

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 24 February 2009

1. COMMENCEMENT

The President declared the meeting open at 10:00am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

Cr JD Alexander	President	North Ward
Cr DJ Ridgway	Deputy President	South Ward
Cr WS McDonald		South Ward
Cr P Gogol		North Ward
Cr KM Murray		North Ward
Cr NF Flood		West Ward
Cr BM Foster		West Ward
Cr LC Shaw		West Ward
Mr KL Byers	Chief Executive Officer	
Mr SP Gollan	Deputy Chief Executive Officer	

Apologies

Nil.

Leave of Absence

Cr MG Roberts	South Ward
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3. PUBLIC QUESTION TIME

3.1 Langsford Street – Sealing (File Reference: RO 003 & WO LAN 152)

Ms Cherlel Reed enquired as to when Langsford Street would be bituminised?

The Shire President advised that Council will be carrying out their annual road inspection on 16 March 2009 and that the matter would be included in the budget deliberations.

Ms Reed enquired as to why Council has only done the side streets and not all streets within this vicinity?

3. PUBLIC QUESTION TIME
3.1 Langsford Street – Sealing
(Continued)

The Shire President advised that Council prioritises works at the time of budget deliberations.

3.2 Town Hall – Main Hall Ceiling (File Reference: VIN 1628)

Ms Gaenor Carter from Beverley Weight Watchers enquired as to whether the Main Hall will be available for use in October 2009 for their Country Forum?

The Chief Executive Officer advised that Palassis Architects are preparing tender documentation for the repairs and at this time cannot advise if the works will be completed by October 2009.

3.3 Bulldust Country Ute Charity Ute Muster 2009 (File Reference: CP 009 (Item 8.5.1.2))

Ms Sharon Frew provided Council with an overview of the 2009 Bulldust Country Ute Charity Muster and their request to use the Recreation Ground or Old Race Course from 11 to 12 July 2009 to launch the Beverley to Darwin Return Ute Muster.

3.4 Reconsideration – Condition 9 – Commercial Vehicle Parking – 96 (Lot 20) Harper Street, Beverley (File Reference: HAR 378) (Item 8.1.1.2)

Mr Herb Klofta requested whether item 8.1.1.2 of the Agenda could be deferred until the next meeting of Council, to allow him time to discuss the item with his solicitor?

The President advised Mr Klofta that his comments would be taken into account when the matter is discussed during the meeting.

3.5 Number of Dogs at 199 Richardson Street, Beverley – Noise Complaint (File Reference: RIC1 756 & LE 012)

Mr Ron Glassby distributed a letter from Mr Mike Courtney to all Councillors. Mr Glassby then asked the following questions:

- Why are there 4 dogs still at 199 Richardson Street 4 months after the Council had rejected the application to keep four dogs on a temporary basis of approximately (3) months?

3.

PUBLIC QUESTION TIME

**3.5 Number of Dogs at 199 Richardson Street, Beverley – Noise Complaint
(Continued)**

- Why was the application to keep 4 dogs considered at Council when the application criteria was not met?
i.e. The applicant needs to advise all adjoining neighbours of the request made to Council to house the dogs and Council will need to be provided with correspondence supporting the proposal.
- As the last approach to Council regarding the keeping of these dogs was made in October and rejected by the Councillors at that meeting, why are the dogs still on the premises and why will the Council not act on its own orders?
- If application to another body has been made disputing the Council ruling why has this now only surfaced when a time limit to do so expired some three months ago?
- Have the Council rezoned the area of Richardson/Courtney Streets as a Kennel area as these three Greyhounds are kennelled within Racing and Wagering Western Australia Kennelling regulations?
The Council Ranger has liaised with R.W.A.A. regarding Kennel regulations required by the property owner in which the dogs reside.
- Have the Council considered what the hidden agenda is regarding the kennelling of these dogs on this property?
The dogs are not being exercised or trained for racing so this leaves only one explanation and that is breeding.
- If that is the case what is the Council going to do to control the excessive noise from the, fighting, howling and continuous barking that we now have to put up with and will get worse?
- Have the Council considered the rights of the surrounding ratepayers to be able to live in peace and within the law or is consideration only given to the Carters and their Dog Kennels?

The Shire President advised that Council has done all it can at the present time and that this matter is listed for a State Administrative Tribunal hearing on 5 March 2009.

