MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 28 MARCH 2006

1. COMMENCEMENT

The President declared the meeting open at 11.10am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

<u>Attendance</u>

Cr J. M. Schilling	President	West Ward
Cr N. J. McLean	Deputy President	South Ward
Cr M. G. Roberts		South Ward
Cr W. S. McDonald		South Ward
Cr B. M. Foster		West Ward
Cr A. D. Bailey		West Ward
Cr V. A. Szczecinski		North Ward
Cr J. D. Alexander		North Ward
Cr S Leonhardt		North Ward
Mr K. L. Byers	Chie	ef Executive Officer
Mr S. P. Gollan	Deputy Chie	ef Executive Officer
Miss C. Emanuel		Secretary

Apologies

Nil

Leave of Absence

Nil

Mr Kim Isbister, Regional Risk Coordinator, attended Council as an observer.

3. PUBLIC QUESTION TIME

3.1 AGRICULTURE REPORT

Mr Peter Young presented a verbal report on an Agricultural Protection Board Advisory meeting he attended on behalf of Council that was held in Northam on 14 March 2006.

4. CONDOLENCES

WEBB

Mr Cyril

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

- 6.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 FEBRUARY 2006
- M1/0306 Moved Cr Foster Seconded Cr Roberts That the Minutes of the Ordinary Meeting of Council held on 21 February 2006, be confirmed.

CARRIED 9-0

6.2 MINUTES OF THE PLANT AND WORKS COMMITTEE MEETING HELD ON WEDNESDAY 16 MARCH 2006

Appendix 1

M2/0306 Moved Cr Szczecinski Seconded Cr Alexander That the Plant and Works Committee Meeting held on Wednesday 16 March 2006 be received.

CARRIED 9-0

6.3 PRESIDENT'S REPORT

Cr Schilling presented a verbal report on her activities during the month. Cr Schilling stated that she has attended the following meetings:

- State Government Cabinet meeting in York
- SEAVROC meeting

Cr Schilling advised that both herself and the Chief Executive Officer met with the Principal of the Beverley District High School regarding various school matters.

Cr Schilling also commented that the Central Zone Bowls Days held in Beverley was well supported.

M3/0306 Moved Cr McLean Seconded Cr Leonhardt That the President's Report for March is received. CARRIED 9-0 Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 11.50am.

7. REPORTS OF COMMITTEES AND OFFICERS

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.1
DATE:	21 March 2006
SUBJECT:	PROPOSED CONSTRUCTION OF
	PUMPING/STORAGE DAM 'D' FOR ORGANIC OLIVE
	GROVE DEVELOPMENT 'BEAMING HILL' ESTATE,
	DALE KOKEBY ROAD, BEVERLEY
OWNER:	Beaming Hill Pty Ltd and Beaudame Pty Ltd
FILE REFERENCE:	DAL-622
AUTHOR:	Shire Planner – David Lodwick

Appendix 2: Locality and Site plans.

SUPPLEMENTARY REPORT

Council at it's meeting of 21 February 2006 resolved as follows:

"That Council refer the proposal to construct pumping/storage dams at "Beaming Hill Estate", Dale Kokeby Road, Beverley as outlined in letter of 16 January 2006 from Great Southern Holdings Pty Ltd and associated Slade Ag-Tech Drawings to adjacent landowners for comment, within 21 days (shire Planner to determine advertising catchment), prior to Council making a decision on the proposal."

The proposal was advertised to the nearest 8 surrounding landowners inviting comment for a period of 21 days as resolved by Council. No submissions were received.

Dam "B" was approved administratively under delegated authority as it is not on a watercourse and is purely a pumping dam for irrigation purposes.

This current proposal therefore relates to storage Dam "D" which is on a watercourse.

The previous agenda report to Council from the 21 February 2006 Council meeting is re-presented below in it's entirety including attachments with recommendation that Dam "D" now be approved.

BACKGROUND

Council previously at it's meeting of August 2005 granted approval for the establishment of an Organic Olive Grove Development at "Beaming Hill" Estate at Lots 141, 589, 851, 852, 863, 21, 25, 26, 27, 30, 31 and 1239 Dale Kokeby Road Beverley subject to the following conditions:

- 1. Submission of the following plans for approval by Council's Shire Planner:
 - Groundwater resources assessment and management plan;
 - Fire Management Plan;
 - Revegetation Plan;
 - Irrigation Plan.
- 2. A building license being sought and issued for all buildings to be constructed prior to construction commencing;
- 3. Production waste water system to be installed to the satisfaction of Council's Principal Environmental Health Officer;
- 4. Food processing and bottling areas to comply with the Health Act (as amended) and Health (Food Hygiene) Regulations 1993;
- 5. Any irrigation mainline linkage for both farms under Dale-Kokeby Road to be undertaken to the satisfaction and specification of Council's Principal Works Supervisor.

The Shire Planner has subsequently been in receipt of the applicant's proposed Groundwater resources assessment and management plan, which prior to endorsement, has been referred to the Department of Environment for comment on the document's suitability in respect of proposed sustainable use of water or otherwise.

COMMENT

Council is now in receipt of correspondence from Michael Campi, Project Manager – Vineyards & Olives for Great Southern Olive Holdings Pty Ltd dated 16 January 2006, which states as follows:

"In accordance with our planning approval for the above development, and further to our meeting on the 4th January 2006 I would like to advise as follows:

I refer to the documentation left with you that was prepared by Warren Slade from Slade Ag Tech, on the dam development proposals for the Beaming Hill property. I am also attaching an aerial photo of the property showing the proposed dam sites.

After our meeting with you on the 4th of January 2006 we also met with the Department of Environment in Northam (Martin Revell and Bernard Kelly).

Following these discussions and further consideration of our requirements we have finalised our storage dam requirements for the Beaming Hill property as follows:

- **Construct Dam B** as a "pumping dam" for the irrigation system, to which our 2 irrigation bores will pump water to.
- **Construct Dam D** as a surface water collection dam, which will also be pumped to Dam B for the irrigation system.
- Note Dam C will not be constructed.

