GOVERNMENT OF WESTERN AUSTRALIA

WAPC Western Australian Planning Commission

LEADING A CONTEMPORARY PLANNING SYSTEM

WAPC ref: 202777
Date: 31 July 2026
Enquiries: Tom Geddes
6552 4193

David Congdon
Land Planning
71 Roberts street
Bayswater 6053

Transmitted via email only to: david@landplanning.com.au

Dear David

APPROVAL OF WAPC APPLICATION 202777

Thank you for your application to subdivide Lots 100, 157 and 5739 Yates Street, Bakers Hill.

The Western Australian Planning Commission (WAPC) has approved application WAPC Ref: 202777 and, once the attached conditions of approval are fulfilled, is prepared to endorse a deposited plan in accordance with the plan date-stamped 20 January 2026.

This decision is valid for three (3) years from the date of this letter. In order to implement this letter and have the new titles created, a request for the endorsement of a deposited plan (Form 1C) must be submitted to the WAPC within the term of the approval, that is by the close of business on 31 July 2029 or this approval will no longer be valid.

The Form 1C and a schedule of fees can be found on Planning Online: https://planningonline.dplh.wa.gov.au.

CONDITION(S):

1. The plan of subdivision is to be modified in accordance with the attached plan (Attachment A) dated 2 June 2026.

   (Western Australian Planning Commission)

2. The owner of the land must enter into a Heritage Agreement with the Heritage Council of Western Australia for the purposes of conserving and maintaining the cultural heritage significance of the land.

   (Department of Planning, Lands & Heritage – HPS Historic Heritage Division)

3. Arrangements being made with a licensed electricity network operator for the provision of an electricity distribution system that can supply electricity to Lot B shown on the approved plan of subdivision.

   (Western Power)

ADVICE:

1. Prior to the commencement of subdivisional works, the landowner/applicant is advised to investigate whether or not approval is required pursuant to the Aboriginal Heritage Act 1972. The landowner/applicant should conduct a search of the Register of Aboriginal Sites to determine if any aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Planning Lands and Heritage (Indigenous Affairs) with a request for advice.

2. The preparation and execution of a Heritage Agreement is governed by the Heritage Act 2018. The Department of Planning, Lands and Heritage may assist the local government in preparing a Heritage Agreement.

3. The Historic Heritage Conservation Division of the Department of Planning, Lands and Heritage advises the following:

    a) The Heritage Agreements with the Heritage Council are for all lots within the registered curtilage of the place and will be binding on current and future owners prior to an application for new titles from Landgate. The requirement for a heritage agreement is to ensure significant elements are maintained and conserved.
    b) Drafting of the Heritage Agreements will require the owners provide current condition assessment and recommended conservation works schedule by a Heritage Consultant.
    c) Heritage Agreements for Lot A and C will include requirements for retention of significant trees, exclusion of development within significant view corridors (as identified by the 2005 Conservation Plan) and management of archaeology (Lot C).

4. In regard to Condition 3, the applicant/landowner is advised that the purpose of this condition is to ensure the existing electricity supply infrastructure complies with acceptable standards of safety and maintenance. Upgrades and/or replacement infrastructure may be required should a Western Power inspection determine the current infrastructure is deficient.

5. The applicant is advised that this approval does not allow for access across Crown land to Yates Street. Should the applicant wish to pursue the use or formalisation of the existing access arrangement, they are encouraged to liaise with the Department of Planning, Lands and Heritage (Land Use Management) regarding any relevant approvals or requirements.

6. It is acknowledged that minor refinement of the boundaries of proposed Lot A may be required following detailed survey and preparation of the final deposited plan to avoid unnecessary intersection with Clackline Brook and adjoining riparian vegetation. Should further guidance be required in this regard, the applicant is encouraged to liaise with the planning officer responsible for this application.

If further clarification is required, please review the attached information about your approval, or contact the planning officer listed at the top of this letter.

Yours sincerely



Jonathan Mesnard
Secretary

31 July 2026

APPLICATION DETAILS

Applicant	David Congdon Land Planning 71 Roberts street Bayswater 6053
Owner	1. NIGEL RUPERT POULTON 2. Annette Lesley Poulton
Application Receipt	22 December 2025
Lot Number	157,1600,5739
Diagram / Plan	Plan 256973 / Diagram 256973, Plan 251279 / Diagram 251279, Plan 111312 / Diagram 111312
Location	
C/T Volume/Folio	1572/349
Street Address	Lots 100, 157 and 5739 Yates Street, Bakers Hill
Local Government	Shire of Northam

What are conditions and how are they fulfilled?