3.6

Beverley Airport – Lot 29705 Lukin Street, Beverley (File Reference: BRE 32745)

The Shire President asked Mr Greg Beecroft Secretary, of the Beverley Soaring Society as to whether the Soaring Society charges a fee to persons who have caravans at the Airport and who will monitor the condition of the caravans?

Mr Beecroft advised that the Soaring Society do charge an annual fee to those who leave caravans at the club and also the club will monitor the condition of the caravans.

3. PUBLIC QUESTION TIME
3.6 Beverley Airport – Lot 29705 Lukin Street, Beverley
(Continued)

Cr N Flood enquired as to who is going to monitor the number of persons who are occupying the caravans at any one time?

Mr Beecroft suggested that a register could be kept to record who is staying in the caravans at any one time.

4. CONDOLENCES

BARRETT-LENNARD E.T.D. (Tim) 19 January 2009

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr P Gogol applied for Leave of Absence from the March 2009 meeting.

COUNCIL RESOLUTION

M1/0209 Moved Cr Flood Seconded Cr McDonald
That Councillor Peter Gogol's request for Leave of Absence from
the March 2009 Council meeting is approved.
CARRIED 7-1

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 Minutes of the Council Meeting held in the Council Chambers on
Tuesday 23 December 2008

COUNCIL RESOLUTION

M2/0209 Moved Cr Foster Seconded Cr Ridgway
That the Minutes of the Ordinary Meeting of Council held in
Council Chambers on Tuesday 23 December 2008, be confirmed.
CARRIED 8-0

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
6.1 Minutes of the Council Meeting held in the Council Chambers
on Tuesday 23 December 2008
(Continued)

BUSINESS ARISING

Nil.

6.2 Minutes of the Recreation Ground Committee Meeting held in the
Council Chambers on Wednesday 7 January 2009

Appendix 1

COUNCIL RESOLUTION

M3/0209 Moved Cr Ridgway Seconded Cr Foster
That the Minutes of the Recreation Ground Committee Meeting
held in the Council Chambers on Wednesday 7 January 2009, be
received.

CARRIED 8-0

BUSINESS ARISING

Nil.

6.3 Minutes of the Annual General Meeting of Electors held in the
Lesser Hall on Monday 19 January 2009

Appendix 2

COUNCIL RESOLUTION

M4/0209 Moved Cr Shaw Seconded Cr Flood
That the Minutes of the Annual General Meeting of Electors held in
the Lesser Hall on Monday 19 January 2008, be received.

CARRIED 8-0

BUSINESS ARISING

Nil.

6.4 Minutes of the Development Services Committee Meeting held in
the Council Chambers on Tuesday 10 February 2009

Appendix 3

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
6.4 Minutes of the Development Services Committee Meeting held in the Council Chambers on Tuesday 10 February 2009 (Continued)

COUNCIL RESOLUTION

M5/0209 Moved Cr Foster **Seconded Cr Gogol**
That the Minutes of the Development Services Committee Meeting held in the Council Chambers on Tuesday 10 February 2009, be received.

CARRIED 8-0

BUSINESS ARISING

6.4.1 **Beverley Caravan Park Rules (Item 3.1)** (File Reference: VIN 1624B)

COUNCIL RESOLUTION

M6/0209 Moved Cr Ridgway **Seconded Cr Foster**
That Council adopt the following rules:

Beverley Caravan Park Rules:

1. No long term tenancy available.
2. All fees to be paid in advance.
3. Dogs are permitted and must remain on leads at all times and the cleaning up of all dog spoil is the responsibility of the dog owner. Dogs must not be washed in the laundry.
4. Anti-social behaviour will not be tolerated. Eviction may occur without further notice.
5. Group noise or music must be minimised at 10:00pm.
6. No vehicle washing or mechanical repairs to be carried out in the park.
7. No use of fire hoses is permitted with the exception of fire.

Beverley Caravan Park Laundry Rules:

1. Use of laundry is for park patrons only.
2. Washed clothing must be removed upon completion of washing cycle.
3. Aired clothing must be removed within two days of being hung out.
4. No washing of animals.

That Council purchase two signs to advise the location of the Caravan Park and that these signs be placed beneath the "Tourist Bay" signs on Hunt Road.

