately experience pressure for urbanisation. On this basis, the following principles will apply to rural land in the Perth metropolitan region:

- a) Rural land will become more contested, as the land is either required for urban purposes, identified for environmental protection, needed for infrastructure or set aside for basic raw material extraction;
- b) Opportunities for rural living will generally remain static or even decrease;
- c) Many existing rural or rural living areas will come under pressure for conversion to urban purposes;
- e) Rural living proposals will be considered by exception in WAPC endorsed planning strategies, where topography, environmental or servicing constraints do not permit urban forms of development, and where bushfire risk is not extreme.

## 5.3 Regional variation, economic opportunities and regional development

WA is a large and diverse State with regional variations of climate, economic activity, cultural values, demographic characteristics and environmental conditions. The WAPC's decisions will be guided by the need to provide economic opportunities for regional communities and to protect the State's primary production and natural resource assets. Therefore:

- a) The WAPC will continue to promote rural zones in schemes as highly flexible zones that cater for a wide range of land uses that can support primary production, tourism and environmental and cultural pursuits.
- b) The differing needs of the various regions are recognised by the WAPC, and regional variations may be considered where they meet the stated objectives of this policy and are supported in planning strategies endorsed by the WAPC.
- c) If there is no WAPC endorsed planning strategy justifying variations to this policy, this policy shall prevail.

### 5.3.1 Mining activity on rural land

Where rural land is used for mining purposes the following applies:

- a) the extraction of basic raw materials is governed by *State Planning Policy 2.4 - Basic Raw Materials*;
- b) the extraction of minerals is governed by the *Mining Act 1978*; and
- c) in the event that a proposed mining tenement is contrary to an operational local planning scheme, s120 of the *Mining Act 1978* outlines the process for conflict resolution.

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### 5.3.2 Tree farming

Tree farming is a generic term used to describe activity that centres on the planting of trees to generate economic return and environmental benefits. It has been a rapidly emerging industry in a number of rural locations in the south of the State. Usually this has involved the planting of trees for harvest, however more recently, the planting of trees solely for the purposes of carbon sequestration has emerged as a new land use on rural land. Tree farming involving harvesting is a primary production activity that also sequesters carbon. WAPC policy in regard to tree farming is:

- a) Tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;
- b) Tree farming is a permitted use on rural land, but should generally not be permitted on land identified as priority agriculture;
- c) Local governments may wish to manage the location and extent of tree farming in their communities through either local planning strategies or local planning policies;
- d) In planning for tree farming, local governments should consider the potential environmental and economic benefit, visual landscape and transport impacts of tree farming (where harvesting is proposed); and
- e) Tree farms should be subject to local government planning approval when harvesting is proposed, and/or the tree farm has a minimum aggregate planted area of 40ha.

### 5.3.3 Other policy measures to support economic development in rural areas

The WAPC supports opportunities for employment and diversification of economic activity related to primary production and the following policy measures shall apply:

- a) Promote the establishment of precincts for primary produce processing close to services and freight routes, and with adequate buffers;
- b) Support the concept of rural enterprise zones which combine light industry and ancillary housing, provided they are carefully planned close to urban areas, are serviced and have suitable design features and buffers that address amenity issues.

## 5.4 Rural living precincts

*State Planning Policy 3 - Urban Growth and Settlement* provides strategic direction for settlement planning in WA and this policy provides more specific guidance in relation to establishing rural living precincts.

There is a demand for rural living precincts, particularly in peri-urban locations. The WAPC recognises there is a market for this form of development, and it provides for a range of housing opportunities. However, rural living precincts must be carefully planned, as they are not an efficient means of housing people, consume and sterilise rural land and may have unintended social, environmental, servicing or management impacts.

The following policy measures apply in regard to WAPC decision-making for rural living:

- a) The WAPC will consider identifying rural living precincts or supporting proposals for rural living when:
  - i. the precinct is adjacent to existing urban areas and has access to services, facilities and amenities;
  - ii. the precinct will not conflict or reduce the primary production potential of adjoining land;
  - iii. the extent of proposed settlement is guided by existing land supply and take-up and population projections;

