

Notice of Meeting



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Dear Elected Member

The next Special meeting of the Shire of West Arthur will be held on Tuesday 18 January 2022 in the Council Chambers commencing at 7.00pm.

Schedule

7.00pm Special Council Meeting

Ian McCabe
A/Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of West Arthur for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of West Arthur 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 or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the 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 West Arthur during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of West Arthur. The Shire of West Arthur warns that anyone who has an application lodged with the Shire of West Arthur must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of West Arthur in respect of the application.

AGENDA

Shire of West Arthur
Special Council Meeting
18 January 2022

MISSION STATEMENT

To value and enhance our community lifestyle and environment through strong local leadership, community involvement and effective service delivery.

DISCLAIMER

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Please Note:

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

Meeting Procedures:

1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
2. Members of the public may ask a question at an ordinary Council Meeting under "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 proceeding, 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 decision of the Shire of West Arthur.

Council Meeting Information:

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes the Friday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

Agendas for Ordinary Meetings are available at the Shire of West Arthur Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 2).

Public Inspection of Unconfirmed Minutes (Regulation 13).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of West Arthur Office and the Shire of West Arthur website within ten (10) working days after the Meeting.



Ian McCabe
A/Chief Executive Officer



SHIRE OF WEST ARTHUR - QUESTIONS FROM THE PUBLIC

Name: _____

Residential Address: _____

Phone Number: _____ Meeting Date: _____

Signature: _____

Council Agenda Item Number: _____

*If applicable-see below**

Name of Organisation Representing: _____

If applicable

QUESTION

Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. A total of 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Council, they are to relate to the Agenda Item tabled at that meeting.

Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will be treated as 'normal business correspondence' and the question / response will not appear in the Council Minutes.

Please see Notes on Public Question Time on Pages 4 and 5 above

* **Council Meetings:** Questions are to relate to a matter affecting the Shire of West Arthur.



APPLICATION FOR LEAVE OF ABSENCE

(Pursuant to Section 2.25 of the *Local Government Act 1995* (as amended))

- (1) A council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect to more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent without first obtaining leave of the Council throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of Council –
 - (a) if no meeting of the Council at which a quorum is present is actually held on that day;
or
 - (b) if the non-attendance occurs while –
 - (i) the member has ceased to act as a member after which written notice has been given to the member under Section 2.27 (3) and before written notice has been given to the member under Section 2.27 (5);
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending;
or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.

I, _____ hereby apply for Leave of Absence from the West Arthur Shire Council from _____ to _____ for the purpose of _____

Signed: _____ Date: _____



WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

NOTE: USE ONE FORM PER DECLARATION

- (1) I, _____ wish to declare an interest in the following item to be considered by council at its meeting to be held on
- (2) _____
- (3) Agenda item _____
- (4) The type of interest I wish to declare is;
- Financial pursuant to Sections 5.60A of the *Local Government Act 1995*.
 - Proximity pursuant to Section 5.60B of the *Local Government Act 1995*.
 - Indirect Financial pursuant to Section 5.61 of the *Local Government Act 1995*.
 - Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007.

(5) The nature of my interest is

(6) The extent of my interest is

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

DECLARATION BY:

Signature

Date

RECEIVED BY:

Chief Executive Officer

Date

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item is to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act).

DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

Financial pursuant to Sections 5.60A of the Local Government Act 1995

5.60A – Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

Proximity pursuant to Section 5.60B of the Local government Act 1995

5.60B – Proximity Interest

- (1). For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns –
 - (a). a proposed change to a planning scheme affecting land that adjoins the person's land;
 - (b). a proposed change to zoning or use of land that adjoins that person's land; or
 - (c). a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.

- (2). In this section, land ("**the proposal land**") adjoins a person's land if –
 - (a). the proposal land, not being a thoroughfare, has a common boundary with the person's land;
 - (b). the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
 - (c). the proposal land is that part of a thoroughfare that has a common boundary with the person's land.

- (3). In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

5.61 – Indirect financial interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

11 – Disclosure of interest

- (1). In this regulation –
Interest means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest arising from kinship friendship or membership of an association.

- (2). A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose nature of the interest –
 - (a). in a written notice given to the CEO before the meeting;

- or
- (b). at the meeting immediately before the matter is discussed.

- (3). Sub-regulation (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4). Sub-regulation (2) does not apply if –
 - (a). A person who is a council member fails to disclose an interest because the person did not know he or she has an interest in the matter; or
 - (b). A person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.
- (5). If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then –
 - (a). Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b). At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6). If –
 - (a). Under sub-regulation (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b). Under sub-regulation (5) (b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting.

