

*A progressive, diverse and caring community,
with access to modern services and infrastructure,
in a unique part of the world*

MINUTES

of the

**Special Meeting of Council to consider;
The Proposed Subdivision of Lot 3 Williams Road, Popanyinning**

held

Monday 28th February 2022

Shire of Cuballing
Council Chambers
Campbell Street, Cuballing

These minutes were confirmed at the Ordinary Meeting held on Wednesday 16th March 2022.

Signed.....

Cr Eliza Dowling, Shire President
Wednesday 16th March 2022

COUNCIL MEETING PROCEDURES

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting at “Public Question Time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceedings, just raise your hand when the Presiding Member announces Public Question Time.
4. All other arrangements are in accordance with the Council’s standing orders, policies and decisions of the town.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Cuballing for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Cuballing disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person’s or legal entity’s own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Cuballing during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Cuballing. The Shire of Cuballing warns that anyone who has an application lodged with the Shire of Cuballing must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Cuballing in respect of the application.

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1. DECLARATION OF OPENING:

The Shire President, Cr Dowling, declared the meeting open at 4.07pm.

2. ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:

2.1.1 Attendance

Cr Eliza Dowling	President
Cr Robert Harris	Deputy President
Cr Dawson Bradford	
Cr Julie Christensen	
Cr Adrian Kowald	
Cr Peter Dowdell	

Mr Stan Scott	Chief Executive Officer
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2.1.2 Apologies

Nil

2.1.3 Leave of Absence

Nil

3. STANDING ORDERS:

COUNCIL DECISION 2022/18:

That Standing Orders be suspended for the duration of the meeting to allow for greater debate on items.

Moved: Cr Kowald

Seconded: Cr Harris

Carried 6/0

4. PUBLIC QUESTION TIME:

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Nil

4.2 WRITTEN QUESTIONS PROVIDED IN ADVANCE:

Nil

4.3 PUBLIC QUESTIONS FROM THE GALLERY:

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil

6. CONFIRMATION OF MINUTES:

Nil

The confirmation of minutes from the previous Ordinary Meeting of Council will be included in the Agenda for the next Ordinary Meeting to be held at 2pm, Wednesday 16th March 2022.

**7. PETITIONS/DEPUTATIONS/PRESENTATIONS/
SUBMISSIONS:**

Nil

8. DISCLOSURE OF FINANCIAL INTEREST:

Nil

9. REPORTS OF OFFICERS AND COMMITTEES:

9.1 DEPUTY CHIEF EXECUTIVE OFFICER:

Nil

9.2 CHIEF EXECUTIVE OFFICER:

9.2.1 Proposed Subdivision – Lot 3 (No.181) Williams Road, Popanyinning

Location:	Lot 3 (No. 181) Williams Road, Popanyinning
Applicant:	PH and KE Gow Licensed Surveyors for W & E Reynolds
File Ref. No:	ADM352 - WAPC161774
Disclosure of Interest:	Nil
Date:	25 February 2022
Author:	Stan Scott
Attachments	9.2.1A Letter and plan from applicant 9.2.1B Location plan

Summary

A subdivision application, for Lot 3 Williams Road, Popanyinning, to create a homestead lot and a balance lot is not supported given the subdivision application is inconsistent with the local planning framework and would result in unplanned, ad-hoc fragmentation of rural land and set an undesirable precedent.

Background

The Western Australian Planning Commission (WAPC) has referred a subdivision application to the Shire for comment. Details provided by the applicant are provided in Attachment 9.2.1A.

The application site is approximately 3 kilometres west of the Popanyinning townsite (see Attachment 9.2.1B).

The site currently consists of one title which is 64.85 hectares in area. The property is generally cleared, is dissected by a watercourse, has two existing dwellings and various sheds. The site has frontage to Williams Road.

The proposal is to create two new titles:

- Lot 'A', the homestead lot, to be 2.36 hectares in area to accommodate an existing dwelling and some sheds; and
- Lot 'B', the balance lot, which is approximately 62.5 hectares to continue to be used for rural farming purposes.

The landowner, Mr Wayne and Mrs Evelyn Reynolds, do not own adjoining titles.