The construction of Dams B and D on the Beaming Hill property will enable the groundwater from the 2 bores and the harvested water to be transferred to one storage area from which the required flows to be irrigation system can then be achieved by pumping from the one location.

The construction of Dam D will also ensure that we can use the groundwater resource in a sustainable way by also using the surface water runoff that can be collected in the winter months from the property.

The design of the dams and calculations of storage volumes are contained in the drawings as provided by Slade Ag-Tech. In addition to this information the following actions are proposed as discussed with the Department of Environment on the 4th January 2006:

The vegetation along the creek line where the bores and dams are to be located will be managed to ensure the trees are kept alive. This will be achieved by allowing environmental flows/seepage flows to continue; and by replanting areas along the creek line with native species where appropriate.

Reeds and Sedges and other endemic Native Species will also be planted around the dams and inflow areas to landscape the dam construction and help minimise erosion risk.

As previously discussed, we need to be able to commence construction of these dams by the end of January 2006 to be able to have the work completed by the end of March in readiness for the irrigation system to be connected.

It would therefore be greatly appreciated if you could confirm that the construction of the dams can commence."

As the proposal to construct pumping/storage dams on the Estate has the potential to impact on drainage and water table depth of adjoining land, referral of the proposal to adjacent landowners for comment is recommended, prior to Council making a decision on the proposal. A recommendation of approval is now suggested given that no objections were received during the advertising period.

M4/0306 Moved Cr Leonhardt Seconded Cr McDonald That Council approve the proposal to construct pumping/storage dam "D" at "Beaming Hill Estate", Dale Kokeby Road, Beverley as outlined in letter of 16 January 2006 from Great Southern Holdings Pty Ltd and associated Slade Ag-Tech Drawings subject to compliance with any specified requirements of the Department of Environment.

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.2
DATE:	14 March 2006
SUBJECT:	PROPOSED SUBDIVISION – LOT 50 & 56 DEMPSTER
	STREET, BEVERLEY
OWNER:	B & J Howell
FILE REFERENCE:	PL-130680
AUTHOR:	Shire Planner – David Lodwick

Appendix 3: Locality plan and proposed subdivision plan.

BACKGROUND

Council is in receipt of a referral from the WA Planning Commission to subdivide the following landholdings on Dempster Street Beverley.

<u>Original Lots:</u> Lot 50: 3.1337ha Lot 56: 146m2

Proposed Lots: Lot 80: 2.1721ha Lot 81: 9782m2

COMMENT

The proposal is to create two blocks designed allowing for the possibility for future access to Brooking Street with further subdivision of the super block.

The existing residential dwelling with laundry and shed would be suitably defined and fenced within the larger block.

The creation of the new lots complies with the minimum lot size specified under the Residential 10 zoning prevailing over the subject land and country sewerage policy.

There are no buildings over boundaries. As such, approval is recommended.

M5/0306 Moved Cr Foster Seconded Cr Leonhardt That Council recommends to the Western Australian Planning Commission that the proposed subdivision of Lots 50 & 56 Dempster Street Beverley be approved.

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.3
DATE:	22 March 2006
SUBJECT:	FINALISATION OF ROAD CLOSURES AND ROAD
	DEDICATION – MAWSON ROAD REALIGNMENT,
	BEVERLEY
OWNER:	J & W Murray; Department of Planing and
	Infrastructure
FILE REFERENCE:	PL 126780
AUTHOR:	Shire Planner – David Lodwick
Appondix 4:	Subdivision/Amalgamation Plan

Appendix 4: Subdivision/Amalgamation Plan.

COMMENT

This proposal relates to the previous works that took place on the long corner of Dale Mawson Road near Potts Road and the reclamation of J & W Murray's land to facilitate the relocation of the road.

Council has previously requested the Hon Minister for lands permanently close the disused portion of road in accordance with the requirements of Section 58 of the Land Administration Act 1997. Prior to making the request to the Minister, Council wrote to government servicing authorities. The physical works have already occurred.

The Western Australian Planning Commission recently approved the subdivision and amalgamation of the land.

The last stage in the process to resolve outstanding land tenure arrangements affecting the subject land is for Council to resolve to dedicate the new portion of road and indemnify the Minister for Planning against any claim of costs resulting from the request.

M6/0306 Moved Cr Leonhardt Seconded Cr McDonald
A. That the Shire of Beverley resolves to dedicate the new road and agrees to indemnify the Minister for Planning and infrastructure against any claim for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request in the resumption of the new road alignment and the inclusion of the redundant portion of Dale Mawson Road being incorporated into Avon Location 20577 and 16013, as required under Section 56 of the Land Administration Act 1997 referring to road dedication.

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.1
DATE:	20 March 2006
SUBJECT:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) AMENDMENT BILL 2005
FILE REFERENCE:	
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The Local Government (Miscellaneous Provisions) Amendment bill 2005 was introduced in the Legislative Assembly 0n 10 October 2005.

The bill proposes that;

- 1. A building licence can be issued retrospectively for illegal works
- 2. Regulating the qualifications of building surveyors,
- 3. Remove the power for unqualified people to approve building licenses, and
- 4. Clarify the definition of swimming pools.

COMMENT

Item 1:-

Currently, should an individual erect a building without a building licence having first been obtained, he may be either prosecuted, and once a successful prosecution has been obtained, either pull down and remove the structure, or have the structure certified that it complies, and a "Determination of Unauthorised Works" Certificate being issued. This certificate then recognises the structure for the Shires record keeping purposes.

The proposal has merit whereby it will be easier to legalise the structure. The Council will still have the opportunity to prosecute the builder for an illegal structure. Fines will be increased from a maximum of \$5,000 to \$50,000 and daily penalty from \$200 to \$5,000 per day.

Item 2:-

By far the most far-reaching topic in the bill. This subject has been discussed for the past 6/7 years.

Currently anyone can become a Building Surveyor for a Shire with a population under 15,000 people.

