

# SHIRE OF WEST ARTHUR



## Ordinary Council Meeting 31 July 2018 Minutes

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## ORDINARY COUNCIL MEETING AGENDA

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Cr Ray Harrington, Chairperson, declared the meeting open at 6.17 pm.

### 2. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

### 3. PUBLIC QUESTION TIME

Nil.

### 4. RECORD OF ATTENDANCES/APOLOGIES/LEAVE OF ABSENCE

Cr R Harrington OAM

Shire President

Cr K King

Deputy Shire President

Cr M Meredith

Cr N Manuel

Cr M Lloyd

Cr J McFall

Cr A Blencowe

Nicole Wasmann

Chief Executive Officer

#### Visitors

Denis Blake

Shire of West Arthur Resident (6:00pm – 6:20pm)

Sue Blake

Shire of West Arthur Resident (6:00pm – 6:20pm)

#### Apologies

Nil.

#### Leave of Absence

Nil.

### 5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Denis Blake presented the Shire with a painting of six mile cottage which was accepted with appreciation by the Shire President. .

6.20pm - Denis and Sue Blake left the meeting.

### 6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held 27 June 2017

That the Minutes of the Ordinary Meeting of Council held 27 June 2017 be confirmed.

COUNCIL DECISION – ITEM 6.1
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Moved: Cr Kevin King

Seconded: Cr Julie McFall

The minutes of the Ordinary Meeting of the Shire of West Arthur held in the Council Chambers on 27 June 2017 be confirmed.

**CARRIED 7/0**

### 7. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

### 8. REPORTS

## 8.1 OFFICER REPORTS

### ITEM 8.1.1– FINANCIAL REPORT JUNE 2018

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date of Report:</b>	26 July 2018.

#### SUMMARY:

Consideration of the financial report for the period ending 30 June 2018.

#### BACKGROUND:

The statement of financial activity and the composition of net assets will be presented at the August Council meeting.

#### COMMENT:

As at 30 June 2018 there was \$180,599 (less \$15,553 paid in advance) outstanding in rates compared to \$194,937 at the same time last year.

The provision for doubtful debts is recognised as \$65,047 at 30 June 2018.

Other sundry debtors total \$188,940 of which \$2,088 is outstanding for greater than 90 days.

As at 30 June 2018, the Shire had total funds of \$2,413,285 at NAB

	<u>Business A/c</u>	<u>Cash Management</u>
Municipal	\$ 193,955	\$ 1,682,000 @ 0.50%
Trust	\$ 4,979	\$ 201,796 @ 0.50%
Reserve		\$ 280,738 @ 0.50%
Licensing	\$ 49,817	

As at 30 June 2018, the Shire had total funds of \$1,009,106 at Bendigo Bank:

	<u>Term Deposit</u>
Reserve	\$1,009,106 @ 1.5%

Funds in the trust account are not recognised in the financial statements as they are not considered to be Council funds.

If you have any questions regarding details in the financial reports, please contact the office prior to Council meeting so that sufficient time is given to research the request. This will enable the information to be provided at the Council meeting.

#### CONSULTATION:

Not Applicable.

#### STATUTORY ENVIRONMENT:

Section 34 (1) (a) of the Local Government (Financial Management) Regulations 1996 state that a Local Government is to prepare monthly statement of financial activity including annual budget estimates, monthly budget estimates, actual monthly expenditure, revenue and income, material variances between monthly budget and actual figures and net current assets on a monthly basis.

#### POLICY IMPLICATIONS:

Not Applicable.

#### FINANCIAL IMPLICATIONS:

Not Applicable.

#### STRATEGIC IMPLICATIONS:

Not Applicable.

#### VOTING REQUIREMENTS:

Simple Majority

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**COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.1**

Moved: Cr Julie McFall

Seconded: Cr Kevin King

That the written financial report for the period ending 30 June 2018 as presented be noted.

**CARRIED 7/0**

**ATTACHMENTS:**

Nil

**ITEM 8.1.2 – ACCOUNTS FOR PAYMENT**

<b>Location/Address:</b>	N/A
<b>Name of Applicant:</b>	N/A
<b>File Reference:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date of Report:</b>	26 July 2018

**SUMMARY:**

Council to note payments of accounts as presented.