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- iv. the precinct is part of a settlement hierarchy established in an endorsed planning strategy;
  - v. areas required for urban expansion are avoided;
  - vi. the precinct is serviced by a reticulated domestic water supply provided by a licensed water service provider, including water for fire-fighting;
  - vii. for proposals with 10 lots or less, and where a reticulated supply is not available, the WAPC may consider a alternative domestic water supply, which includes water for fire fighting, where the supply is demonstrated and sustainable and supported by water and health agencies;
  - viii. the precinct can be supplied with electricity and community facilities and this has been demonstrated;
  - ix. the development area is predominantly cleared of remnant vegetation or the loss of remnant vegetation through clearing for building envelopes, bushfire protection and fencing is minimised and environmental assets are not compromised;
  - x. it will promote good environmental and landscape outcomes and soil and water management are addressed, which may include rehabilitation as appropriate;
  - xi. the land is capable of supporting the development of housing;
  - xii. the land is not subject to a buffer from an adjoining rural land use; and
  - xiii. it can be demonstrated that bushfire risks are not extreme, and can be minimised and managed without adversely affecting the natural environment.
- b) Rural land is considered to have productive value for a wide range of existing and future rural land uses. Therefore, rural living proposals on rural land shall not be supported where they conflict with the objectives of this policy or unless they meet the criteria listed at 5.4 (a).
  - c) Development standards for rural living should be addressed in local planning schemes.
  - d) Rural strata proposals with a residential component are considered to be rural living and will be considered in accordance with the criteria listed at 5.4 (a) of this policy.

## **5.5 Managing and improving environmental and cultural attributes**

The planning system is well placed to address environmental issues when land use change is contemplated, to ensure that development minimises environmental impacts.

Environmental and cultural attributes will be managed and improved by:

- a) supporting and promoting private conservation areas within the State;
- b) supporting the establishment of environmental corridors in schemes and strategies to connect the State's conservation estate and waterways and wetlands with private conservation areas;
- c) supporting the inclusion of registered Aboriginal sites cultural corridors in planning strategies and schemes informed by the Aboriginal sites register and native title representative bodies;
- d) considering future management and ownership of conservation areas at strategy stage, and prior to the zoning or subdivision of land; and
- e) supporting rural living proposals with a conservation theme that result in improved environmental outcomes, where that land is identified as suitable for future subdivision in an endorsed strategy or scheme in accordance with the criteria listed at 5.4 (a).

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## 5.6 Avoiding land use conflicts

The introduction of additional housing in rural areas can compromise rural land uses and effectively sterilise rural land. As such, there is a need to ensure that existing rural land uses are protected and landholders are able to exercise their operational needs effectively and appropriately. Land use conflicts will be managed such that:

- a) The introduction of land uses in rural areas that may constrain existing or potential rural land uses will generally not be supported;
- b) Buffers for hazard and amenity are determined by the appropriate licensing authorities for those land uses;
- c) Buffer distances are guided by the standards recommended by the Environmental Protection Authority; and
- d) Land impacted by licensed buffers is recognised appropriately in strategies endorsed by the WAPC and local planning schemes.

## 5.7 Implementing this policy

- a) This policy is given effect by the *Planning and Development Act 2005*.
- b) The appropriate planning tools to protect rural land are State and regional strategies and local planning strategies prepared in accordance with the *Town Planning Regulations 1967* (as amended).
- c) The WAPC will prepare a *Guideline 2.5.1 - Land Use Planning In Rural Areas* to assist local governments with specific scheme provisions or permissibilities.

# 6 Definitions

<b>Term</b>	<b>Definition</b>
<b>Agricultural land use / agricultural purposes</b>	A subset of rural land used specifically for agricultural purposes including agriculture - extensive, agriculture - intensive, tree farming for harvest or carbon sequestration, rural industry, cottage industry.
<b>Agriculture - extensive</b>	see Model Scheme Text
<b>Agriculture - intensive</b>	see Model Scheme Text
<b>Agro forestry</b>	see Model Scheme Text
<b>Alternative servicing</b>	Provision of services including drinking water, power and sewer using innovative or emerging technologies, or supplied by the householder, as opposed to a licensed provider.
<b>Alternative water supply</b>	Water supplied by means other than a licensed water service provider (such as the Water Corporation). Includes potable water for domestic use (where it is approved by the Department of Health) and either potable or non-potable water for fire fighting, including the maintenance of fire retardant vegetation, gardens etc.
<b>Broadacre farming</b>	Large-scale agricultural operation, traditionally involving farming of grains and/or livestock.
<b>Buffer (adapted from EPA Guidance Statement 3)</b>	The land between the boundary of the area that may potentially be used by a land use that generates odour, noise or risk, and the boundary of the area within which unacceptable adverse impacts are possible.