Planning framework

In summary:

- The property is zoned 'General Agriculture' in the *Shire of Cuballing Local Planning Scheme No. 2 (LPS2)*;
- The property is classified as 'Rural' in the *Shire of Cuballing Local Planning Strategy*;
- Portions of the site, including most of Lot 'A' are classified as a Bushfire Prone Area as set out at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>;
- *State Planning Policy 2.5 Rural Planning* includes an objective to 'provide investment security for existing, expanded and future primary production and promote economic growth in regional development on rural land for rural land uses'; and
- The WAPC's *Development Control Policy 3.4 Subdivision of Rural Land* (Policy DC3.4) outlines the WAPC will consider rural subdivision for a limited range of exceptional

circumstances. One of these exceptional circumstances is for homestead lots subject to meeting relevant criteria. As part of this, the WAPC is to have due regard to the provisions of a local planning scheme and a local planning strategy.

Further details are outlined below.

Section 6.3 of Policy DC3.4 is of relevance to this application. The Policy, in part, states:

'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'.

Clause 3.2(b) of LPS2 in part sets out the following objectives for the General Agriculture Zone:

- 'to preserve productive land suitable for grazing, cropping and other compatible productive rural uses in a sustainable manner;
- to ensure the preservation of the rural character and rural appearance of land within the zone;
- to protect the economic viability of rural zoned land through a presumption against subdivision except where such subdivision will enhance and/or promote the viability and diversity of general farming activity'.

The *Shire of Cuballing Local Planning Strategy*, which was endorsed by the WAPC, in part sets out:

- Objectives in section 3.1 which include to 'promote and manage a sustainable settlement pattern to avoid unnecessary duplication of resources' and to 'promote agriculture as a key economic and social driver within the district';
- In section 3.5.1 'Farming is the core business of the district in the foreseeable future and must be protected to conduct normal operations. Due to the importance of agricultural land to the district economy, the Council considers it necessary to protect these areas from incompatible subdivision and development. Subdivision for residential, rural residential use and rural smallholding use are not supported outside of identified areas on the Strategy Plan. There is a general presumption against subdivision of rural land. This presumption against subdivision is in accord with WAPC SPP2.5 and DC3.4 with subdivision only considered in exceptional circumstances';
- Action 25 'Provide advice to the WAPC on subdivision applications which is guided to WAPC policy. In particular, to not generally support additional lots in rural areas but generally support boundary realignments'; and
- Advice 26 'Provide advice to the WAPC on homestead lot subdivision applications that it does generally not support creating an additional lot but will generally support a boundary realignment.'

Comment

Based on Council's Local Planning Strategy, it is recommended that the Council advise the WAPC that the application be refused. It is noted:

- The application is inconsistent with the local planning framework. The Council, in reviewing its Local Planning Strategy, specifically considered the matter of homestead

lots and outlined it does not generally support the creation of additional lots in rural areas. In comparison, the Local Planning Strategy supports the creation of homestead lots when associated with a boundary realignment (where no additional lot is created);

- The application represents an unplanned breakdown of rural land. This is likely to have a negative impact on the character of the area including the potential for introducing 'rural lifestylers' surrounded by farming operations. This is considered incompatible with the planning intent of the zone and would result in ad-hoc fragmentation of agricultural land;
- If approved, the proposal is likely to set an undesirable precedent for rural areas. The fragmentation of rural land is likely and this is inconsistent with Policy DC3.4;
- The Local Planning Strategy supports new subdivisions, creating additional lots, to be within or adjoining the Cuballing and Popanyinning townsites. The reasons include protecting agricultural land, maintaining and growing the local economy and service delivery considerations. This includes servicing new residents that are further from Cuballing and Popanyinning;
- Historically, homestead lots were considered on their merits in parts of Western Australia where the population was declining. This is not the case for the Shire of Cuballing;
- There are a wide range of existing lot sizes in the Shire. Significantly, the Local Planning Strategy identifies generous areas for rural residential (1 – 4 hectares) and rural smallholding lots (4-40 hectares) that are close to the Cuballing and Popanyinning townsites;
- The applicant has not addressed the implications of economic viability and precedent of creating essentially a rural residential lot in the rural area; and
- The applicant did not raise or consider the Local Planning Strategy.

Strategic Implications

The unplanned breakdown of rural land is inconsistent with the local planning framework. It will create a precedent for creating similar proposals that will place pressure on agricultural production and the cost of acquiring rural land.

Statutory Environment

Planning and Development Act 2005 and LPS2.

Policy Implications

The application is inconsistent with the Local Planning Strategy.

Financial Implications – Nil

Economic Implications

The application creates an additional lot.

Social Implications – Nil

Environmental Considerations

There are minimal environmental considerations associated with the subdivision application.

Consultation

The WAPC invites comments from the Shire, servicing agencies and relevant State Government departments on subdivision applications.