**BACKGROUND:**

The schedule of accounts is included as an attachment for Council information.

**COMMENT:**

If you have any questions regarding payments in the listing please contact the office prior to the Council meeting.

**CONSULTATION:**

There has been no consultation.

**STATUTORY ENVIRONMENT:**

Section 12 of the Local Government (Financial Management) Regulations 1996 states that

- 12 (1) A list of creditors is to be compiled for each month showing –
- (a) The payee's name;
  - (b) The amount of the payment;
  - (c) Sufficient information to identify to transaction; and
  - (d) The date of the meeting of the council to which the list is to be resented.

**POLICY IMPLICATIONS:**

There are no policy implications.

**FINANCIAL IMPLICATIONS:**

There are no financial implications.

**STRATEGIC IMPLICATIONS:**

No strategic implications.

**VOTING REQUIREMENTS:**

Simple majority

**COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.2**

Moved: Cr Kevin King

Seconded: Cr Alan Blencowe

That in accordance with section 13 of the Financial Management Regulations of the Local Government Act 1995 and in accordance with delegation, payment of Municipal Fund vouchers 250618.1-28, 290618.1-27, 050718.1-23 200718.1-21 & 19993 - 20014, Licensing, Salaries and Wages and EFT Transfers, Direct Debit totalling \$719,885.47 listed (attached) be noted as approved for payment.

**CARRIED 7/0**

**ATTACHMENTS:**

- Cheque Listing

### ITEM 8.1.3 – ADOPTION OF 2018/19 BUDGET

LOCATION/ADDRESS: N/A  
NAME OF APPLICANT: N/A  
FILE REFERENCE: 1.3.1  
DISCLOSURE OF INTEREST: N/A  
DATE OF REPORT: 18 July 2018

#### **SUMMARY:**

The purpose of this item is for Council to adopt the 2018/19 Budget based on the Corporate Plan and the draft budget reviewed at the Ordinary Meeting of Council held on 27 June 2018.

#### **BACKGROUND:**

Council to adopt the budget for the 2018/19 financial year. A copy of the draft budget is provided as a separate document to the agenda.

#### **CONSULTATION:**

The budget is based on the 2018/19 year identified in the Shire of West Arthur Corporate Plan which included community and councillor consultation.

#### **STATUTORY ENVIRONMENT:**

In accordance with the Local Government Act 1995, Section 6.2 (1) Council is to adopt a budget not later than 31 August in each financial year.

#### **POLICY IMPLICATIONS:**

There are no policy implications.

#### **FINANCIAL IMPLICATIONS:**

Once adopted, the budget will guide the Shire's income and expenditure for the 2018/19 financial year.

#### **STRATEGIC IMPLICATIONS:**

The Shire's Corporate Plan was used to develop the Shire's 2018/19 Budget.

#### **VOTING REQUIREMENTS:**

Absolute Majority

### COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.3

Moved: Cr Neil Manuel

Seconded: Cr Marie Lloyd

1. That all income and expenditure as presented in the draft 2018/19 Budget be approved.
2. That the Fees and Charges as listed in the draft budget for 2018/19 year be adopted.
3. That the transfers/movements to and from Reserve Accounts as detailed in Note 9 of the Statutory Statements in the draft budget be adopted.
4. That the following rate levels be adopted for the 2018/19 year:
  - 4.1 For all rateable properties where Gross Rental Valuations are applied, a rate of 0.08385 in the dollar to apply.
  - 4.2 For all rateable properties where Unimproved Valuations are applied, a rate of 0.006082 in the dollar to apply.
  - 4.3 The minimum rate of \$500 to apply to land in the Darkan townsite and unimproved land and \$350 for land in other townsites.
5. That where payments are received after the prescribed time and penalty charges apply, then a penalty interest rate for all outstanding Rates and Service Charges is set at eleven (11%) percent per annum, to be calculated on a daily basis.
6. That for those ratepayers paying by instalments, the penalty interest to apply is set at five and a half (5.5%) percent per annum, to be calculated on a daily basis.
7. That the following Rates Instalments payment options be adopted:

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**Option 1**

To pay the total amount of rates and charges included on the rate notice in full by the 35<sup>th</sup> day after the rate notice issue.