<b>Term</b>	<b>Definition</b>
<b>Carbon sequestration</b>	Capture and storage of carbon in a manner that prevents it from being released into the atmosphere. Often occurs through tree planting.
<b>Conservation estate</b>	Land with significant conservation values, reserved (or proposed to be reserved) under the National Reserve System or via the <i>Conservation and Land Management Act 1984</i> .
<b>Cultural / environmental corridors</b>	Corridors that provide for, or link, areas of open space, bushland, fauna and flora habitats, particularly with Aboriginal heritage and cultural significance. May relate to the relative value of the corridor in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations
<b>Industry - cottage</b>	see Model Scheme Text
<b>Industry - general</b>	see Model Scheme Text
<b>Industry - rural</b>	see Model Scheme Text
<b>Industry - service</b>	see Model Scheme Text
<b>Landscape or bushland protection zone</b>	A subset of rural living and a land use zone with conservation as the predominant land use, generally characterised by clustering of residential development/land use on a land parcel(s) containing areas of high environmental and/or landscape value, where the residential development is located on those portions of land not containing such values and those areas with such environmental and/or landscape value are contained as a single entity or within a single land parcel. Also refers to zones including bushland conservation, rural landscape, and rural conservation.
<b>Local planning strategy</b>	A strategy prepared in accordance with 12A of the <i>Town Planning Regulations 1967</i> which sets out the long-term planning directions for a local government, applies State and regional planning policies; and provides the rationale for the zones and other provisions of the local planning scheme.
<b>Natural resources</b>	Resources supplied by nature. These are commonly subdivided into non-renewable resources, such as minerals and fossil fuels, and renewable natural resources that propagate or sustain life and are naturally self-renewing when properly managed, including plants and animals as well as soil and water.
<b>Pastoral land and purposes</b>	As per part 7 of the <i>Land Administration Act 1997</i>
<b>Peri-urban</b>	General term used to describe land on the outskirts of a major urban area or capital city e.g. Perth, Geraldton, Northam, Kalgoorlie, Bunbury, Albany. Between the suburbs and the countryside. Combination of the words peripheral and urban. Refers to a general location and is not a not land use
<b>Plantation</b>	see Model Scheme Text
<b>Primary production</b>	Production of natural resources. Most products from this sector are considered raw materials for other industries. Major businesses in this sector include agriculture, agribusiness, fishing, forestry and all mining and quarrying industries.

<b>Term</b>	<b>Definition</b>
<b>Priority agricultural land</b>	Land considered to be of State significance for agricultural purposes due to its collaborative advantage in terms of soils, climate, water (rain or irrigation) and access to services.
<b>Private conservation areas</b>	Areas with significant conservation value, but not part of the State's conservation estate.
<b>Processing precinct for primary produce</b>	An area set aside for concentrated or large-scale processing operations, including uses that harvest, process, preserve, slaughter and distribute primary products including animals, grains and timber products. Such processes transform primary produce into other forms for consumption by humans or animals either in the home or by other industries. These uses will generally require extensive buffers due to noise, odour and dust impacts.
<b>Regenerated vegetation</b>	The return of bushland to its approximate original natural condition by repairing degradation, removing exotic species, and revegetating with indigenous species.
<b>Remnant vegetation</b>	Vegetation which is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation, and provides the necessary habitat for native fauna.
<b>Regional or Sub-Regional Strategy</b>	A strategy, usually prepared by the WAPC which sets strategic direction over a regional area, including a number of local governments or a planning region. It could also cover an area considered to be of State significance.
<b>Rural enterprise</b>	A predominantly light industrial zone that provides for light industrial land uses and an ancillary residential dwelling on one lot, with lot sizes in the order of 1 to 4ha.
<b>Rural land (as per s149 of the P&amp;D Act)</b>	Land zoned for agricultural or rural use under a local planning scheme or strategy.
<b>Rural land use</b>	A subset of rural land, and any land use that could be expected to occur in a rural zone. Does not include rural living (see s5.4).
<b>Rural living</b>	A land use zone where residential is the predominant land use, generally characterised by large lots in the order of 1 to 40ha in a peri-urban location. Although primary production may occur on some rural living properties it is usually for hobby farming or incidental income purposes. In terms of land use zones this includes, but is not limited to, special residential, rural living, rural retreat, rural residential, special rural, rural smallholdings, and landscape protection zones. This also includes subdivision of rural land into smaller landholdings e.g. a boundary realignment which results in lots of a size where residential is the predominant land use. Rural living is not considered a rural or agricultural land use, as defined by the <i>Planning and Development Act 2005</i> .
<b>Rural residential zone / special Rural zone</b>	A sub-set of rural living and a land use zone with land parcels from 1ha - 4ha in size and generally provided with scheme water and power supply.