Options

The Council can resolve to:

1. Recommend the application be refused;
2. Support the subdivision application with no conditions; or
3. Support the subdivision application with conditions.

Note:

The CEO tabled an additional one page document from the proponent setting out the family circumstances predicating this application (see **Attachment 9.2.1C**)

Voting Requirements – Simple Majority

OFFICER RECOMMENDATION

That Council does not support the subdivision application of Lot 3 (No. 181) Williams Road, Popanyinning (WAPC 161774) for the following reasons:

1. The proposed subdivision is inconsistent with the General Farming zoning of the land in the Shire of Cuballing Local Planning Scheme No. 2. The purpose and intent of this zoning is to ensure the continued viability of agricultural production, to retain the rural character and amenity of the area and there is a presumption against subdivision.
2. The proposed subdivision is contrary to the Shire of Cuballing Local Planning Strategy which has a general presumption against the subdivision of land designated 'Rural' to create additional lots. The application is inconsistent with the Strategy's objective to support rural land being retained for primary production. The proposed lot size of Lot 'A' is inconsistent with the settlement strategy which supports smaller lots close to the Cuballing and Popanyinning townsites in defined areas. Accordingly, the application represents the unplanned breakdown of rural landholdings.
3. The proposed subdivision is contrary to State Planning Policy 2.5 - Rural Planning including it creates the adhoc fragmentation of rural land, it creates a small rural living lot in a rural area which raises service deliver considerations and it creates increased potential for land use conflict.
4. The proposed subdivision is contrary to Development Control Policy 3.4 - Subdivision of Rural Land, on the basis that the subdivision of the subject land in the manner proposed has not been identified in a Local Planning Scheme or an endorsed Local Planning Strategy for closer settlement in the manner proposed and therefore represents the unplanned breakdown of landholdings.
5. The application will result in ad-hoc fragmentation of rural land.
6. The cumulative effect of the proposed development will adversely affect the character and amenity of the area.
7. The application does not comply with the planning intent for the zone or area and is inconsistent with orderly and proper planning for the area.
8. Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the General Farming Zone in this locality and in the Shire of Cuballing.

Moved Cr Bradford

Seconded Cr Christensen

Vote Tied 3/3
The President's casting vote was against the motion
Motion Lost 3/4

COUNCIL MOTION / RESOLUTION 2022/19

That Council supports the Subdivision Application without conditions.

Moved Cr Kowald

Seconded Cr Dowdell

Vote Tied 3/3
The President's casting vote was in favour of the motion
Motion Carried 3/4

Local Government Administration Regulations - Reg 11 (da) require that where a Council decision is substantially different from the Officer's Recommendation that the reason be recorded.

Council decision was in response to the individual circumstances advised by the proponent and should not be seen as a precedent for other rural subdivision applications.

PH and KE GOW (Licensed Surveyors)

PO Box 580 Narrogin WA 6312
98815140 0428250962 fax 98815575

The Secretary
Western Australian Planning Commission
140 William St
PERTH WA 6000

09/12/21

Re: Proposed Subdivision Application, 181 Williams Rd, Popanyinning, Shire of
Cuballing

Dear Sir,

On behalf of the land owners I apply for planning approval for the creation of a
homestead lot on Lot 3 on Plan 18482.

The reason for the homestead lot creation is for family succession planning and to give
the land owners some security of title as the farm is passed on to family members.

The two proposed lots have constructed road frontage and reticulated power. Water is
supplied by catchment from the building rooves into storage tanks. The subdivision will
not create any new housing entitlements. Proposed Lot A has a 10m wide entry laneway
which is 322m long area being 0.32ha.

Proposed Lot B would be retained in the family as an agricultural lot including an
existing house.

We request approval of the subdivision as presented.

Any questions do not hesitate to contact me.

Regards

Peter Gow



Your Ref : 161774
 Previous Ref :
 Enquiries : Rosa Rigali (8551 9306)

16 December 2021

Application No: 161774 - Lot No 3 Williams Road Popanyinning

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 27 January 2022 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

Send responses via email to referrals@dplh.wa.gov.au. Always quote reference number "161774" when responding.

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

Yours faithfully

A handwritten signature in black ink, appearing to read "S Fagan".

Ms Sam Fagan
 Secretary
 Western Australian Planning Commission

e-mail: <mailto:referrals@dplh.wa.gov.au>; web address: <http://www.dplh.wa.gov.au>



Application for Approval of Freehold or Survey Strata Subdivisions

Lodgement ID: 2021-223525

Submission Date: 10/12/2021 09:25 AM

Your Reference

Reynolds 2

Location of Subject Property

181 Williams Rd, Popanyinning

No. of applicants

1

Are you applying on your own behalf?