The old Dept Local Government issued a Municipal Building Surveyors Qualification (MBSQ) if the applicant could prove that he/she had more than 2years full time experience as a Building Surveyor, or had a Diploma in Building Surveying. Many older Building Surveyors (BS) are Registered Builders or worked as carpenters who became BS many years ago (25 to 30 years ago).

Other BS obtained from TAFE a building qualification that allowed them to work as BS. More recently a university degree was offered in the eastern states, and there are now several such qualified BS working for LG.

The Proposed System – The proposal is for a two-tiered system of qualification;

Level 1 must have a degree in building and three years minimum experience. This allows the person to practise in an unrestricted manner.

Level 2 must either have an advanced Diploma in BS as well as two years minimum experience. This allows the person to practise restricted, to 3 floors in height or 2000 square metres floor area.

There appears to be no place for those who hold the MCBS in either level.

Nor is there a place for those who have multiple years of experience.

A Department of Housing and Works (DHW) Building Note dated 16 March 2004 outlined the Municipal Building Surveyors Certificate, as well as the National Accreditation Framework for Building Certifiers. The following framework was suggested;

- Certifier Level 1 (Private certifier & local government employees). Unrestricted, able to work on all classes and size of buildings. Must have a degree, or RPL within 5 years, or 3 years relevant experience. Able to assess and approve plans, undertake inspections, and issue final certificates for building occupation.
- Certifier Level 2 (Private certifiers & local government employees). Restricted to 3-storey maximum, or maximum floor area of 2000m2. Must have an Advanced Diploma, or working at this level at time of framework implementation, or 2 years relevant experience. Able to assess and approve plans, undertake inspections, and issue final certificates for building occupation.

As the proposal now stands there is a severe risk that once the transitional period has been reached, there <u>will</u> be a major shortage of BS. It is absurd to think that after 30 years of experience as a BS you will now no longer be able to practise. There has to be some form of

recognition for these individuals, perhaps with a third level of qualification/experience.

My personal view is that yes, you must have some form of experience/ qualification to practise in order that the standard of BS can be raised to meet the minimum standards set by the Australian Building Codes Board.

This matter was discussed at Northam on Friday 3 March 2006 with representatives from the Department of Housing and Works (DHW). It was suggested at the meeting that a third level should be created to overcome the perceived shortage once the transitional time period has expired. This would also allow those BS to obtain further qualifications.

There is another problem and that is, there is a large number of BS reaching retirement age. This would preclude those BS from obtaining a degree, which it has been suggested would take 10 years part time study. There currently are no advanced Diploma courses available in WA. This would then mean external studies in the eastern states.

A suggested course of action would be to adopt the DHW Building Note issued on 16 March 2004 – National Accreditation Framework for Building Certifiers

LG should voice their concerns to the DHW, prior to the bill being passed in parliament.

Item 3:-

This is a logical move, as this would remove a lot of liability for the Shire in terms of an unqualified person approving plans. However, this is still a practise in some Shires.

Item 4:-

This item also requires clarification as well does the definition of a spa pool and when does a spa pool require an isolation fence.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Amendment bill 2005

M7/0306 Moved Cr Alexander Seconded Cr Roberts That Chief Executive Officer with Building Surveyor jointly forward a submission to the Department of Housing and Works Building Codes and Regulation Branch, objecting to the changes proposed for the qualifications of Building Surveyors, highlighting the implications this will create in attracting suitable officers in Rural areas.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 12.25pm.

Mr Kim Isbister, Regional Risk Coordinator, left Council Chambers at 12.25pm.

Council adjourned for Lunch at 12.25pm.

Council reconvened from Lunch at 1.15pm.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 1.15pm.

7.2 HEALTH AND BUILDING

7.2.2
28 March 2006
RELOCATED DWELLING
Lot 802 Springhill Road
Elaine Hill
Environmental Health Officer/Building Surveyor –
Frank Buise

BACKGROUND

The owners of this property have made application to the Council for permission to relocate a dwelling from a holding yard on Wildfire Road, Maddington to their property in Springhill Road.

Transhomes built the dwelling some 10 years ago.

Council's Town Planning Scheme Policy No 9 (Relocated Second-Hand Buildings) section 4.1 states;

Applications for the relocation of second hand buildings on property within the shire of Beverley requires Council planning approval prior to a Building Licence being issued and relocation taking place. All applications for the relocation of second-hand buildings will be assessed against this policy prior to a decision being made under the provisions of the Scheme.

In determining the application, Council may: Approve the application; Approve the application with conditions; or Refuse the application.

Section 6 requires the applicant to pay a \$5,000 cash bond.

The Shire Planner has viewed the application and has no issues with the request.

COMMENT

It is now becoming more popular to relocate relatively new dwellings, compared to the old timber framed, asbestos clad houses. Cost being the biggest factor. This dwelling can be made to meet the requirements of the BCA.

This dwelling will be located at the rear of the farming property on Springhill Road. The property is some 115 hectares.

STATUTORY ENVIRONMENT

Building Code of Australia Shire of Beverley Town Planning Scheme No.2

- M8/0306 Moved Cr McDonald Seconded Cr Roberts Council resolve to grant planning approval subject to the following conditions;
 - 1. The applicant pay the \$5,000 cash bond,
 - 2. Compliance with the Building Code of Australia, and
 - 3. That a Building Licence be issued prior to the relocation of the dwelling.

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.3
DATE:	28 March 2006
SUBJECT:	BARN STYLE DWELLING
LOCATION:	Lot 51 Vincent Street, Beverley
OWNER:	Than Than Aye
FILE REFERENCE:	
AUTHOR:	Environmental Health Officer/Building Surveyor –
	Frank Buise

BACKGROUND

The owners of this property have made application to the Council for permission to erect a Barn style dwelling on their property, which is located on the edge of the townsite in Vincent Street.

The building is supplied by Shedco as a shed, and the owner will fit it out as a dwelling.

Further, section 144 of the Health Act requires the owner to seek permission of the Local Authority for the owner to convert the shed to a dwelling.

The Shire Planner has viewed the application and has no issues with the request.