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<b>Term</b>	<b>Definition</b>
<b>Rural settlement</b>	A sub-set of rural living, generally located on the outskirts of an existing town. Rural settlement may also be used to describe proposals for rural living as this land use results in people settling in rural areas.
<b>Rural Smallholdings zone</b>	A sub-set of rural living and a land use zone with land parcels from 4ha - 40ha in size. May also be known as rural retreat
<b>Rural strata</b>	A concept which involves subdividing a rural property into a number of residential strata lots, with the balance of the property being retained and operated as a farm. The farm is generally owned and operated by the owners of the residential lots.
<b>Special residential zone</b>	An historic zone used in some schemes for land parcels in the size range of 2,000m <sup>2</sup> to 1ha.
<b>State significance</b>	An area or issue that is considered to be of significance to the State of Western Australia by virtue of any or all of the economic, social, cultural or environmental values for that area or issue.
<b>Tree farm - non-harvest</b>	Land used commercially for tree production, including for the capture and storage of carbon in a manner that prevents it from being released into the atmosphere. Regulated in WA by the <i>Carbon Rights Act 2003</i> .
<b>Tree farm - harvest</b>	see plantation or agro forestry definitions
<b>Urban land use</b>	Land uses of, relating to, or located in a city e.g. residential, commercial, industrial, parks and recreation, community purpose, infrastructure.



# Development Control Policy 3.4

## - Subdivision of rural land

January 2011

This policy supersedes *Development Control Policy 3.4 Subdivision of Rural Land* (February 2008). The Western Australian Planning Commission (WAPC) is the responsible authority for subdivision approvals in Western Australia. This policy sets out the principles which 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 Land Use Planning In Rural Areas* which establishes the statewide policy framework for rural land use planning in Western Australia. The following policies are relevant to this policy:

- *State Planning Policy 2.5 - Land Use Planning In Rural Areas*
- *SPP 2 - Environment and Natural Resources Policy*
- *SPP 2.1 - Peel-Harvey Coastal Plain Catchment Policy*
- *SPP 3 - Urban Growth and Settlement*
- *SPP 6.1 - Leeuwin-Naturaliste Ridge Policy*
- *Planning Guidelines: Planning for Bushfire Protection* (Edition 2)
- *Guideline 2.5.1 - Land Use Planning In Rural Areas*
- and other WAPC policies that may be relevant to rural land

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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 2008). The Western Australian Planning Commission (WAPC) is the responsible authority for subdivision approvals in Western Australia. This policy sets out the principles which 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 no. 2.5 - land use planning in rural areas* which establishes the Statewide policy framework for rural land use planning in Western Australia. The following policies are relevant to this policy.

State Planning Strategy

State Planning Policy 1: State Planning Framework (variation no. 2)

State Planning Policy 2: Environment and Natural Resources

State Planning Policy 2.1: Peel-Harvey Coastal Plain Catchment

State Planning Policy 2.4: Basic Raw Materials

State Planning Policy 2.5: Agricultural and Rural Land Use Planning

State Planning Policy 2.7: Public Drinking Water Source

State Planning Policy 2.9: Water Resources

State Planning Policy 3: Urban Growth and Settlement

State Planning Policy 4: State Industrial Buffer

State Planning Policy 4.3: Poultry Farms

State Planning Policy 7: Leeuwin-Naturaliste Ridge

Dc Policy 1.1: Subdivision of Land

Metropolitan Rural Policy (1995)

Guidance On The Format of Local Planning Strategies (2000)

Planning Guidelines: Planning For Bushfire Protection (Edition 2)

Guideline 2.5.1 - Land Use Planning In Rural Areas



## 1. Introduction

The changes in land use in Western Australia over the years since European settlement in 1829 have been dramatic. Clearing, subdivision, development and use of land for settlement and agriculture provided significant economic and social benefits to the expanding WA community. Continued rapid growth in the mining and resources sectors will mean WA's population is expected to increase to over 2.8 million people by 2031.

Rural zones are generally very flexible, and permit a range of agricultural, commercial and industrial land uses. This policy aims to support the range of land uses that can be contemplated on rural land, while limiting the loss of rural land to incompatible land 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 alienated from the Crown, and sets out the general principles of the WAPC in its operation of that Part. For the purpose of the policy, subdivision includes the creation of a new lot or lots, the amalgamation of existing lots and any other dealings in land that require the approval of 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 the local planning scheme and any endorsed local planning strategy or local rural strategy applying to the land.

## 2. Policy objectives

This operational policy guides the subdivision of rural land to achieve the five key objectives of *SPP 2.5 – Land Use Planning In Rural Areas* which are:

- a) to protect rural land from incompatible uses by:
  - i. requiring comprehensive planning for rural areas;
  - ii. making land-use decisions for rural land that supports existing and future primary production and protection of priority agricultural land;
  - iii. providing investment security for the existing and future primary production sector;
- b) to promote regional development through provision of economic opportunities on rural land;
- c) to promote sustainable settlement in, and adjacent to, existing urban areas;
- d) to protect and improve environmental, landscape and cultural assets; and
- e) to minimise land use conflicts that compromise rural land uses.