**Option 2**

Payments to be made by two (2) instalments as will be detailed on the rates notices with the following anticipated dates:

First Instalment	21 September 2018
Second Instalment	23 November 2018

**Option 3**

Payments to be made by four (4) instalments as will be detailed on the rate notice with the following anticipated dates:

First Instalment	21 September 2018
Second Instalment	23 November 2018
Third Instalment	25 January 2019
Fourth Instalment	29 March 2019

8. That where payments are made by instalments, an administration charge of \$5 for each instalment after the first instalment shall apply.
9. That the following fees and allowances be paid to members:

9.1 Presidential Allowance	\$2,980
9.2 Deputy Presidential Allowance	\$745
9.3 Attendance Fees -Council Meeting	\$90
Committee Meeting	\$45
9.4 Communication Allowance	\$500 per annum

**CARRIED 7/0**

**ATTACHMENT:**

- Budget

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**ITEM 8.1.4 - KENNEL LICENSE APPLICATION**

LOCATION/ADDRESS: 3497 Boyup Brook-Arthur Road  
NAME OF APPLICANT: Shelby Harries  
FILE REFERENCE:  
DISCLOSURE OF INTEREST: Not applicable  
DATE OF REPORT: 24 July 2018

**SUMMARY:**

Council to consider an application for a kennel license.

**BACKGROUND:**

The Shire has received an application for a kennel license for the property located at 3497 Boyup-Brook Arthur Road.

The applicant does not own the property but has been given approval by the property owner for 20 kennels to be constructed and kept at the property.

No site plan was submitted with the application and so it is not clear where the kennels will be located.

The subject land extends across both sides of the Boyup Brook - Arthur Road. The northern portion is 55 hectares and contains the existing dwelling which is located close to the western boundary. The land is approximately 470m wide and the adjoining lots are 25 and 35 hectares in size.

**CONSULTATION:**

The application was advertised to the surrounding landowners and in the Bleat and no objections were received.

The report has been prepared in consultation with the Shire's rangers, town planner and environmental health officer.

**STATUTORY:**Dog Act

Sections 26 and 27 of the Dog Act 1976 control the number of dogs which may be kept at a property and the licensing of approved kennel establishments. Approval for a kennel under the Dog Act is separate to any approval under the Town Planning Scheme.

Local Law

Part 4 and Schedule 2 of the Shire's Dogs Local Law provides the conditions of a license for an approved kennel establishment.

Town Planning Scheme

The subject land is zoned Rural under Local Planning Scheme No 1. Kennels are a Discretionary Use (A) which requires advertising. Kennels is defined as meaning land and buildings used for the purpose of keeping, breeding and temporary care of dogs except that the expression shall not include the keeping of up to two dogs by a land owner for his own use and enjoyment. The maximum number of dogs which may be kept in kennels shall be determined in each case by the Council.

**POLICY IMPLICATIONS:**

Not applicable.

**FINANCIAL IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**COMMENT:**Guidelines for the Health and Welfare of Dogs

The Animal Welfare Act 2002 provides a general provision to prevent cruelty to animals. However, there are no mandatory standards for dog breeding, housing, husbandry, transport and sale in Western Australia.

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Western Australian Standards and Guidelines for the Health and Welfare of Dogs are currently under development by the Department of Primary Industries and Regional Development (DPIRD). These standards will establish the minimum level of care and management required to meet dog welfare, safety and health needs and encourage the humane treatment of all dogs kept in WA. There are existing Codes of Practice and Guidelines for the breeding of dogs in the eastern states.

Under the Dog Breeder Registration proposal, every person who has an entire dog (a dog that is not de-sexed) whether used currently, or intended for future breeding purposes, will be required to register as a breeder and comply with the Mandatory Standards for Dog Breeding.

There is presently some public debate as to whether these provisions will apply to working dogs kept on farms.

The South West Inspector for the RSPCA WA has inspected the subject land and issued directive to the owners.

#### Buffers

The keeping of multiple numbers of dogs on a property has the potential to be disruptive especially due to noise.