Conditions and associated advice notes are an essential tool used by the WAPC to ensure compliance with its statutory responsibilities.

Condition(s) must be fulfilled before a request for endorsement of a deposited plan (Form 1C) can be lodged. This provides the basis to create the new land titles.

Each condition has a nominated clearing authority, noted at the end of each condition, and the landowner/applicant needs to liaise with that authority in order to fulfil the condition. Typically, conditions need to be addressed before any site works are commenced.

When the written advice of each clearing authority has been obtained, this advice is to be submitted to the WAPC with a Form 1C and a copy of the deposited plan (that has been lodged with Landgate). The Form 1C and schedule of fees are available on the WAPC website: https://planningonline.dplh.wa.gov.au

Can I request reconsideration/review of a condition or a decision?

There are two ways in which an applicant/owner may request reconsideration or review of a condition or a decision:

1. Seeking WAPC reconsideration - Sections 144 and 151(1) of the *Planning and Development Act 2005* provide for the landowner/applicant, within 28 days from the date of the decision, to make a written request to the WAPC to reconsider the decision, or conditions imposed. Such an application can be made via the Form 3A, which can be found, together with a schedule of fees, online from: https://planningonline.dplh.wa.gov.au

In seeking a reconsideration the applicant/landowner needs to provide new information or evidence that would warrant the WAPC making a different decision.

An application for reconsideration may be submitted to the WAPC prior to submission of an application for review of a decision through the State Administrative Tribunal.

2. Seeking a review by the State Administrative Tribunal – An applicant/landowner may also apply to the State Administrative Tribunal for review of a decision under Section 251 of the *Planning and Development Act 2005*.

An application should be lodged within 28 days of the date of the decision. Further details can be obtained at www.sat.justice.wa.gov.au

What if the clearing authority does not provide written confirmation?

The applicant/owner should make reasonable endeavour with the clearing authority to fulfil conditions. This may include the provision of supplementary information. If the clearing authority will not provide its written confirmation following reasonable endeavour, the applicant/owner should seek advice from the WAPC.