## 3. Policy measures relating to rural living

### 3.1 General policy position

It is the policy of the WAPC that the subdivision of rural land for rural living should be properly planned through the preparation and endorsement of regional and local planning strategies and be appropriately zoned in local planning schemes prior to subdivision. Ad-hoc, unplanned subdivisions for rural living will not be permitted.

### 3.2 Water for rural living development

- a) When determining applications for rural living development the WAPC will require connection to a reticulated domestic water supply delivered by a licensed supplier. The ability of the land to be connected to a reticulated water supply is a key consideration at rezoning and strategy stage and accordingly *State Planning Policy 2.5 - Land Use Planning In Rural Areas* requires that servicing requirements be determined at this stage, with appropriate provisions inserted into local planning schemes.
- b) The WAPC recognises that some local planning schemes contain existing rural living zones in areas where a reticulated water supply is not available or planned, in which cases an alternative sustainable water supply for domestic and firefighting purposes may be considered. Subject to:
- The reliability of alternative water supplies in different localities is to be confirmed by the applicant using suitable investigation and licences and available models, which may include historic and projected rainfall quantity and variability, groundwater or surface water availability and quality and formal advice from agencies or organisations responsible to the Minister for Water Resources.
  - The provision of domestic water via roof collection and a rainwater tank as a sole alternative water supply is not considered a viable option in areas with a rainfall of less than 550mm per year.
  - For areas with greater than 550mm per annum rainfall, the likely variability of rainfall events must be considered.

- Where rainfall is the sole source of domestic water, applications must demonstrate appropriate arrangements to service the proposal should rainfall not be sufficient to provide a drinking water supply. This may include an allocation of non-reticulated scheme water from a licensed water service provider, if scheme water is the only alternative source.
- The WAPC will place memorials on title to advise prospective owners of a potential shortfall in domestic water supply where necessary.
- In regard to future rainfall and impacts arising from climate change, the WAPC will be guided by projected rainfall patterns developed by the Bureau of Meteorology and the Commonwealth Scientific and Industrial Research Organisation. The Department of Water will provide advice on the likely impacts of future water availability.

Rainwater catchment calculations are included as **Appendix 2**.

### 3.3 Other infrastructure

The WAPC will generally require the following other infrastructure standards for rural living:

- a) reticulated electricity;
- b) sealed and drained roads;
- c) a comprehensive drainage system;
- d) flood immunity above the Q100 flow channel;
- e) land stability;
- f) suitable on-site waste disposal; and
- g) other infrastructure as required by the site conditions.

## 4. Policy measures for the subdivision of rural land and more intensive agricultural uses

### 4.1 General policy position

- a) It is the policy of the WAPC that, in the absence of the planned provision for more intensive agricultural uses, rural lots be retained for primary production. Subdivision of rural land generally, and for more intensive agriculture proposals through ad-hoc, unplanned subdivision will not be permitted.
- b) 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. The use of rural land for intensive or emerging primary production land uses is not a justification for subdivision. If required, further subdivision for such purposes should be planned in a local planning strategy.

### 4.2 Subdivision of rural lots

Notwithstanding clause 4.1, the WAPC will consider rural subdivision in the following circumstances:

- a) To realign lot boundaries with no increase in the number of lots;
- 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 Wheatbelt Agricultural policy area (**Appendix 4**), to allow for the continued occupation of existing homesteads when they are no longer used in a farming operation; and,

- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with policy and are necessary in the public interest.

In determining applications for rural subdivision, the WAPC will apply the clauses throughout this policy, and be guided by the objectives and intent of *SPP 2.5 – Land Use Planning In Rural Areas*.

### 4.3 Prevailing lot sizes

In broadacre farming areas large lots may be subdivided to create lots which are:

- consistent with the size of lots used for farming in the locality;
- greater than 100ha in size; and
- allow for continued broadacre farming.

Where local conditions require subdivision of smaller land parcels, this should be provided for in a WAPC endorsed planning strategy.

Neither lots created historically in the early days of European settlement nor tied lots will be considered in determining prevailing lot sizes in a locality or for creating a precedent for further subdivision.

### 4.4 Significant physical divisions

The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision. A significant physical division would include, but not be limited to, a controlled access highway or a river, and therefore 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. However the physical division in itself does not warrant the creation of additional lots.

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

#### **4.5 Public utilities and ancillary uses**

New lots for existing or proposed specific non-rural land uses such as recreation facilities, public utilities and quarries or uses ancillary to the rural use of the land such as abattoirs and processing works may be created through subdivision.

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 5.4.