The EPA's Guidance Statement No 3 Separation Distances between Industrial and Sensitive Land Uses prescribes the minimum distance requirements for environmental management which the EPA expects to be met when the Authority considers a proposal. In relation to dog kennels it prescribes a distance of 500m in rural zones due to potential noise and odour impacts.

There are no existing dwellings within 500m of the site but it is noted that the adjacent locations 1302 and 1353 are vacant and could have a dwelling constructed in the future. Given that the minimum side boundary setback in the Rural zone is only 10m it is potentially possible for a dwelling to be developed well within the 500m buffer as the subject land is 470m wide.

This issue is further complicated by the application being for mobile skid mounted kennels which can be moved around the property.

#### Environmental Health

The applicants have asked for skid mounted kennelling to be considered. The most obvious and significant challenge with this form of construction is meeting the requirements of the Shire's Dogs Local Law, particularly in relation to the collection and disposal of effluvia from the operation.

In particular, the Local Law Schedule 2 (f) states that:

"(f) the upper surface of the kennel floor must be—

(i) at least 100mm above the surface of the surrounding ground;

(ii) smooth so as to facilitate cleaning;

(iii) rigid;

(iv) durable;

(v) slip resistant;

(vi) resistant to corrosion;

(vii) non-toxic;

(viii) impervious;

(ix) free from cracks, crevices and other defects; and

(x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;

(g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;

(h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;

(i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;"...

The proposed portable structures are likely to require increased management commitments and resources such as for the collection and disposal of droppings. Cleaning of the kennels must be done in a controlled environment where there is an approved drainage system.



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There may be some flexibility around the design and construction of the kennels but this will need to be explored when the formal application to operate a kennel is applied for under the relevant sections of the local law.

**CONCLUSION:**

The location of kennels in rural areas is generally supported due to the need to have significant buffer areas. While noting the difference between a boarding kennel and a breeding kennel, the same issues still apply to 20 dogs.

The welfare of the animals is a specific concern but directly address under the Local Planning Scheme or development approval. Environmental health and amenity issues are relevant town planning considerations.

The portable nature of the kennels may allow for suitable management in a similar manner to other forms of animal keeping. Conversely it also potentially makes it more difficult to have suitable effluent disposal, water supply, drainage etc.

Unless the location of the area being used is defined then it is difficult to determine what potential impacts there might be especially on neighbouring properties. For example, the kennel area should preferably be located in the middle of the property where it can have more than 100m setbacks to the side boundaries.

**VOTING REQUIREMENTS:**

Simple Majority.

<b>COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.4</b>
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Moved: Cr Neil Manuel

Seconded: Cr Michael Meredith

That Council approve the use and development of Lot 1332 Plan 107992 Boyup Brook - Arthur Road Trigwell for the purpose of Dog Kennels subject to the following conditions: -

1. The maximum number of dogs which can be kept at the property at any one time is 20.
2. Prior to the commencement of the use hereby permitted a management plan for the kennels shall be submitted and approved by the Shire. This plan shall include:
  - A scaled and dimensioned site plan showing the location of the kennel area. This should be located centrally within the property;
  - Details of the proposed effluent disposal system;
  - Surface drainage and disposal;
  - Water supply;
  - Landscape buffers;
  - Vehicle access.

An endorsed copy of this document and plan shall form part of this approval.

3. Prior to the commencement of the use hereby permitted, a licence application is made per the requirements of the Shire of West Arthur's Dogs Local Law;
4. Prior to the commencement of the use hereby permitted, a building application for the construction of the kennel buildings and a septic tank application for the construction of a septic system must be made to the Shire;
5. The development and use hereby approved shall occur in accordance with the endorsed plans and specifications and these shall not be altered or modified without the prior written approval of the Shire.
6. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
7. The development and operation of the site shall manage noise levels to the requirements and satisfaction of the Shire. Noise emissions from the development shall at all times comply with the Environmental Protection (Noise) Regulations 1997.
8. The kennels, exercise areas, yards and property shall be fenced to the requirements and satisfaction of the Shire.
9. The use hereby permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason of the emission of smoke, dust, fumes, odour, noise, vibration, waste product or otherwise.