COMMENT

This is an unusual dwelling, and technically it is a shed, so therefore I consider that Council approval is required. Council also needs to approve the conversion into a dwelling.

STATUTORY ENVIRONMENT

Building Code of Australia Shire of Beverley Town Planning Scheme No.2 Health Act 1911

- M9/0306 Moved Leonhardt Seconded Cr Szczecinski Council resolve to grant approval for the construction of a barn style dwelling on Lot 51 Vincent Street subject to the following conditions;
 - 1. Compliance with the Building Code of Australia, and
 - 2. That a Building Licence be issued prior to the erection of the shed

And further, approval be granted to convert the shed to a dwelling under section 144 of the health Act 1911.

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.4
DATE:	28 March 2006
SUBJECT:	OVERSIZE GARAGE – LOT 96 EDWARDS STREET, BEVERLEY
OWNER:	Mr & Mrs Elston
FILE REFERENCE:	
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

An application has been received for a 90m² shed with a wall height of 4.3m plus gable height of 500m to be constructed on Lot 96 Edwards Street, Beverley.

Council policy 8 – Outbuildings allows for a maximum floor area for a shed of $55m^2$

Further, the policy allows a wall height of 3.0m with a combined height of 4.0m.

Council has the discretion in approving anything outside of the policy requirements.

COMMENT

Given the location of the property, there will be very little impact on surrounding neighbours.

M10/0306 Moved Cr Alexander Seconded Cr Foster That Council resolve to allow the application for a 90m² shed with a wall height of 4.3m at Lot 96 Edwards Street, Beverley, subject to notice in writing given to neighbours with 10 days to lodge objections.

Stephen Gollan declared an interest in the following item and left Council Chambers at 1.40pm.

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.5
DATE:	28 March 2006
SUBJECT:	SCHEDULE OF WORKS – BEVERLEY GOLF CLUB
FILE REFERENCE:	
AUTHOR:	Environmental Health Officer/Building Surveyor –
	Frank Buise

Appendix 5: Schedule of Works issued on 17 January 2005.

BACKGROUND

A letter was received from the Beverley Golf Club requesting an extension on a Schedule of Works issued by Environmental Health Officer/Building Surveyor, Frank Buise on 17 January 2005.

This letter was presented to Council during the Council Meeting held on 21 February 2006 with the decision that Council needed to view the actual list of works to be carried out on the Schedule of Works.

M11/0306 Moved Cr Leonhardt Seconded Cr Foster That Council request the Beverley Golf Club carry out the following by Monday 17 April 2006:

1. Works in items 2.8 and 2.9 from the Schedule of Works

2. A plan of works specifying the dates to be completed. Non-compliance with the above will result in the kitchen being closed.

CARRIED 9-0

8. INFORMATION BULLETIN

8.2 ENVIRONMENTAL HEALTH OFFICER / BUILDING SURVEYOR

Nil

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 2.15pm.

Stephen Gollan returned to Council Chambers at 2.15pm.

Senior Constable Matt Fogarty entered Council Chambers at 2.20pm.

BEVERLEY POLICE STATION

Senior Constable Matt Fogarty presented Council with proposals regarding police housing and community programs for Beverley.

Housing

Senior Constable Fogarty has been in contact with GEHA regarding inadequate housing in Beverley and the need for more adequate housing for Police Officers.

Mr Fogarty requested that Council provide a letter of support regarding the supply of adequate housing for Police Officers.

Community Program

Mr Fogarty has requested an amount of \$15,000.00 to purchase a data project, sound system and other resources to run Youth programs in Beverley. The Local Drug Action Group, Fire and Rescue, Beverley District High School and other community clubs support the programs.

Programs include ideas such as skate parks, movies, discos etc. and would be organised under the Beverley Police banner. The resources purchased will be secured at the police station

Senior Constable Matt Fogarty left Council Chambers at 2.58pm.

Council adjourned at 3.00pm.

Council reconvened at 3.20pm.

Mr Steve Vincent, Works Supervisor, entered Council Chambers at 3.20pm.

8. INFORMATION BULLETIN

8.3 WORKS SUPERVISOR

ITEM NUMBER:	8.3.1
DATE:	28 March 2006
SUBJECT:	DAMAGE TO YORK-WILLIAMS AND DALE KOKEBY ROADS
FILE REFERENCE:	
AUTHOR:	Works Supervisor – Steve Vincent

BACKGROUND

Due to the recent carting of clay by Metro Brick has once again caused damage to our roads. There were several sections, which required gravel to be carted in to repair them.

There are issues that need to be addressed regarding these trucks carting on these roads. More water is required to help hold these roads together and a speed restriction imposed to allow our graders to work safely. I have phoned Metro Brick with these concerns on numerous occasions, which seem to fall on deaf ears. Ultimately it would be preferred if these trucks were to keep off our roads and to travel through the shire of Brookton to reach the Brookton Highway.

The Dale Kokeby Road has required extensive repairs over a large area due to the damage caused by trucks carting hay along this road. We have had a truck carting gravel and grader working on this road for three weeks.

M12/0306 Moved Cr Leonhardt Seconded Cr Alexander That Council advise Metro Brick that a request will be made to Main Roads to remove their extra mass permits for travelling along the York-Williams and Dale Kokeby Roads, unless action is taken to reduce excessive damage to this road network.

8.3 WORKS SUPERVISOR

ITEM NUMBER:	8.3.2	
DATE:	28 March 2006	
SUBJECT:	STAFF VACANCIES	
FILE REFERENCE:		
AUTHOR:	Works Supervisor – Steve Vincent	

BACKGROUND

Due to recent vacant positions not being able to be successfully filled by qualified persons, an investigation of wages and conditions will find how other Shires arrange such matters.

M13/0306 Moved Cr Alexander Seconded Cr Roberts That Council request Chief Executive Officer and Works Supervisor work together to investigate what surrounding Shires pay, and conditions for outside staff with view to having a Plant and Works Committee meeting to discuss.