### **5. Incentives for rural subdivision**

Although the WAPC seeks to minimise the creation of new rural lots, there are some circumstances where subdivision of rural land may be appropriate, in order to promote better land management and achieve environmental, cultural and/or social benefits. These forms of subdivision may result in additional dwelling entitlements are considered incentives for rural subdivision. The following forms of rural subdivision will therefore be considered by the WAPC:

#### **5.1 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 and/or reconfigured to provide access to landlocked lots provided that:

- (a) there is no increase in the number of lots;
- (b) the new boundaries achieve improved environmental and land management practices;
- (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 smallholding lots (4 - 40ha) created as a result of the rationalisation may have notifications or memorials placed on title advising that the lot is in a rural area and may be impacted by primary production.

#### **5.2 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 local government and landowner enter into a legal agreement, binding on successive owners in title, to ensure the conservation of the heritage place and to limit the use of the newly created lot and place; and
- (d) the allotment is of sufficient size to contain its own impacts and will not adversely affect the operation of neighbouring uses.

### 5.3 Conservation of biodiversity and natural heritage

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

- (a) the vegetation has been identified and agreed as worthy of protection in an approved strategy, catchment plan, or a specific assessment carried out by an appropriate expert on behalf of the subdivider in accordance with the principles for clearing native vegetation contained in Schedule 5 of the *Environmental Protection Act 1986* (**Appendix 3**);
- (b) the application includes advice from the Department of Environment and Conservation, 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:
  - the adequacy of the lot size proposed (if it is less than 40 ha) to retain the conservation value in perpetuity
  - in-principle agreement to administer the necessary conservation covenant;
- (c) generally at least 85% of the area of the conservation lot has high environmental values or is covered by native or regenerated vegetation and/or wetland;
- (d) 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;
- (e) a conservation covenant in perpetuity with the Department of Environment and Conservation, 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 covenant includes provisions that:

- (i) prohibit further clearing (other than for necessary land management requirements);
  - (ii) clearly delineate a building envelope and/or building exclusion area also shown on the subdivision plan;
  - (iii) prohibit stocking outside any existing cleared area;
  - (iv) 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 native vegetation in order to include a portion of that vegetation within the agricultural lot; and
  - (v) bushfire risk can be managed in accordance with WAPC guidelines.
- (f) the balance lot is suitable for the continuation of the rural land use.

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 land use strategy 3.8 under *SPP 6.1 Leeuwin-Naturaliste Ridge*.

Following 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.

## 5.4 Homestead lots

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

- (a) the land is in the Wheatbelt agricultural policy area (refer **Appendix 4**);
- (b) the population in the local government area is declining or relatively static according to the Australian Bureau of Statistics;
- (c) the homestead lot has an area between 1 and 4 hectares, or up to 20 ha to respond to the landform and include features such as existing outbuildings or water sources;
- (d) there is an adequate water supply for domestic, land management and fire management purposes;
- (e) the homestead lot fronts a constructed public road;
- (f) the homestead lot contains an existing residence;
- (g) a homestead lot has not been excised from the farm in the past;
- (h) any dwelling on the balance lot has a demonstrated water supply; and
- (i) the balance lot is suitable for the continuation of the rural land use and greater than 100ha, unless otherwise provided for in an endorsed local planning strategy.

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

A homestead lot may not be used as the basis for a future subdivision application under any of the other clauses of this policy.

## 5.5 Subdivision for the purposes of carbon sequestration

Subdivision of land for the purposes of carbon sequestration may be considered provided:

- a) a carbon covenant is in place to secure the carbon for a period of greater than 50 years; and
- b) the average annual rainfall is lower than 400mm.

## 6. Other matters

### 6.1 Strata proposals

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

As a general principle, strata proposals that increase dwelling entitlements on rural land are considered rural living and will be assessed in accordance with clause 5.4 of *State Planning Policy 2.5 - Land Use Planning In Rural Areas*.

### 6.2 Tied Lots

Subdivision of rural land for the purposes of tied lots is provided for in s149 of the *Planning and Development Act 2005*. In determining applications for tied lots the WAPC will consider:

- a) the minimum size of the tied lot/s;
- b) the distance between the tied lot/s and the principal lot; and
- c) the proposed use of the lot/s.

## **7. 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 5**.

## **8. 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 Model Scheme Text made under section 256 of the *Planning and Development Act 2005* and *State Planning Policy 2.5 - Land Use Planning In Rural Areas* 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 1 - 20 hectares in size, which is excised from a larger farm holding for separate occupation, such as by a retiring farmer wishing to remain in an existing dwelling.

#### **Integrated catchment management**

The integrated management of land, water and related biological resources to achieve sustainable and balanced use of these resources by fostering cooperation and coordination between the many land holders and other resources users, community groups and agencies involved.

#### **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.

#### **Sustainable primary production**

The use of farming practices and systems which over the long-term, maintain or enhance production, the on-farm natural resource base and ecosystems which are influenced by agricultural activity.