No

Are you the primary applicant?

Yes

Do you have consent to apply from all landowners?

Yes

Lodgement Type

Subdivision

Submitted by

Peter Gow

Email

peter-gow@bigpond.com

DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE	FILE
15-Dec-2021	161774

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

What is the proposed use/development?

Proposed Use	Lot size	Number of Lots	
Rural	Over 25 HA	1	
Rural Living	2 HA - 5 HA	1	
Local Government	Shire Of Cuballing	Existing dwellings	Yes
Is common property proposed	No		

Applicants**Primary applicant (1)**

Is the applicant a company/organisation?	No	Is the applicant a landowner?	No
Name/Company	Mr Peter Gow	ABN / ACN	N/A
Email	peter-gow@bigpond.com	Phone number	0428250962

Address

Street address	PO Box 580	Town / Suburb or City	Narrogin
State	WA	Post Code	6312
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Certificate of Title Details**Lots with certificate (1)**

Volume	1939	Folio	295
Lot Number	3	Plan Number	18482
Total land area	64.85	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	Mr Wayne Reynolds	Company / Agency	N/A
ACN / ABN	N/A	Landowner type	Registered Proprietor/s
Address			
Street address	181 Williams Road	Town / Suburb or City	Popanyinning
State	WA	Post code	6309
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Landowner (2)			
Full name	Mrs Evelyn Mr Wayne Reynolds	Company / Agency	N/A
ACN / ABN	N/A	Landowner type	Registered Proprietor/s
Address			
Street address	181 Williams Road	Town / Suburb or City	Popanyinning
State	WA	Post code	6309
Country	AUSTRALIA	OR Non-Australian Address, P.O. Box, & etc	N/A

Subdivision detail			
Number of dwellings	2	Dwelling retained	Yes
Dwelling description	N/A		
Number of outbuildings/structures	5	Structure/s retained	Yes
Other description	N/A		
Structure description	N/A		
Is a battleaxe lot/s proposed?			Yes
Does plan show the width and length of the access leg, the area of the access leg and total area of the rear lot			Yes
Has the land ever been used for potentially contaminating activity			No
Does the land contain any sites that have been classified under the Contaminated Sites Act 2003			No
Does the land contain any sites that have been reported or required to be reported under the Contaminated Sites Act 2003			No
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			No
Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?			No
Is the development within a Bushfire Prone Area?			N/A
Are there any dewatering or drainage works proposed to be undertaken			No
Is excavation of 100 cubic metres or more of soil proposed			No
If yes did the Acid Sulfate Soils investigation indicate acid sulfate soils were present			No
Is a Termination Proposal Attached			No
Is a Strata Company Resolution Attached			No

Fee & Payment			
Fee amount	\$3,547.00	Payment Type	By Card

Attachments	
Attachment name	Attachment type
1. Consent Signed-2.pdf	Authorised Letter of Consent
2. Consent Signed-3.pdf	Authorised Letter of Consent
3. ct 1939 295-1.pdf	Certificate of Title
4. Form_1A_CheckList-6.pdf	Required Information about the Proposal
5. WAPC Letter-5.pdf	Liveable Neighbourhoods Compliance Statement
6. WAPC Letter-7.pdf	Required Information about the Proposal
7. WAPC Sketch-4.pdf	Subdivision Plan

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	11-13 Pinjarra Road
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 8999	Tel: (08) 9586 4680
Fax: (08) 6551 9001	Fax: (08) 9841 8304	Fax: (08) 9791 0576	Fax: (08) 9964 2912	Fax: (08) 9581 5491

Infoline: 1800 626 477; e-mail: corporate@wapc.wa.gov.au; web address: <http://www.dplh.wa.gov.au>;

WESTERN




AUSTRALIA

REGISTER NUMBER 3/P18482	
DUPLICATE EDITION N/A	DATE DUPLICATE ISSUED N/A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME 1939 FOLIO 295

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES 

LAND DESCRIPTION:

LOT 3 ON PLAN 18482

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

WAYNE MARTIN REYNOLDS
EVELYN MAREE REYNOLDS
BOTH OF "BETHEL PARK" LOT 3 WILLIAMS ROAD, POPANYINNING
AS JOINT TENANTS

(T G740470) REGISTERED 18/3/1998

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

- EASEMENT BURDEN CREATED UNDER SECTION 27A OF T. P. & D. ACT - SEE PLAN 18482.
- G740471 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 18/3/1998.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 1939-295 (3/P18482)
PREVIOUS TITLE: 1532-397
PROPERTY STREET ADDRESS: 181 WILLIAMS RD, POPANYINNING.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF CUBALLING

7 Required information about the proposal

An application may not be accepted and will be returned to the applicant with the submitted fee if the requirements are incorrect or incomplete.