8.3 WORKS SUPERVISOR

ITEM NUMBER:	8.3.3
DATE:	28 March 2006
SUBJECT:	SALE OF OLD DAM FILTER
FILE REFERENCE:	
AUTHOR:	Works Supervisor – Steve Vincent

BACKGROUND

Sala-tenna Irrigation removed the old filter from the Shire dam and it is in their possession on the understanding that it well be sold onto an interested client.

Sala-tenna Irrigation estimate that the filter is valued at \$1000.00 and that will be the price that will be put onto it. The money will be forwarded to the Shire when the filter is sold.

M14/0306 Moved Cr Szczecinski Seconded Cr Foster That Council agree to sell the old dam filter for no less than \$1,000.00.

8.3 WORKS SUPERVISOR

ITEM NUMBER:	8.3.4
DATE:	28 March 2006
SUBJECT:	REPAINTING OF COURT LINES
FILE REFERENCE:	
AUTHOR:	Works Supervisor – Steve Vincent

BACKGROUND

A letter was received requesting the repainting of the surface of the court complex, used by several clubs in Beverley.

COMMENT

Considering the frequency of use of the courts the surface will not be long lasting.

M15/0306 Moved Cr Schilling Seconded Cr Roberts That Council agree to the painting of the surfaces at the courts at a cost of \$1694.00 from WestOz Line marking.

8.3 WORKS SUPERVISOR

ITEM NUMBER:	8.3.5	
DATE:	28 March 2006	
SUBJECT:	LOADER RAKE	
FILE REFERENCE:		
AUTHOR:	Works Supervisor – Steve Vincent	

BACKGROUND

The Works Supervisor advised Council that he has received a cost to construct a Tree Rake from QMW Industries \$12,950 and an allocation of \$20,000 was included in the 2005/2006 budget.

M16/0306 Moved Cr Szczecinski Seconded Cr Leonhardt That Council agree to the recommendation made at the Plant and Works Committee meeting to accept the quote from QMW Industries to construct the Loader Tree Rake for \$12,950. CARRIED 8-1

8.3 WORKS SUPERVISOR

ITEM NUMBER:	8.3.6
DATE:	28 March 2006
SUBJECT:	MEMORIAL PARK FOOTPATH
FILE REFERENCE:	
AUTHOR:	Works Supervisor – Steve Vincent

BACKGROUND

The Works Supervisor asked the Plant and Works committee what type of footpath they required that runs along railway Street, from the War Memorial to the new Toilet block.

M17/0306 Moved Cr Foster Seconded Cr Leonhardt That Council agree to the recommendation made at the Plant and Works Committee meeting to brick pave the footpath that runs along Railway Street.

CARRIED 8-1

Cr Roberts left Council Chambers at 4.25pm.

Mr Steve Vincent, Works Supervisor, left Council Chambers at 4.25pm.

Cr Foster declared an interest in this item and left Council Chambers at 4.25pm.

7.5 ADMINISTRATION

ITEM NUMBER:	7.5.10
DATE:	28 March 2006
SUBJECT:	RSL – MEMORIAL PARK
FILE REFERENCE:	
AUTHOR:	Councillor – Scott Leonhardt

BACKGROUND

The RSL have shown initiative in raising funds through grants and public donations to improve Memorial Park.

COMMENT

The Townscape Committee have unspent money at this time and would like to donate two matching bench seats to this Memorial Park project.

M18/0306 Moved Cr Leonhardt Seconded Cr Szczecinski That Council agree to donate two matching seats to the Memorial Park project.

CARRIED 8-0

Cr Foster returned to the Council Chambers at 4.28pm.

7.4 FINANCE

ITEM NUMBER:	7.4.1
DATE:	23 March 2006
SUBJECT:	SCHEDULE OF ACCOUNTS
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 6

COMMENT

The Schedule of Accounts for the month of February 2006.

M19/0306 Moved Cr Leonhardt Seconded Cr Bailey That the Schedule of Accounts for the month of February 2006 be received.

7.4 FINANCE

ITEM NUMBER:	7.4.2
DATE:	23 March 2006
SUBJECT:	FINANCIAL REPORT FOR THE PERIOD ENDING 28
	FEBRUARY 2006
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

COMMENT

That the Financial Report for the period ending 28 February 2006 is under separate cover.

M20/0306 Moved Cr Leonhardt Seconded Cr Foster That the Financial Report for the month ending 28 February 2006, as presented, be received.

7.4 FINANCE

SUBMISSION TO:	March Council Meeting 28 March 2006
AGENDA REFERENCE:	
DATE:	22 March 2006
SUBJECT:	INVESTMENT OF SURPLUS FUNDS
FILE REFERENCE:	FM008
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Council has at present surplus funds that have been invested in line with Council's policy.

COMMENT

Listed below are surplus funds that have been invested during the month of February 2006 with Esanda Investments.

		•	
	Office Equipment Reserve	\$	17,727.00
•	Annual Leave Reserve	\$	89,369.00
•	Building Reserve	\$	340,480.00
•	Leave and Gratuity Reserve	\$	17,215.00
•	Plant Reserve	\$	485,007.00
•	Recreation Ground Reserve	\$	209,810.00
•	Bush Fire Fighters Reserve	\$	56,463.00
•	Avon River Development Reserve	\$	23,684.00
	Community Bus Reserve	\$	17,051.00
•	Cropping Committee Reserve	\$	63,910.00
•	Municipal Fund	\$	500,000.00
	•		

The Investment terms are as follows:

Certificate #	Term	Interest Rate	Amount	Expires
1137527010	60 Days	5.58%	\$1,320,716.00	12/05/06
1137321013	1 Month	5.45%	\$ 500,000.00	06/04/06

M21/0306 Moved Cr Leonhardt Seconded Cr Szczecinski That Council receive the investments for the month of February 2006.

ITEM NUMBER:	7.5.1
DATE:	23 March 2006
SUBJECT:	FREEDOM OF INFORMATION – INFORMATION STATEMENT
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

In accordance with the provisions of the Freedom of Information Act there is a requirement to make available a current information statement, which a draft has been provided

COMMENT

This information statement may assist the public when accessing information. The document provides details about the Council and the kinds of documents it holds and the procedures for accessing them.