#### **Water supply - external purposes**

Water required outside the dwelling which may include, but is not limited to, fire fighting, stock, horticulture, domestic gardens, revegetation and wash down areas.

## Appendix 2

### Catchment calculations for rainwater

The method of calculating the minimum collection area required to service a rainwater tank is based on a calculation sourced from the Department of Water's Stormwater Management Manual for WA. The WAPC will be guided by this formula when considering proposals for water supply from rainwater:

*Collection area (m<sup>2</sup>) = Average Household Water Consumption (L) divided by (0.85 x (local rainfall – 24mm)) \*\**

Other factors affecting the viability of rainwater as an alternate supply are:

- minimum tank size required to provide a reliable water supply throughout the year, where no minimum tank size has been specified;
- the impacts of climate change on the amount, frequency and reliability of rainfall;
- determination of the average catchment area for existing rural residential properties; and
- consideration of the average water consumption for rural residential properties (as opposed to relying on metropolitan water consumption figures).

\*\* 0.85 is the efficiency of the collection meaning a minimum of 85% of the water will be collected (A greater efficiency rate may be accepted if it can be demonstrated through design).

24mm is the anticipated loss through absorption and wetting of materials based on 2mm a month.

## Appendix 3

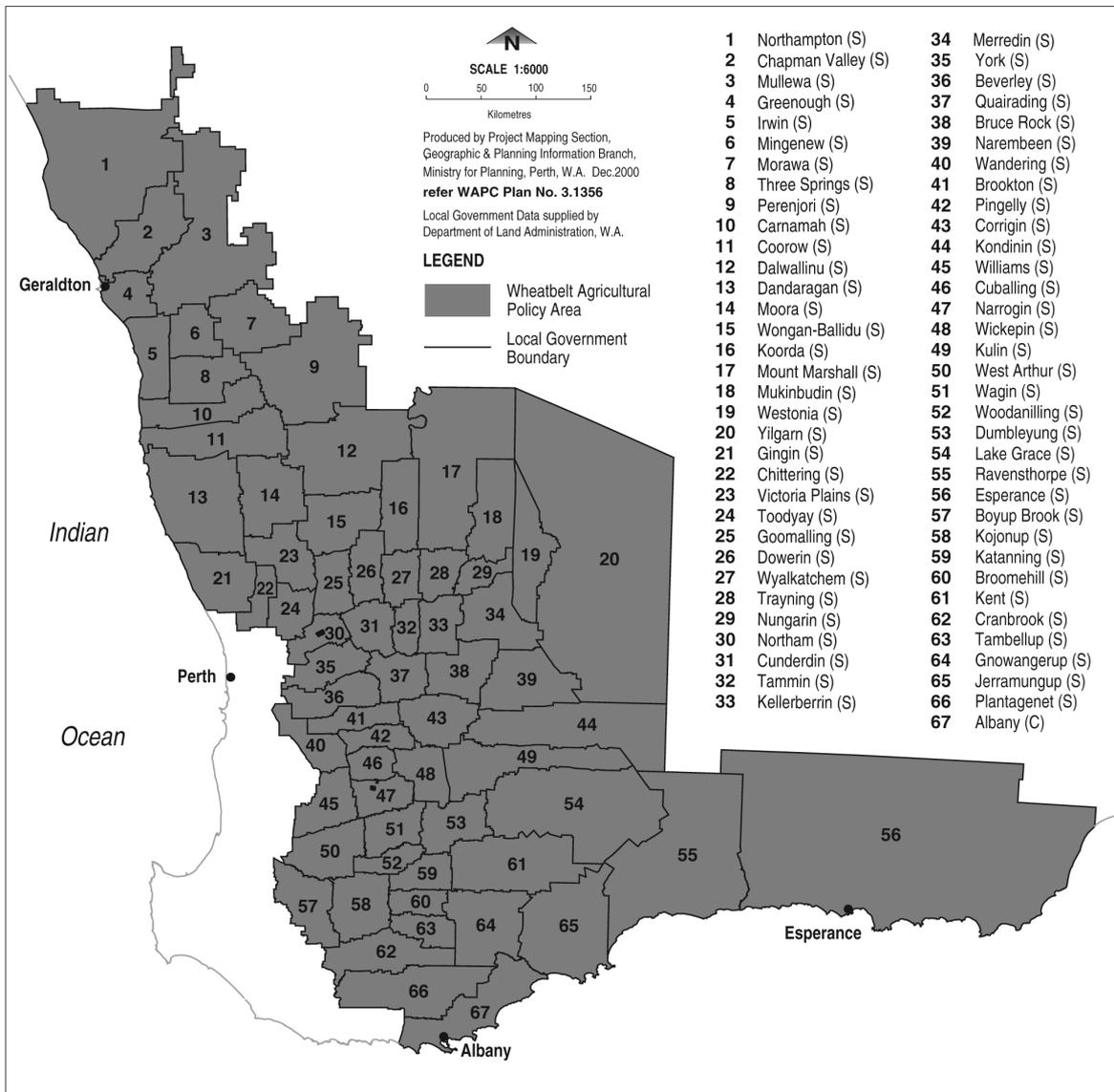
### Principles for clearing native vegetation (extract from the Environmental Protection Act 1986 Schedule 5)