The nature of the interest is to be recorded in the minutes of the meeting.

Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act)

5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1). If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
 - (a). may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
 - (b). may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if –
 - (i) the disclosing member also discloses the extent of the interest; and
 - (ii) those members decide that the interest –
 - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
 - (II) is common to a significant number of electors or ratepayers.
- (2). A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3). This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

SHIRE OF WEST ARTHUR

Agenda for the Special Meeting of Council to be held in the Council Chambers on Tuesday 18 January 2022 – commencing at 7.00pm.

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1. Declaration of Opening / Announcements of Visitors

The Presiding Member to declare the meeting open.

2. Attendance / Apologies / Approved Leave of Absence

COUNCILLORS: Cr Neil Morrell (President)
Cr Graeme Peirce (Deputy President)
Cr Adam Squires
Cr Robyn Lubcke
Cr Duncan South

STAFF: Ian McCabe (A/Chief Executive Officer)

APOLOGIES: Cr Neil Manual
Cr Karen Harrington

ON LEAVE OF ABSENCE:

ABSENT:

MEMBERS OF THE PUBLIC:

3. Announcements by the Presiding Member

4. Response to Previous Public Questions Taken on Notice

5. Public Question Time

6. Petitions / Deputations / Presentations / Submissions

7. Applications for Leave of Absence

8. Disclosures of Interest

9. Confirmation of Minutes of Previous Meetings Held
Nil

10. Reports of Committees of Council

11. Reports from Councillors

Cr Neil Morrell (President)

Cr Graeme Peirce (Deputy President)

Cr Neil Manuel

Cr Adam Squires

Cr Robyn Lubcke

Cr Karen Harrington

Cr Duncan South

12. Chief Executive Officer

12.1 RISK REGISTERS

File Reference:	2.8 Risk Management
Location:	Not Applicable
Applicant:	Ian McCabe Acting Chief Executive Officer
Author:	Ian McCabe Acting Chief Executive Officer
Authorising Officer	Ian McCabe Acting Chief Executive Officer
Date:	13 January 2022
Disclosure of Interest:	Not Applicable
Attachments:	NIL
Previous Reference:	Not Applicable

Summary:

The preparation and maintenance of an operational risk register will assist with prioritisation, resource allocation and the escalation of items for Council decision. This item seeks Council's endorsement of the risk management philosophy and considers a mechanism for consideration of risk by the CEO and Council.

Background:

It is a requirement of local government integrated planning and reporting framework to make risk management part of business decision making. Good risk management delivered by good records, a high standard of training for staff and open, transparent reporting projects a professional approach to making and delivering Council's plans.

Comment:

Local government is an inherently conservative sector dealing with public monies, public assets and shared community concerns. This means Council and officers are custodians on behalf of a wide range of interests and the focus is on preservation and proper use.

Risk management is the removal of uncertainty from business decisions. To ensure good stewardship and proper use, the employment of lower risk removes uncertainty.

One methodology of managing risk is to consider the level of risk by calculating the likelihood of an event and the consequence of it occurring. For example, the matrix in council agenda items assigns a value against each of those criteria to indicate how serious it might be – the greater the consequence, the greater the value (1 to 5); similarly, the more likely an event is to occur, the greater the value attributed to it (1 to 5). Combining these two values results in a risk score (consequence multiplied by likelihood = risk).

In this way, the author provides Council with a value aligned with the level of risk: the higher the value, the greater the risk. When Council makes decisions to invest, support or approve an action, the perceived benefits or consequences are weighed against the estimated risk of supporting or not supporting the recommendation.

Some business risk or uncertainty cannot be removed because the decision maker doesn't have all the information nor control over all the factors that affect the decision. Prices may rise; a workforce may not be available; supply chains may be disrupted. To reduce this uncertainty and mitigate the risk or control it, the risk has to be well considered (for example, what is the risk of machine failure; what would it cost to replace the machine; can we reduce the risk of failure by a maintenance programme). Once its measured in this way, plans can be made to avoid the risk as well as understand any associated price, timeline and other considerations.

A list of the main risks is referred to as a risk register. There may be operational risk registers used by managers to make decisions about work; or strategic risk registers used by Council to make long term plans. An operational risk register will list material issues that require

prioritisation and may require Council decisions to progress. Items of this nature may be reported to the Audit Committee.

This item seeks Council’s support for an operational risk register (which may have elements or relationships to strategic objectives). As an operational tool it will be utilised by managers in implementing Council decisions or elevating material issues to Council for Decision. where material, risk items will be reported to the Audit Committee, Council or discussed in confidential briefings.