The Acting Information Commissioner has emailed Council requesting an updated copy of the Information Statement.

Council originally adopted the Information Statement in 1996. This has now been updated and requires Council to endorse it so it can be forwarded onto the Acting Information Commissioner.

STATUTORY ENVIRONMENT

Part 5 of the Freedom of Information Act 1992

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

M22/0306 Moved Cr Leonhardt Seconded Cr Szczecinski That Council adopt the 2005 / 2006 Freedom of Information – Information Statement.

ITEM NUMBER:	7.5.2
DATE:	22 March 2006
SUBJECT:	HEALTHY BELT HEALTHY LIFESTYLE PROGRAM
FILE REFERENCE:	
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 7

BACKGROUND

Council has received a request from Avon and Central Primary Health Service to conduct a healthy lifestyle program in Beverley.

COMMENT

This program has recently been created due to the growing number of people residing in the Wheatbelt who are overweight. Healthy Belt is a seven week program consisting of six healthy lifestyle workshops followed by a half-hour physical activity component and one 'walk for your health' workshop to take place in the seventh week.

The sessions cover topic areas such as goal setting, physical activity, back care, posture, stretches, motivation, self esteem, body image, identifying low fat foods and healthy food choices, reading food labels, recipe modifications, stress and tips on general health and wellbeing.

To date the program has been successfully implemented in Northam, Wundowie and Toodyay and in Term 2, 2006 I would like to offer this program to the residents of Beverley.

The Avon and Central Primary Health Service would like to enquire about the use of the Amenities building for this program. They would need enough room for a group of approximately 15-25 people (depending on community response) and would need room for an overhead projector and whiteboard. As it is located near an oval this provides a wonderful opportunity for the physical activity component of the program.

The program would commence on Thursday 25th May at 9.30-11.00am and would run for 7 weeks (final session, Thursday 6th July). The program is offered free of charge to community members and provides an excellent community service. The Avon and Central Primary Health Service have enquire about the possibility of being able to use the Amenities building free of charge?

Wheatbelt Population Health is happy to provide the program to our residents at no cost if they can secure a venue with which to do so.

Council's policy is that "Charitable Purpose" receives a 50% reduction on the total cost of the facility. This would equate to a reduction of \$44.45.

As the cost to Council to allow the Avon and Central Primary Health Service use of the Amenities building free of charge will be only \$44.45 I feel this would show Council is supportive of program that will be assisting the community.

VOTING REQUIREMENT

Simple Majority

M23/0306 Moved Cr Foster Seconded Cr Leonhardt That Council allow the Avon and Central Primary Health Service free use of the Amenities building to conduct a Healthy Lifestyle program from 25th May 2006 to 6th July 2006.

ITEM NUMBER:7.5.3DATE:22 March 2006SUBJECT:SIGNAGE – ST JOHNS AMBULANCE ASSOCIATIONFILE REFERENCE:AUTHOR:Chief Executive Officer – Keith Byers

BACKGROUND

The St Johns Ambulance Association has advised that visitors to their sub centre find it difficult locating the premises. To alleviate the problem, Council has been requested to provide directional signs at the corners of:

- 1. Forrest and Vincent Streets
- 2. Forrest and John Streets, and
- 3. John Street and Hunt Road
- M24/0306 Moved Cr McLean Seconded Cr Szczecinski That Council arrange for the erection of directional signs for St Johns Ambulance Association at the three locations outlined in the request and that the Association contribute towards the cost of these signs.

ITEM NUMBER:7.5.4DATE:23 March 2006SUBJECT:STATUTORY COMPLIANCE RETURNFILE REFERENCE:Chief Executive Officer – Keith Byers

BACKGROUND

In accordance with section 7.13(1) of the Local Government Act 1995 and regulation 13 of the Local Government Audit Regulations, Council must complete, adopt and forward to the Minister for Local Government and Regional Development a copy of the compliance Audit Report no later than the 31st March each year.

COMMENT

Enclosed is a copy of the Report for Councillors consideration and adoption. Where items of non-compliance have been identified, an explanation is given within the return.

M25/0306 Moved Cr Leonhardt Seconded Cr McLean That the 2005 Statutory Compliance Audit Return be adopted and forwarded to the Minister for Local Government and Regional Development.

Keith Byers, Chief Executive Officer, Stephen Gollan, Deputy Chief Executive Officer and Christine Emanuel, Secretary declared an interest in the following item and left Council Chambers at 5.00pm.

7.5 ADMINISTRATION

AUTHOR:	Chief Executive Officer – Keith Byers
FILE REFERENCE:	
	GRATUITY PAYMENTS
SUBJECT:	EMPLOYEES WHOSE EMPLOYMENT HAS FINISHED –
DATE:	23 March 2006
ITEM NUMBER:	7.5.5

BACKGROUND

In accordance with section 5.50(1) of the Local Government Act 1995, Council must adopt a policy relating to employees whose employment terminates, setting out:

- The circumstances in which the Council would pay an additional amount to that which the employee is entitled under a contract or award; and
- The manner of assessment of an additional amount.

COMMENT

Council has previously discussed this subject without reaching a resolution other than passing the matter onto the Finance and Administration Committee for comment. The Committee did discuss the item but has not yet made a recommendation to Council.

I have enclosed a copy of a range of policies from other Local Governments which maybe of assistance.

- M26/0306 Moved Cr Szczecinski Seconded Cr Bailey That the Council present a gift to staff upon termination (up to the value set out in Table 1.1), and also provide light refreshments and drinks (up to the value set out in Table 1.2) where appropriate, but subject to:
 - i. Staff contributing additional funds to the gift, or another separate gift.
 - ii. The particular employee's service to Council being not less than 2 years.
 - iii. Departmental staff members coordinating and administering the function arrangements and gifts with refreshments to be supplied by the Staff Social Club only (the Social Club to then be reimbursed for its actual outlays, up to the ceiling levels prescribed in Table 1.2 below).
 - iv. Every effort being made to combine two or more staff members functions, where possible, for cost effectiveness.