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10. Waste water and effluent from the operations shall be treated and managed to the requirements and satisfaction of the Environmental Health Officer. No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into watercourse or easement drain, but shall be so treated and/or absorbed on that lot to the satisfaction of the Environmental Health Officer.
  11. The site shall be so ordered and maintained as not to prejudicially affect the amenity of the locality by reason of appearance.
  12. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire, is granted by it in writing.

Advice Note

In relation to Condition 5 compliance with the Environmental Protection (Noise) Regulations 1997 is considered to be the minimum standard. Where so directed by Council additional measures may be required to comply with this condition.

**CARRIED 7/0**

**ATTACHMENTS:**

Nil

<b>ITEM 8.1.5 - PLANNING APPLICATION FOR CONSTRUCTION OF SECOND DWELLING</b>
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LOCATION/ADDRESS:	4222 Boyup Brook Arthur Road, Moodiarrup
NAME OF APPLICANT:	WA Country Builders on behalf of Peter and Genene Lloyd
FILE REFERENCE:	6.5.1
DISCLOSURE OF INTEREST:	Not applicable
DATE OF REPORT:	23 July 2018

**SUMMARY:**

Council to consider a request to build a second dwelling on a property. The existing dwelling is in poor condition and whilst it is currently tenanted by people employed in the local agricultural industry, it is likely to be demolished in the future

**BACKGROUND:**

The subject land is located at 4222 Boyup Brook Arthur Road, Moodiarrup, Wellington 2336, and has an existing dwelling on the lot. The proposed new dwelling is within the setback boundaries and has road access.

**CONSULTATION:**

Consultation with Geoffrey Lush Town Planning Consultant.

**STATUTORY:**

'Dwelling – Grouped' is a discretionary use under the Shire of West Arthur's Town Planning Scheme. Discretionary use means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

**POLICY IMPLICATIONS:**

Not applicable.

**FINANCIAL IMPLICATIONS:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**COMMENT:**

The existing dwelling is in poor condition and it is proposed to demolish the dwelling in the future. In the interim, the dwelling is used by people working on farming properties in the area.

The property owners wish to build a new home as their own residence.

**VOTING REQUIREMENTS:**

Simple Majority.

**COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.5**

Moved: Cr Michael Meredith

Seconded: Cr Alan Blencowe

That the Shire of West Arthur grant planning approval for a second dwelling on 4222 Boyup Brook- Arthur Road, Moodiarrup subject to compliance with health and building requirements.

**CARRIED 7/0**

**ATTACHMENTS:**

Nil

**ITEM 8.1.6 – WORKERS ACCOMMODATION ARTHUR RIVER ROADHOUSE**

LOCATION/ADDRESS: Lots 15220 & 15221 Albany Hwy Arthur River  
NAME OF APPLICANT: Rekakai Pty Ltd  
FILE REFERENCE:  
DISCLOSURE OF INTEREST: N/A  
DATE OF REPORT: 24<sup>th</sup> July 2018