General Information required for all applications

1. Subdivision plans are based on an accurate and up-to-date feature survey that includes existing ground levels relative to AHD or topography of the subject lot/s. A feature survey is not required for amalgamation approval. Yes
2. Relevant copies of the subdivision plans and supporting documentation or accompanying information are attached. Yes
3. The subdivision plan is capable of being reproduced in black and white format. Yes
4. The subdivision plan is drawn to a standard scale (e.g. 1:100, 1:200, 1:500, 1:1000) at A3 or A4. Yes
5. All dimensions on the subdivision plan are in metric standard. Yes
6. The north point is shown clearly on the subdivision plan. Yes
7. The subdivision plan shows all lots or the whole strata plan (whichever is applicable). Yes
8. The subdivision plan shows all existing and proposed lot boundaries. Yes
9. The subdivision plan shows all existing and proposed lot dimensions (including lot areas). Yes
10. The subdivision plan shows the lot numbers and boundaries of all adjoining lots. Yes
11. For battleaxe lots, the subdivision plan shows the width and length of the access leg, the area of the access leg and the total area of the lot. Yes n/a (battleaxe lot not proposed)
12. The subdivision plan shows the name/s of existing road/s. Yes
13. The subdivision plan shows the width of proposed road/s. Yes n/a (no road proposed)
14. The subdivision plan shows all buildings and/or improvements, including driveways and crossovers (including setbacks) which are to be retained, or removed. Yes n/a (land is vacant)
15. The subdivision plan shows all physical features such as watercourses, wetlands, significant vegetation, flood plains and dams. Yes n/a (land does not contain such features)
16. The subdivision plan shows all electrical, sewer and water infrastructure. For on-site sewage disposal, the indicative disposal areas for wastewater distribution are to be shown. Yes

17. Additional information required in the case of applications for residential infill subdivision within existing residential zoned areas

Applications which propose to create two or more residential lots in existing residential areas must show all existing features (in addition to item 16 above) located in the road reserve/s adjoining the subject land and all existing improvements on the subject land and including:

- driveways and crossovers
- kerb lines
- manholes
- bus stops
- gully pits
- boundary setbacks for dwelling/s to be retained
- fencing
- street trees
- water supply
- swimming pools
- pedestrian paths
- retaining walls
- telecommunication pillars
- electricity transmission lines and poles
- sewer, water and electricity connections
- on-site sewage disposal systems, including treatment and wastewater disposal areas

The WAPC has published a guide to applications and fees to assist applicants preparing to submit applications. The guide and other information about the planning system is available online:

www.dph.wa.gov.au

Transport Impacts

Transport Impact Statements and Transport Impact Assessments are required to determine the likely transport impact of a proposal. Information to assist proponents is available on the DPH website at www.dph.wa.gov.au/policy-and-legislation/state-planning-framework/tact-sheets-manuals-and-guidelines/transport-impact-assessment-guidelines

1. Are there 10 - 100 vehicle trips in the subdivision's peak hour? Yes No
If yes, a transport impact statement is to be provided
2. Are there more than 100 vehicle trips in the subdivision's peak hour? Yes No
If yes, a transport impact assessment is to be provided.

Access to/from right-of-way or private road

Access is to be provided from an existing right of way or private road.

If you indicate 'yes', you must provide a copy of the plan or diagram of survey on which the subject right-of-way was created to confirm its exact width and whether a right of access exists. Right of access may be an easement under section 167A of the Transfer of Land Act 1893, an implied easement for access or other arrangement.

Yes No

Road and rail noise

Is the proposal within the trigger distance of a strategic transport route as defined by State Planning Policy 5.4?

Yes No

Contaminated sites

Information to assist applicants to respond to the following questions is on the Department of Water and Environmental Regulation (DWER) website at www.dwer.wa.gov.au/your-environment/contaminated-sites.