It is a policy of the Shire of Beverley that Council will make a contribution towards the purchase of a gift and/or function for any employee voluntarily leaving the employ of Council in accordance with the following tables:

Table 1.1 – Gift

<u> Gill</u>	
Years of Service	Council Contribution
0, =2 Years	Nil
>2, =3 Years	\$50
>3, =6 Years	\$100
>6, =7 Years	\$120
>7, =8 Years	\$140
>8, =9 Years	\$160
>9, =10 Years	\$180
>10, =11 Years	\$200
>11, =12 Years	\$225
>12, =13 Years	\$250
>13, =14 Years	\$275
>14, =15 Years	\$300
>15, =16 Years	\$325
>16, =17 Years	\$355
>17, =18 Years	\$385
>18, =19 Years	\$415
>19, =20 Years	\$445
>20, =21 Years	\$475
>21, =22 Years	\$510
>22, =23 Years	\$545
>23, =24 Years	\$580
>24, =25 Years	\$615
>25, =26 Years	\$650
For Each Year of Ser	vice thereafter: \$35

Table 1.2 – Function

Years of Service	Council Contribution
0, =2 Years	Nil
>2, =5 Years	\$200
>5, =10 Years	\$300
>10, =15 Years	\$450
>15 Years and Over	\$500

CARRIED 8-0

Keith Byers, Chief Executive Officer, Stephen Gollan, Deputy Chief Executive Officer and Christine Emanuel, Secretary returned to Council Chambers at 5.10pm.

ITEM NUMBER:7.5.6DATE:23 March 2006SUBJECT:RESERVE 2633 RECREATION (ACQUISITION)FILE REFERENCE:Chief Executive Officer – Keith Byers

Appendix 8

BACKGROUND

For some time, Council has been endeavouring to acquire Reserve 2633 (Recreation) to enable it to provide land for industrial development.

It was originally offered for sale at a cost of \$35,000 + GST, however the matter could not proceed due to Native Title implications.

Enclosed is advice received from the Department of Planning and Infrastructure.

COMMENT

Should Council wish to proceed with the Industrial Land Development, the only option would be to purchase the land for \$210,000. Considering the price of land in Beverley this is probably a reasonable valuation, however other development costs are likely to make a subdivision, either industrial or residential, unavailable.

For the time being it may be more realistic to lease the lot for an appropriate purpose even if a nominal rent of \$500 p.a. was applied if it can be demonstrated that the proceeds from sub-leasing are directed to a community facility.

It was agreed that this matter be deferred to the April Council meeting.

ITEM NUMBER: DATE: SUBJECT: FILE REFERENCE: AUTHOR: 7.5.7 23 March 2006 CODE OF CONDUCT

Chief Executive Officer – Keith Byers

Appendix 9

BACKGROUND

On the 20th May 19907, council in accordance with section 5.103(1) of the Local Government Act 1995, adopted a Code of Conduct for Elected Members and staff. This document was further amended on the 21st December 1999.

Section 5.103(2) of the Act requires each local government to review the code within 12 months of each ordinary Election Day and make changes as deemed appropriate.

COMMENT

To comply with section 5.103(2) of the Act, Council must review the code, prior to the first Saturday in May 2006. Enclosed is a copy of the current Code of Conduct, which was received on the 19 March 2002 and 10th March 2004 and adopted without change.

M27/0306 Moved Cr Foster Seconded Cr Leonhardt That Council adopt the Shire of Beverley's current Code of Conduct for Elected Members and staff, without further amendment.

ITEM NUMBER:	7.5.8
DATE:	27 March 2006
SUBJECT:	SALE OF LAND – PORTION OF BEVERLEY SUB LOT 127
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

An offer of \$15,000 for the purchase of portion of Beverley sub lot 127 has been received from the adjoining owner in Brooking Street, Craig Moynihan.

Mr. Moynihan has placed the following conditions upon his offer:

- 1. ANZ Bank finance being available.
- 2. Settlement agent being Shane Jacob.
- 3. The land titles can be made as one title, with no rate increase.
- 4. The land being resurveyed and pegged at Council's expense.
- 5. As is condition with no fencing and no services (although there are no services to the lot both power and water pass by on the opposite side of Brooking Street)

COMMENT

A local government can dispose of property, other than by auction or tender, if before agreeing to dispose of the property –

- 1. It gives local public notice of the proposal;
 - Describing the property,

Giving details of the proposed disposition; and Inviting submissions to be made before a date to be specified but not less than two weeks after the notice is first given; and

It considers any submissions received before the date specified in the notice and if its decision is made by the Council or a Committee, the decision and reasons for it are recorded in the Minutes of the meeting at which the decision was made.

The actual notice in the local newspaper shall contain -

- 1. The names of all other parties concerned;
- 2. The consideration to be received by the local government from the disposition; and
- 3. The market value of the disposition, ascertained by a valuation carried out not more than six months before the proposed disposition.

Licensed Valuer, Mr. Edward Mogridge, is currently undertaking a valuation of the property.

I do not believe that the land has any practical purposes for the Council and should the valuation be in the vicinity of \$15,000 it should be sold, however the responsibility for survey and pegging should be that of the purchaser.

It was agreed that this matter be deferred to the April Council meeting.

ITEM NUMBER:	7.5.9
DATE:	28 March 2006
SUBJECT:	AMALGAMATION OF CLOSED ROAD – LOT 1 YORK- WILLIAMS ROAD
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

The Department of Planning and Infrastructure has received a request from Mr B G Mann to have a redundant portion of a closed section of the York-Williams Rd amalgamated with his adjoining lot 1 (copy of the area is enclosed for Council information)

Council's comments to the proposal are requested.

COMMENT

I presume that the piece of closed road in question resulted from a realignment of the York-Williams Road and has no obvious benefit to Council.