Consultation:
Full Council; all managers.

Statutory Environment:
s.5.56 Local Government Act 1995; regulation 19BA (et al) Local Government (Administration) Regulations 1996.

Policy Implications:
G1.11 Risk Management

Financial Implications:
Poor risk management will result in efficiency, loss or delay; these things all cost time and money. Potentially, poor risk management will have a major financial impact on local government performance.

Strategic Implications:
Similarly, poor risk management will stymie strategic outcomes, resulting in poor implementation of long term goals.

Sustainability Implications:

- **Environmental: Major**
- **Economic: Major**
- **Social: Major**

Risk Implications:

The following risk assessment is calculated on the absence of a risk register and inclusion of risk in planning and implementing decisions.

Risk	
Risk Likelihood (based on history and with existing controls)	Almost Certain (5)
Risk Impact / Consequence	Major (4)
Risk Rating (Prior to Treatment or Control)	Extreme (20)
Principal Risk Theme	Multiple Categories (affects all areas of activity)
Risk Action Plan (Controls or Treatment Proposed)	Risk register to assess and prioritise; use of project planning techniques; improve record keeping and communication about risk and process.

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple majority

Officer Recommendation:

That Council:

1. Endorse the use of risk registers by managers to assess risk items and escalate consideration of material risk;
2. That an operational risk register be tabled at Council briefings at a frequency to be agreed by the CEO and Council;
3. That material strategic and operational risk be reported to Audit Committee.

Moved: _____

Seconded: _____

13. Finance

Nil

14. Planning and Technical Services

14.1 Rural Subdivision: Lot 1 Cordering Road South, Bowelling

File Reference:	6.5.8
Location:	Lot 1 Cordering Road South, Bowelling
Applicant:	Michael McKenna
Author:	G. Lush (Planning Consultant)
Authorising Officer	Ian McCabe, Acting Chief Executive Officer
Date:	12 January 2021
Disclosure of Interest:	Nil
Attachments:	1 Site Plan 2 Subdivision Plan
Previous Reference:	Nil

Summary:

To consider the referral of subdivision application by the WAPC (Ref No 161813) for a two-lot rural subdivision.

Background:

The subject land is Lot 1 (#188) D83364 Cordering Road South, Bowelling and this has an area of 206.4138 hectares. It has a frontage of 610m to Cordering South Road and a depth of between 1,800 and 2,000m. A plan of the subject land is contained in Attachment 1.

The subject land contains a large area of remnant vegetation and a blue gum plantation. The plantation has an area of 87 hectares and was harvested in 2018. The plantation area is now regenerating with coppice and the applicant has advised that this will be removed by the end of February. There will be no plantation on the property after remediation and removal and we will be planting pasture in due course.

There is also an existing dwelling and sheds on the property.

The owner has also made an application to the Shire to close and purchase the unmade road reserve adjoining the northern property boundary. This does not form part of the subdivision application.

Council in 2012 approved an application for a “free range” piggery (animal husbandry – intensive) on the property for a maximum of 182 animals. This was for a 15-hectare portion of the property as shown in Attachment 1. It is not known if the piggery is still operating.

The proposed subdivision is shown in Attachment 2 and will divide the property in half with the lots being 100 and 106 hectares. Both lots will be 500m wide.

Comment:

Intensive Agriculture

The application notes that Clause 5.18.4 (a) of the Scheme states that the Shire **will support** subdivision applications for intensive agriculture. It then suggests that the previously approved piggery is “intensive agricultural” and therefore the subdivision confirms with the provisions of Clause 5.18.4.

This is not supported for the following reasons.

- 1 The definition of “intensive agricultural” does not include animal keeping but rather refers to
 - (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
 - (b) the establishment and operation of fruit nurseries; or

- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);
- 2 While the piggery was approved as “animal husbandry – intensive” it was in fact for a free-range extensive piggery.
 - 3 This would only be a possible consideration if the piggery was still operating.

The inference from Clause 5.18.4 (a) is that Council **will only support** subdivision applications for intensive agriculture. This is not correct and there is nothing in Clause 5.18.4, which actively prevents the Council from supporting other subdivision applications.

The only supporting factor for the application, is that there are a number of other lots in the surrounding area which are of a similar size or smaller to those being proposed and a number of these are only 60 hectares.

BAL Assessment

The application has included a Bushfire Attack Level (BAL) Assessment for a hypothetical house site on the proposed new lot. The house site is shown in Attachment 2 and this portion of the property is not designated as being bushfire prone.