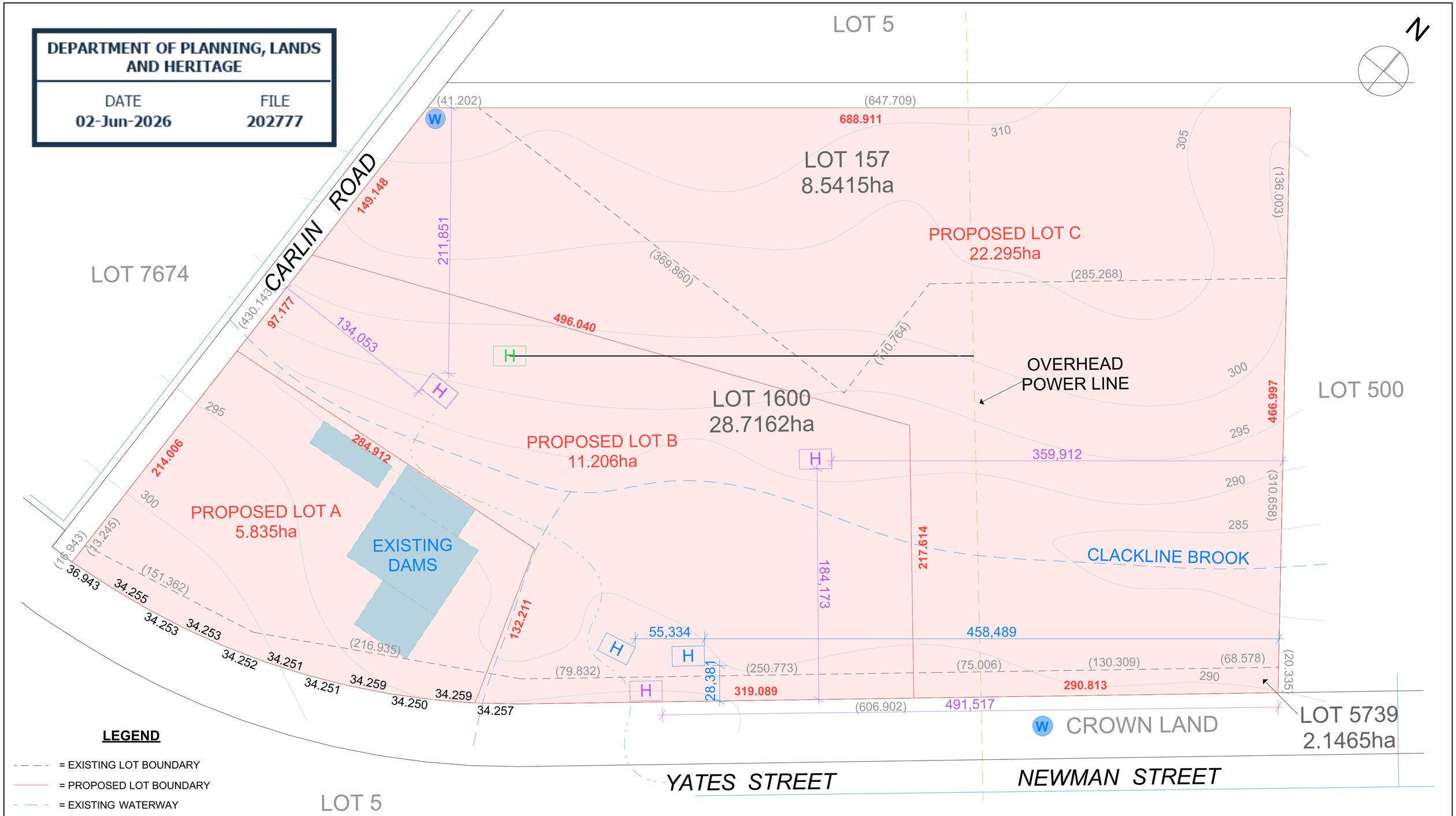
There is scope for the WAPC to clear conditions of subdivision through the Form 1C process; however, it is best to seek pre-lodgement advice so that the WAPC can advise if the clearing of conditions would be a minor administrative matter, or whether it will require the WAPC to seek further advice or investigate the matter with the clearing authority.

Lodgement of deposited plans with the Western Australian Land Information Authority

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. A copy of the Deposited Plan should also be provided to the WAPC when the Form 1C is lodged.

Applying for new certificates of title

Once the WAPC has endorsed the Deposited Plan, then, under Section 146 the *Planning and Development Act 2005*, the landowner/applicant has two years to apply to Landgate for new certificates of title to be issued.



LEGEND

- = EXISTING LOT BOUNDARY
- = PROPOSED LOT BOUNDARY
- = EXISTING WATERWAY
- = EXISTING OVERHEAD POWERLINE
- = EXISTING DRIVEWAY
- H = EXISTING HOUSE - RETAINED
- H = EXISTING HOUSE (HERITAGE LISTED) - RETAINED
- H = EXISTING TREES (HERITAGE LISTED) - RETAINED
- = EXISTING DAMS
- W = WATER METER
- = WATER PIPE

PLAN OF SUBDIVISION

Kerry Micke Designs
admin@kerrymickedesigns.com.au
0428 185 953

CLIENT: **Land Planning**

SCALE: **1:2000 @ A2**
JOB NUMBER: **KMDYAT-25-04CS**
DATE: **02.06.26**
DRAWING TITLE: **Concept Plan**
ADDRESS: **Lot 157, 1600, 5739 YATES STREET BAKERS HILL 6401**

REVISION: **04**

04	heritage trees added	01-06-26
03	A/B boundary moved	20-05-26
02	new design	06-05-26
01	plans combined	18-12-25
00	ORIGINAL ISSUE	10-12-2025