1. Has the land ever been used for a potentially contaminating activity? Appendix B of Assessment and Management of Contaminated Sites (DWER Contaminated Sites guidelines) lists potentially contaminating industries, activities and land uses. The list is not exhaustive. Yes No
If yes, please attach details of the activities/uses.
2. Does the land contain any site or sites that have been classified under the Contaminated Sites Act 2003? Yes No
3. Does the land contain any site or sites that have been reported or are required to be reported under the Contaminated Sites Act 2003? Yes No

If you indicated 'yes' to question 2 or 3 you must provide a Basic Summary of Records (BSR). Where a BSR is not available from the public Contaminated Sites Database, the form requesting a BSR from DWER is available online at www.dwer.wa.gov.au/your-environment/contaminated-sites/57-forms or by calling DWER on 1300 762 982.

If a BSR is not available, a copy of the letter from DWER notifying the applicant that the site or the sites are under assessment must be provided, followed by the BSR when available.

Is a BSR or letter from DWER attached?

Yes No

Information requirements for Liveable Neighbourhoods

Subdivision applications proposing to create 20 or more lots on greenfield and urban infill sites will be assessed against the requirements of Liveable Neighbourhoods.

Such applications should be supported by documentation addressing the relevant criteria of Liveable Neighbourhoods, as identified in the application guidelines within the policy document.

Is this application to be assessed under the Liveable Neighbourhoods policy and is supporting documentation attached?

Yes No

Acid sulfate soils

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 disturbing acid sulfate soils at this location?

Yes No

Bushfire Prone Areas

Is all, or a section of the subdivision in a designated bushfire prone area?

Yes No

If 'yes', has a BAL Contour Map been prepared; and

if the BAL Contour Map indicates areas of the subject site as BAL-12.5 or above, has a Bushfire Management Plan been provided with the application?

Yes No

If NA is selected and the proposal is in a designated bushfire prone area then a statement advising why SPP 3.7 does not apply should be included.

n/a

On-site sewage disposal

Is on-site sewage disposal proposed?

Yes No

If yes, proposals for on-site sewage disposal should be accompanied by a site and soil evaluation as per the Government Sewerage Policy.

Has a site and soil evaluation been provided? If no, then a statement is to be provided as to why an evaluation has not been provided.

n/a (smaller than 4sq)

Information on preparing site and soil evaluations may be found on the Department of Health's website <https://www2.health.wa.gov.au/~/media/Files/Corporate/general%20documents/water/Wastewater/Site-Soil-Evaluation.pdf>

Survey Strata Title lots

Is strata title subdivision proposed?