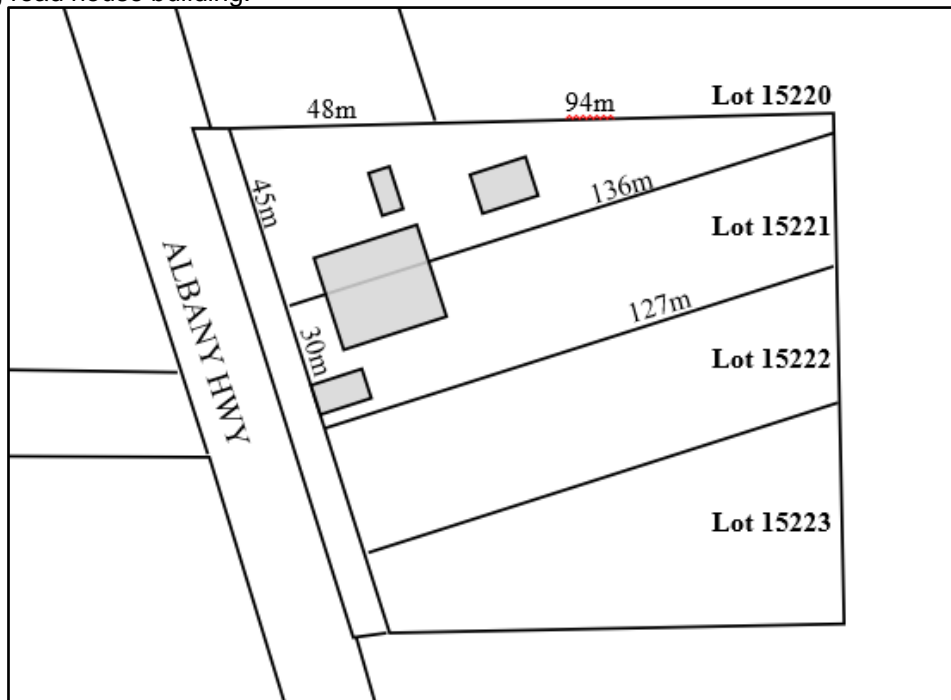
**SUMMARY:**

The application is for the development of two “dongas” for worker’s accommodation at the existing roadhouse.

The application is supported subject to conditions, while noting that there is an issue with the existing lots and boundaries.

**BACKGROUND:**

The subject land is comprised of Lots 15220 & 15221 Albany Highway as shown below. Lot 15220 has an area of 0.3462ha and Lot 15221 has an area of 0.3978ha. The existing property boundary passes through the existing road house building.



The development will consist of two dongas with one being 3.0m by 9.9m and the second one being 3.3m by 14.4m. They will be located behind the existing building.

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It is proposed to connect the buildings into the existing septic tank systems.

**CONSULTATION:**

None

**STATUTORY ENVIRONMENT:**

Bushfire Prone Land

The subject land is not designated as being bushfire prone and the Local Planning Scheme Regulations and BCA construction provisions do not apply to the proposal.

Local Planning Scheme

The subject land is zoned Rural and “workers accommodation” is a discretionary (D) use.

The minimum building setbacks in the Rural zone are:

- Front : 20.0m;
- Rear : 20.0m; and
- Side: 10.0m.

Pursuant to Clause 5.5.1 Council may vary the above setback provisions provide that it consults with the affected parties which is normally the neighbours.

**COMMENT:**

As the dongas are located behind the main building, they are partially screened from view from the parking / information bay.

The only issue with the application is that it is unclear what the setback of the dongas will be from the property boundary and whether the existing septic systems cross the boundary.

A reduction in the normal setbacks is acceptable given that this is a commercial development. Formal advertising is not required as the applicant owns the adjoining land.

**POLICY IMPLICATIONS:**

None

**FINANCIAL IMPLICATIONS:**

None

**STRATEGIC IMPLICATIONS:**

None

**VOTING REQUIREMENTS:**

Simple Majority

<b>COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.6</b>
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Moved: Cr Neil Manuel

Seconded: Cr Marie Lloyd

That Council approve the use and development of Lots 15220 & 15221 DP166445 Albany Highway Arthur River for worker’s accommodation subject to the following conditions: -

1. Prior to the commencement of the development hereby approved, a scaled site plan shall be submitted to be approved by the Shire. This plan shall show:
  - The location of the proposed buildings;
  - Setbacks from existing boundaries;
  - Any proposed fencing; and
  - Car parking for workers.An endorsed copy of this plan shall form part of the approval.

2. The development hereby approved shall occur in accordance with the endorsed plans and these shall not be altered or modified without the prior written approval of the Shire.

3. Any use, additions to and further intensification of any part of the building or land (not the subject of this consent) shall be subject to a further development application and consent for that use.
4. No polluted drainage shall be discharged beyond the boundaries of the land from which it emanates or into watercourse or easement drain but shall be so treated and/or absorbed on that lot to the satisfaction of the Environmental Health Officer.
5. This approval shall expire if the development hereby permitted is not completed within two years of the date hereof, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Council, is granted by it in writing.

Advice Note: The location of the buildings and proposed effluent disposal system may require the lots to be amalgamated due to either building or health requirements.