NOTE:
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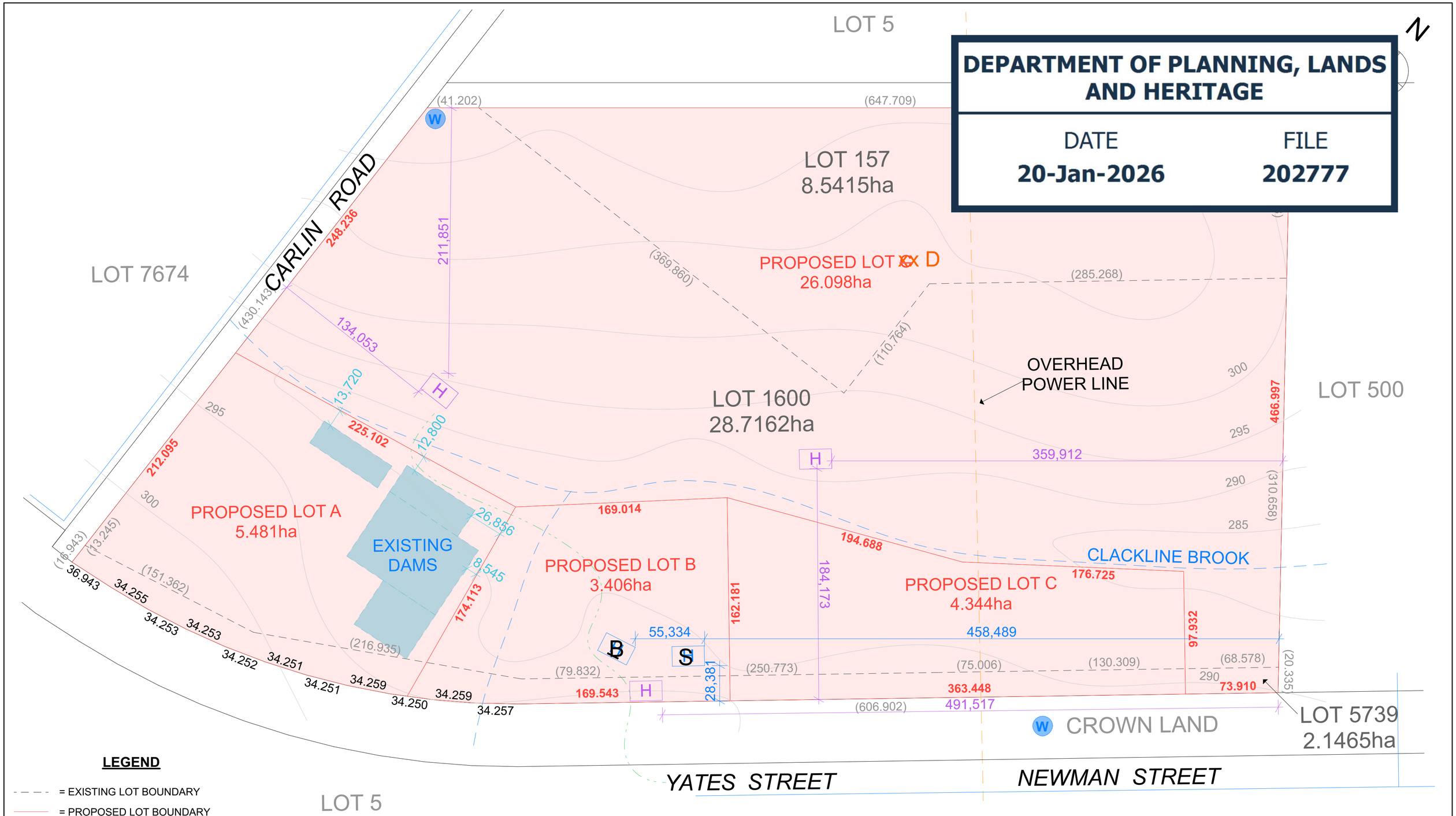
DO NOT SCALE FROM DRAWINGS.

CLIENT SIGNATURE:

DATE:

DRAWING No.: **1** OF 1



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- H = EXISTING HOUSE - RETAINED B - EXISTING BREWERY - RETAINED S - EXISTING SHED - RETAINED
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- = EXISTING DAMS
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JOB NUMBER:	KMDYAT-25-01CS
DATE:	18.12.25
DRAWING TITLE:	Concept Plan
ADDRESS:	Lot 157, 1600, 5739 YATES STREET BAKERS HILL 6401

REVISION: 01

01	plans combined	18-12-25
00	ORIGINAL ISSUE	10-12-2025

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DRAWING No.: 1 OF 1