The BAL Assessment assigns the house site and a 150m radius around this has having a BAL-Low rating. This has classified the area as being non-vegetated (bare ground) on the basis of the area being in the process of having the blue gum coppice removed. However, the bushfire assessment for the subdivision is required to consider the proposed final development.

This is not supported and as indicated by the applicant, this area will be developed as “pasture in due course.” Given that the area around the proposed house site will be pasture, then with the provision of a standard 20m building protection zone, the dwelling can achieve a BAL-12.5 rating which complies with SPP3.7 Planning in Bushfire Prone Areas.

Access

There are two driveway cross overs to the property as shown in Attachment 1. The northern driveway extends along the western property boundary to the unconstructed road reserve on the northern boundary.

The proposed subdivision would require a new crossover to be built to Cordering Road South and this would have to be existing remnant vegetation. The alternative is to re-align a portion of the proposed boundary to include the existing access, or to provide a carriageway easement over it.

Consultation:

CEO consulted Manager Works and Services to advise on access to sites; both officers support the recommendations as written.

Statutory Environment:

Local Planning Scheme No 2

The subject land is zoned Rural Local Planning Scheme No 2. The objectives for the Rural zone include:

- to ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities.
- to provide for intensive agricultural uses and diversified farming which retain the rural character and amenity of the locality, and which are consistent with land suitability.

Clause 5.18.4 of the Scheme specifically deals with the subdivision of Rural zoned land stating when making recommendations to the Commission on applications for subdivision the local government will have regard to the relevant policies of the Commission and the following:

(a) Subdivision for Intensive Agriculture

The local government will support subdivision in the Rural Zone where one or more of the proposed lots are for an existing or proposed intensive agriculture use and the application demonstrates that:

- (i) any intensive agriculture lot would be a minimum size of 80 hectares unless the Department of Agriculture advises that a lesser lot size is adequate for a long term sustainable intensive agriculture use;
- (ii) the land has high land capability for the use and all lots have a sustainable water supply for domestic, fire management, agricultural, and environmental needs;
- (iii) the use would not result in adverse impacts on the environment (e.g. waterways or native flora and fauna) or cause conflict with existing agricultural uses on adjoining lots;
- (iv) the balance lot would be usable in the long term as a viable broad acre agricultural enterprise without the need for clearing of remnant vegetation; and
- (v) the intensive agriculture use has been approved by the local government under the Scheme.

State Planning Policy 3.7 Planning in Bushfire Prone Areas

A large portion of the subject land is designated as being bushfire prone on the State Bushfire Prone Maps.

State Planning Policy SPP3.7 Planning in Bushfire Prone Areas requires that any subdivision application must be accompanied by a bushfire assessment which includes:

- a) a Bushfire Attack Level (BAL) Assessment or a BAL Contour Map to show the expected BAL ratings for the developed site;
- b) the identification of any bushfire hazard issues arising from the BAL Contour Map or the BAL assessment; and
- c) an assessment against the bushfire protection criteria requirements contained within the Guidelines demonstrating compliance within the boundary of the development site.

State Planning Policy 2.5 Rural Land

State Planning Policy 2.5 Rural Land has a presumption against the subdivision of rural land except for specific circumstances being:

- a) A boundary re-alignment;
- b) To protect and actively conserve places of cultural and natural heritage;
- c) To allow for the efficient provision of utilities and infrastructure;
- d) Homestead lots; and
- e) For other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.

In addition to the provisions of the policy the WAPC will have due regard to:

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

Policy Implications:

None

Financial Implications:

None

Strategic Implications:

Shire of West Arthur Strategic Community Plan – Strategic Direction - Local Economy - supporting agriculture and local business.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Impact / Consequence	Minor (2)
Risk Rating (Prior to Treatment or Control)	Low (4)
Principal Risk Theme	Providing accurate advice and information.
Risk Action Plan (Controls or Treatment Proposed)	Consultation and compliance

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Simple Majority

Officer Recommendation:

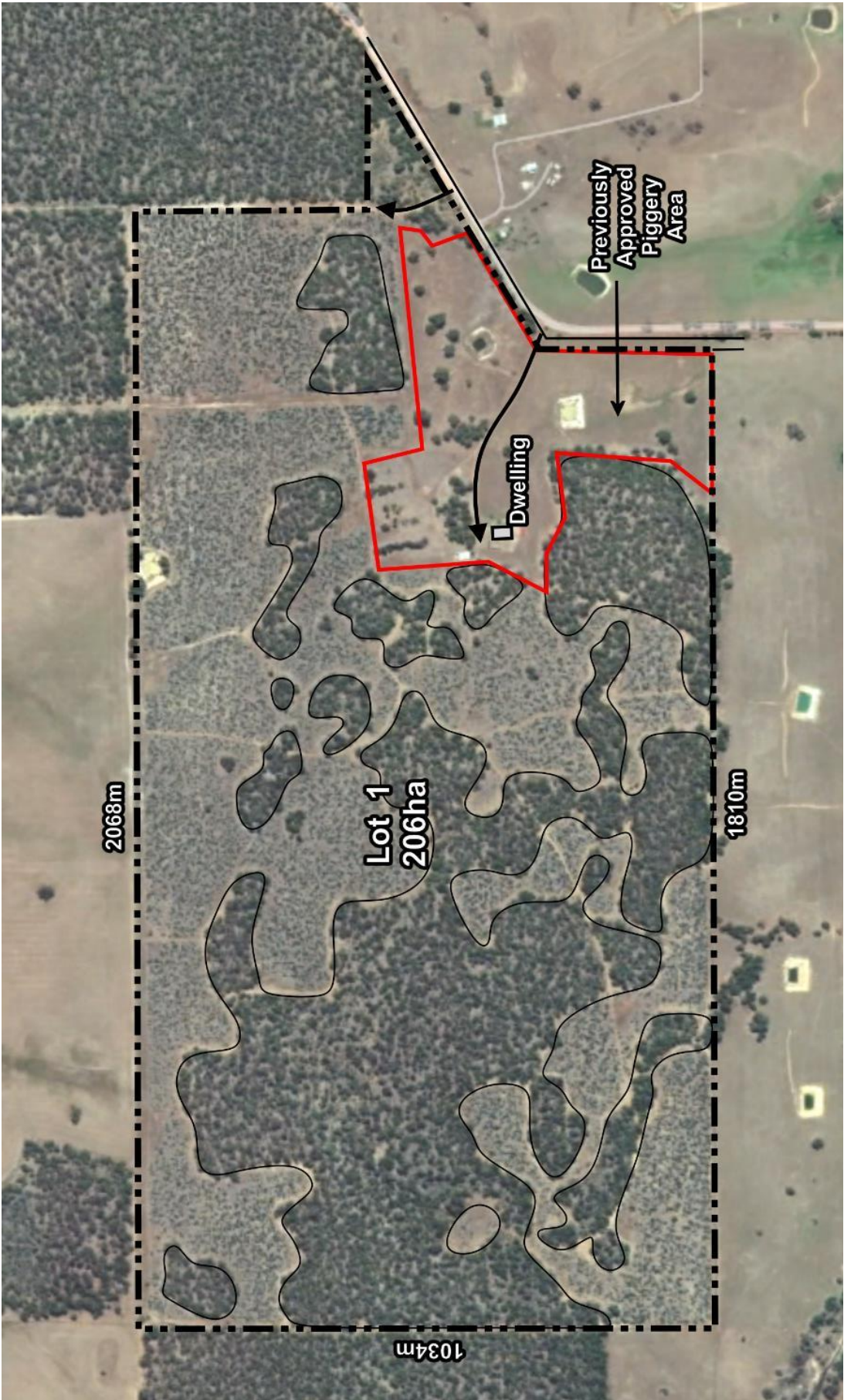
Council advise the Western Australian Planning Commission that:

- 1 It has no objection to the proposed subdivision of Lot 1 (#188) D83364 Cordering Road South (Ref No 161813) on the basis that:
 - The proposed lot size is consistent with the prevailing lot size in the area; and
 - There a suitable location for a future dwelling on land which is not designated as being bushfire prone.
 -
- 2 The property has two existing cross overs to Cordering Road South and the subdivision would require a third cross over. As the frontage of the proposed lot contains remnant vegetation, the creation of an additional cross over is not supported. To address this the subdivision boundary should be realigned to include the existing access; or a carriageway easement be provided over this with a restrictive covenant applied to prevent further direct access to Cordering Road South.

Moved: _____

Seconded: _____

Attachment 1 - Site Plan



Attachment 2 - Subdivision Plan



15. Elected Members Motions of Which Previous Notice Has Been Given

16. New Business or Urgent Business Introduced by Decision of the Meeting

New business of an urgent nature introduced by decision of the meeting. Best practice provides that Council should only consider items that have been included on the Agenda (to allow ample time for Councillors to research prior to the meeting) and which have an Officer Report (to provide the background to the issue and a recommended decision).

16.1 Elected Members

16.2 Officers

17. Matters Behind Closed Doors

18. Closure of Meeting

The Presiding Member to declare the meeting closed.