M28/0306 Moved Cr Schilling Seconded Cr Foster That Council advise the Department of Planning and Infrastructure that it supports the amalgamation of a closed section of the York/Williams Road into Lot 1 owned by Mr B G Mann. CARRIED 8-0

8.1 CHIEF EXECUTIVE OFFICER

ITEM NUMBER:	8.1.1
DATE:	22 March 2006
SUBJECT:	BOWLING GREEN GRANT APPLICATION
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

The Minister for Sport and Recreation has forwarded advice that the Beverley Bowling Club is to be the recipient of a grant of \$71,500.00 for the installation of a synthetic bowling green.

The original application for financial assistance was for two synthetic greens and the announcement to fund one has created a dilemma for the Club. The President of the Bowling Club will discuss their predicament with Council on Tuesday 28th March 2006 at 9.00am.

Council will recall that it agreed to assist the Bowling Club by underwriting a loan of up to a \$150,000.00 on behalf of the Club and contribute a cash component of \$50,000.00.

M29/0306 Moved Cr Leonhardt Seconded Cr Bailey That Council agree to increase their commitment to the Beverley Bowling Club by underwriting the loan by a further \$30,000.00 to \$180,000.00 and increase their cash contribution by \$10,000.00 to \$60,000.00, subject to a satisfactory business plan being presented to Council.

Cr Foster declared an interest in the following item and left Council chambers at 5.30pm.

8. INFORMATION BULLETIN

8.1 CHIEF EXECUTIVE OFFICER

ITEM NUMBER:8.1.8DATE:22 March 2006SUBJECT:DEDICATION – BEVERLEY WAR MEMORIALFILE REFERENCE:AUTHOR:Chief Executive Officer – Keith Byers

BACKGROUND

The Beverley Sub Branch of the Returned & Services League has requested that Council consider a donation to assist with the catering for the refreshments following the dedication of the War Memorial on the 13th April 2006.

M30/0306 Moved Cr Schilling Seconded Cr Szczecinski That Council agree to donate \$1,000.00 to the Beverley Sub Branch of the RSL to assist with the catering for the refreshments following the dedication of the War Memorial on 13 April 2006. CARRIED 7-0

Cr Foster entered Council Chambers at 5.34pm.

8.1 CHIEF EXECUTIVE OFFICER

ITEM NUMBER:	8.1.10
DATE:	22 March 2006
SUBJECT:	DENTAL PRACTICE
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

Mr Geoff Pepper, Dental Technician and Prosthetist has written seeking support for continuing the dental clinic on an occasion basis, usually one half day per week.

Mr Pepper would supply his own medical equipment and would only make use of the dental chair, light and hand basin.

He is happy to continue this dental health service for the community and is actively seeking a replacement dentist.

M31/0306 Moved Cr Szczecinski Seconded Cr Bailey That Council agree to allow Mr Pepper use of the dental clinic, with rental charge remaining at \$25 per week.

CARRIED 7-1

9. TABLED CORRESPONDENCE

- Tourism Western Australia 'Journeys' magazine Autumn 2006.
- Australian Government National Heritage Trust 'Natural Heritage' magazine – No.27 Autumn 2006.
- Department of Environment River Recovery Plan for the Dale River.
- State Training Board 'Skills for WA's future: Reforming, the apprenticeship and traineeship system' magazine.
- Department of Environment 'Tidy Towns 2006' Tips and Information Book.

10. OTHER BUSINESS

Cr Szczecinski and Cr McLean declared an interest in the following item and left Council Chambers at 5.45pm.

10.1 HOSPITAL AUXILIARY

A letter was received from the Beverley Hospital Auxiliary requesting suggestions of venues for the Hospital Auxiliary, as the Freemasons Hotel was no longer available to them.

M32/0306 Moved Cr Leonhardt Seconded Cr Foster That Council agree to allow the Hospital Auxiliary the use of the rear rooms of the Infant Health Centre free of charge. CARRIED 6-0

Cr Szczecinski and Cr McLean returned to Council Chambers at 5.50pm.

10.2 AROC

The President advised that now that Council has joined the South East Avon Voluntary Regional Organisation of Councils (SEAVROC) that Council's continued membership with Avon Regional Organisation of Councils (AROC) might not be warranted.

M33/0306 Moved Cr Schilling Seconded Cr Foster That Council agree to withdraw its membership from Avon Regional Organisation of Councils (AROC).

10.3 LYN'S GYM

Letter received from Lyn's Gym requesting the use of the Beverley Courthouse.

M34/0306 Moved Cr Szczecinski Seconded Cr Foster That Council agree to allow Lyn's Gym be allowed to use the Beverley Courthouse at a cost of \$20 per week, to be reviewed in twelve months time.

CARRIED 6-2

10.4 CBH PROPOSAL

A delegation from Beverley grain growers addressed Council seeking support to retain the grain receival bins in the shire.

M35/0306 Moved Cr Szczecinski Seconded Cr Foster That Cr Alexander is Council's representative to liaise with the grower's representatives in relation to retaining the CBH facilities in the shire.

CARRIED 8-0

10.5 ARTIST IN RESIDENCE PROGRAM

Council are considering options for the Live-in Caretaker for the Beverley Railway Station.

During the Council forum today, Yvonne Holland, from ArtSource presented Council with details regarding the Artist-in-Residence Program run by ArtSource.

It was agreed that the President meets with the Art Gallery Committee to complete the application form regarding the Artist in Residence program.

10.6 MATT FOGARTY – YOUTH PROGRAMS

Mr Matt Fogarty addressed Council in regards to obtaining funds to purchase a data projector and sound equipment to hold movie nights for children in Beverley.

M36/0306 Moved Cr Alexander Seconded Cr Leonhardt That Council contribute a total of \$5,000.00 towards the purchase of a data projector, further funds may be made available on receipt of a business plan.

CARRIED 5-3

11. CLOSURE

There being no further business the meeting closed at 6.55pm.

I hereby certify these Minutes as being confirmed in accordance with Section 5.22 of the Local Government Act 1995.

Presiding Member

Date