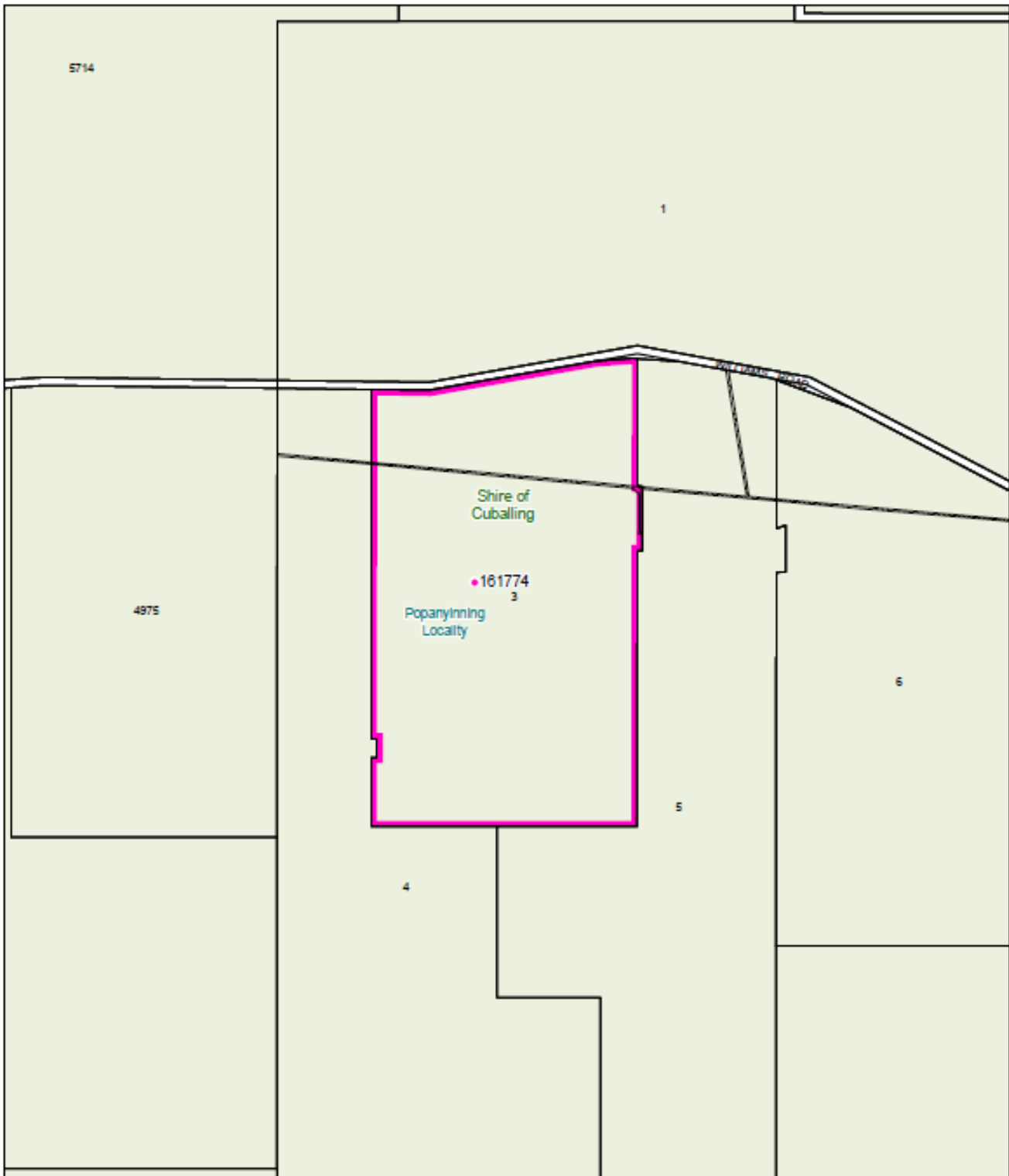
Yes No

If yes, either the plan of subdivision or accompanying servicing plan is to show the indicative internal sewer and water connections to each lot.

If applicable, easements are to be shown.

Information on the water and sewer detail for survey strata lots to be shown can be found on the Department of Mines, Industry Regulation and Safety website: www.commerce.wa.gov.au/publications/plumbers-technical-note-services-survey-strata-lots-0

The information and plans provided with this application may form part of an agenda as part of the reporting process.



**Location Plan for:
Subdivision Application**

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

Application Number: **161774**

Decision: **Outstanding**

Printed: **15/12/2021**



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

Base information supplied by
Western Australian Land Information Authority SLIP 1180-2020-1