**CARRIED 7/0**

**ATTACHMENTS:**

Nil

**ITEM 8.1.7 – USE OF OLD ARTHUR RIVER POST OFFICE**

LOCATION/ADDRESS:  
NAME OF APPLICANT: Maree O'Connell  
FILE REFERENCE:  
DISCLOSURE OF INTEREST: Not applicable  
DATE OF REPORT: 25 July 2018

**SUMMARY:**

Council to consider the request for the use of the old Post Office and the old Mount Pleasant Inn, Arthur River for the demonstration and sale of crafts and the sale of plants.

**BACKGROUND:**

The historical buildings are located opposite the Arthur River Hall and owned by the Shire. In accordance with the deed of agreement dated 1 October 1991 with Dakin Nominees Pty Ltd, the Shire agreed that it "would use the Land solely for the purpose of protection of the historical buildings erected on the Land and activities associated with the preservation of historical buildings and for no other purpose." in the event of the land being used for an alternative purpose, Dakin Nominees Pty Ltd have the option to repurchase the land.

The applicant is seeking approval to demonstrate and sell crafts and to sell plants from the old buildings.

Initially most of the craft items will be produced by the applicants, with the potential to sell other local produced items.

**CONSULTATION:**

State Heritage have been consulted and as long as there are no structural changes to the buildings they do not believe that cottage industries, such as being suggested, will be an issue.

The Arthur River Development Committee support the proposal.

Main Roads has been consulted and do not need to be formally approached regarding traffic and access.

**STATUTORY:**

The site is zone rural. The use can be considered under Industry – Cottage under the Rural zone.

As a 'D' use under the town planning scheme, the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Provided that the lease is for a period of less than 2 years and during all or any of which time the lease does not give the lessee the exclusive use, the requirements of the Local Government Act for in accordance with S3.58 of the Local Government Act in relation to disposal of property.

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**POLICY IMPLICATIONS:**

Not applicable.

**FINANCIAL IMPLICATIONS:**

It is proposed that the applicant will meet all electricity charges during the use.

**STRATEGIC IMPLICATIONS:**

Not applicable.

**COMMENT:**

If approval is granted by Council, an agreement or lease will be prepared with consideration for maintenance, upkeep, and use. There is sufficient parking at the site for the proposed development.

**VOTING REQUIREMENTS:**

Simple Majority.

<b>COUNCIL DECISION (OFFICER RECOMMENDATION) – ITEM 8.1.7</b>
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Moved: Cr Kevin King

Seconded: Cr Julie McFall

That

- Council support the Shire entering into a renewable lease or agreement for non- exclusive use of the Arthur River historical site, incorporating the old Post Office and Inn, to Marree O'Connell for a period of up to 12 months; and
- planning approval for a cottage industry - being the sale and demonstration of crafts and the sale of plants, at the historical site in Arthur River incorporating the old Post Office and Inn be granted

**CARRIED 7/0**

**ATTACHMENTS:**

Nil

**8.2 COMMITTEE REPORTS**

Nil.

**8.3 ELECTED MEMBER REPORTS**

Cr King attended a Regional Road Group meeting in Wickepin and the Darkan Swimming Pool Committee meeting.

Cr Julie McFall advised that the West Arthur Cottage Homes Committee had met and they were continuing to progress with the disposal of the two older units. Cr McFall recently represented Council at a smoking ceremony organised by Main Roads at Bowelling. Cr McFall also reported that the Lions Club are holding a bowls day and are seeking support.

Cr Marie Lloyd is attending is a CRC meeting on Wednesday which was postponed from last week and advised Council that she had recently undertaken training for the Development Assessment Panel.

Cr Harrington attended an Arthur River Development Committee Meeting and chaired a public meeting regarding the future of the 1950s section of the Arthur River Hall.

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**9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**10. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**11. CONFIDENTIAL ITEMS**

Nil.

**12. CLOSURE OF MEETING**

Cr Harrington declared the meeting closed at 7:30pm.

**DISCLAIMER**

The purpose of this council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of West Arthur expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

These Minutes were confirmed at the ordinary council meeting on: Tuesday 28 August 2018

Signed: \_\_\_\_\_  
Presiding Member at the meeting at which the Minutes were confirmed