Native vegetation should not be cleared if -

- (a) it comprises a high level of biological diversity;
- (b) it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia;
- (c) it includes, or is necessary for the continued existence of, rare flora;
- (d) it comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community;
- (e) it is significant as a remnant of native vegetation in an area that has been extensively cleared;
- (f) it is growing in, or in association with, an environment associated with a watercourse or wetland;
- (g) the clearing of the vegetation is likely to cause appreciable land degradation;
- (h) the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area;
- (i) the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water; or
- (j) the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

# Appendix 4

## Wheatbelt agricultural policy area



## Appendix 5

### Additional information to support subdivision applications

In accordance with Section 7 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 WAPC's Fire Planning Policy, including appropriate access and egress in case of emergency;
- e) how the proposal relates to adjacent properties, reserves and roads and existing and proposed adjoining land uses, and whether the subdivision would prejudice future urban expansion;
- f) whether there are any significant noise sources or other potential forms of nuisance to the proposed use;
- g) whether a previous use has resulted in contaminated soils or the use of construction and demolition waste for filled areas;
- h) whether there are any heritage features including archaeology and any sites of Aboriginal significance or claims on the land;
- i) any potential adverse environmental impacts of the proposed subdivision;
- j) whether the proposal is consistent with the provisions of an endorsed local planning strategy or scheme operating in the district.





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**Our Ref:** PLN.17  
**Enquiries:** Annette Harbron

26 May 2011

Project Manager - Review of WAPC Rural Policies  
Department of Planning

via email transmission: [ruralpolicy@planning.wa.gov.au](mailto:ruralpolicy@planning.wa.gov.au)

Dear Sir/Madam

**Re: Submission on Draft State Planning Policy 2.5: Land Use Planning in Rural Areas and Draft Development Control Policy 3.4: Subdivision of Rural Land**

Further to the release of the above mentioned policy documents for public comment, the Shire of Denmark provides the following comments for due consideration:

General Comments

- The review of both policies to provide a contemporary policy position for rural land across Western Australia is supported.

Draft State Planning Policy 2.5: Land Use Planning in Rural Areas (SPP 2.5)

- Section 5.3 b) and c) – Given the lengthy timeframes in having endorsed local planning strategies, there should be the ability to consider regional variations via other planning mechanisms.
- Section 5.4 – In recognition of the need to take a sustainable approach to water resource management across the State, alternative domestic water supply arrangements should be able to be considered for all forms of rural living precincts and not just those with 10 lots or less.

Draft Development Control Policy 3.4: Subdivision of Rural Land (DC3.4)

- Section 3.2 - In recognition of the need to take a sustainable approach to water resource management across the State, alternative domestic water supply arrangements should be able to be considered for all forms of rural living precincts regardless of whether they are existing rural living zones in a planning scheme.
- Section 4.3 – the reference to new broadacre farming lots required to be greater than 100ha in size is presumptuous that the prevailing lot sizes are greater than 100ha, thus it is considered that the minimum 100ha requirement should be removed.

- *Section 5.4a) – the ability to create homestead lots should be allowed for in all agricultural areas and not just the Wheatbelt Agricultural Policy area on the basis that homestead lots:*
  - *Are a recognized form of rural living subdivision;*
  - *Do not fragment rural land;*
  - *Do not result in a loss of rural character;*
  - *Provide the opportunity for farmers to retain an association with the land should they desire to do so; and*
  - *Support the population base for the agricultural collector district population.*
- *Section 5.4b) – the reference to the local government area population is to be declining or relatively static is inappropriate – consideration of population numbers for individual agricultural collector districts/localities should be the reference rather than on a whole of local government approach.*
- *Section 5.4i) – the reference that the balance lot needs to be greater than 100ha should be removed as there is an implication that only lots of this size are suitable for rural land use activities to occur.*

*I trust the above comments are of assistance to the WAPC in their review of SPP 2.5 and DC 3.4. Should you require any clarification on the above, please do not hesitate to contact the undersigned on telephone (08) 9848 0300 or email [enquiries@denmark.wa.gov.au](mailto:enquiries@denmark.wa.gov.au) .*

*Yours faithfully*

*Annette Harbron  
Director of Planning and Sustainability*