Application Status

Outstanding

Existing LPS Zones and Reserves

General agriculture

Local road

Easements and Referrals

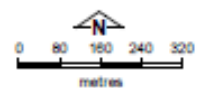
Easements

Region Scheme Reserves

Localities & Local Government Boundaries

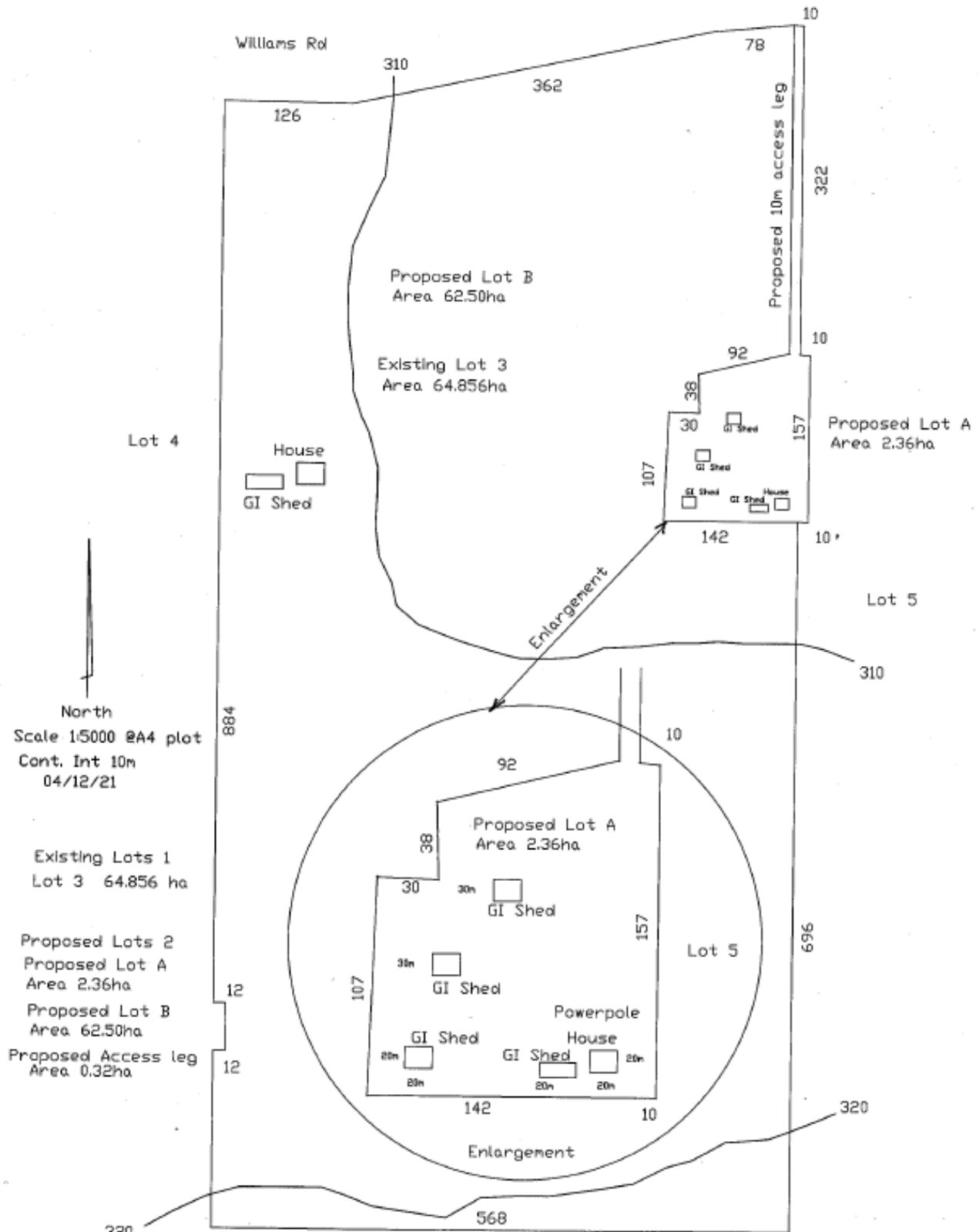
Local government boundary

Locality



DEPARTMENT OF PLANNING, LANDS AND HERITAGE	
DATE 15-Dec-2021	FILE 161774

Proposed Subdivision Lot 3 (181 Williams Rd)
Popanyinning Shire of Cuballing



North
Scale 1:5000 @A4 plot
Cont. Int 10m
04/12/21

Existing Lots 1
Lot 3 64.856 ha

Proposed Lots 2
Proposed Lot A
Area 2.36ha
Proposed Lot B
Area 62.50ha
Proposed Access leg
Area 0.32ha

Portion of land is identified as bushfire prone.
However proposal does not increase intensity of development
therefore BAL is not required. PH and KE Gow 0428250962
Existing Sheds and Houses to be retained

As ageing parents, 3 years ago we started looking into options for Dwayne for when we are no longer here. An extremely emotional task, but one we cannot ignore. Registered with NDIS, he attends Accessibility in Narrogin 2 days a week with respite in a group home leased by Accessibility 3 days a week. There he is assisted by day support workers and night supervisor, undertaking supported independent living skills, of which he has adjusted to really well and enjoys. He is home with us Monday's, Friday's and every weekend. Our future goal for him is to attend the group home weekdays and home on weekends.

Due to circumstances, we were never going to be in a position to self fund our retirement and will be relying on obtaining a pension when that time comes. Having 160 acres will not qualify us for a full pension.

With a sub division, in the near future we will transfer the bulk of our 160 acres over to Danny, while keeping the other 5 acres in our name. This will allow us to continue to enjoy the lifestyle we love so much, and for Dwayne to continue to have a quality of life with freedom in where he is happy and safe.

When the time comes of our passing the said 5 acres will go to Danny, with clauses and conditions in place for Dwayne to continue to live here for his long term future. Danny will also be Dwayne's guardian.

Wayne and I, have never had any intention of selling our property, or any part of through sub division. Danny and Josephine also wish the property to continue to be their home in the distant future and of no intent to sell any part off.

We thank you for your time
Regards

Wayne and Evelyn Reynolds

9.3 MANAGER OF WORKS AND SERVICES:

Nil

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE APPROVAL OF THE PRESIDENT OR MEETING:

Nil

12. CONFIDENTIAL MATTERS:

Nil

13. NEXT MEETING:

Ordinary Council Meeting, 2.00pm, Wednesday 16th March 2022 at the Shire of Cuballing Council Chambers, Campbell Street, Cuballing.

14. CLOSURE OF MEETING:

There being no further business, the Shire President, Cr Dowling, closed the meeting at 4.47pm.