CARRIED 8-0

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
(Continued)**

**6.5 Minutes of the Aged Care Committee Meeting held in the Council
Chambers on Monday 16 February 2009**

Appendix 4

COUNCIL RESOLUTION

**M7/0209 Moved Cr Flood Seconded Cr Gogol
That the Minutes of the Aged Care Committee Meeting held in the
Council Chambers on Monday 16 February 2009, be received.
CARRIED 8-0**

BUSINESS ARISING

Nil.

7. PRESIDENT AND COUNCILLORS' REPORTS

7.1 PRESIDENT'S REPORT

Local Government Reform Strategies

On 5 February 2009 the Minister for Local Government announced the Liberal-National Government package of Local Government Reform.

Specifically the strategies for reform encourage local governments to take steps over the next six months to voluntarily amalgamate and form larger local governments, reduce the total number of elected representatives to between six and nine, and for local governments to form appropriate regional groupings of Councils to assist with the efficient delivery of services.

The Minister has formally invited each of the one hundred and thirty nine Council to embrace this opportunity to voluntarily amalgamate and reduce the total number of elected members for each Council. It is understood that failure to advise the Minister of Local Government of Council's clear intention within six months of the time of the announcement will result in forced amalgamations not necessarily of individual local government choice.

7. PRESIDENT AND COUNCILLORS' REPORTS
7.1 PRESIDENT'S REPORT
Local Government Reform Strategies
(Continued)

Other key strategies of the State Government's reform package include:

- Adoption by local governments of a longer term strategic planning framework, including asset and financial management and workforce planning;
- Development of measures to enhance the skills and competency of elected members and staff;
- Examination of options to maintain local community identity and greater community representation including consideration of community-based committees;
- Identification of proposals to amend the local government legislation to facilitate local government sustainability;
- Examination of the ability for local governments to form corporate entities to undertake urban regeneration projects and other business activities;
- Identification and implementation of approaches to reduce town planning and building licence approvals time; and
- Development of measures to encourage a diverse range of citizens to stand for Council.

To oversee and assist local governments with the implementation of the strategies the Minister is establishing a Local Government Reform Steering Committee. Four working groups will report to the Steering Committee on a regular basis.

The Steering Committees, through the Department of Local Government and Regional Development will contact all local governments to advise of the work program for the implementation of the strategies and to provide further guidance.

Through our co-operative and proactive initiatives with SEAVROC we are ahead of the pack, however there is no guarantee we will be immune from the Minister's political direction. SEAVROC will continue to work with the State Government and hopefully convince the Minister the Hon Brendon Grylls we have ticked all the boxes of the recommendations of the Systemic Sustainability Study.

To convince the Minister that we are taking his invitation seriously I believe we should be reducing the number of Councillors and abolishing ward boundaries effective for the 2011 elections. To adopt such a policy for 2009 would mean that Councillors whose term does not expire until 2011 would have their seats declared vacant prematurely.

7. **PRESIDENT AND COUNCILLORS' REPORTS**
7.1 PRESIDENT'S REPORT
Local Government Reform Strategies
(Continued)

Prior to deciding if we should be courting other Councils to form an amalgamated local government I am of the opinion we should await the Minister's guidelines.

Aged Persons Accommodation and Sports Facility

With the threat of amalgamations being force upon us I have taken steps to ramp up the activities of the two Committees examining aged persons' accommodation and sports facility at the oval.

With interest rates being at a long term low and the recent announcement of the Royalties for Regions funding there could be no better time than to actively pursue both goals.

I would like to recommend that Council employ the services of an architect to draw up concept plans for retirement village units along with an amenities type building/changerooms.

Telecentre

Council has been assisting the Telecentre Committee to function in a more professional and productive manner. Council has for some time invested money into the Telecentre with the belief that it forms a very important role for the community.

I trust that the corner has been turned and that the Telecentre will be in a position to attract additional funding being offered by the Minister for Regional Development the Hon Brendon Grylls.

RESOLVED that the President's Report be received.

Recreation Ground Building and Aged Accommodation Units (File Reference: FOR 1623 & LUP 011)

COUNCIL RESOLUTION

M8/0209 **Moved Cr Flood** **Seconded Cr Foster**
That Council engage an architect to draw up concept plans for the
Recreation Ground Building and Aged Accommodation Units.
CARRIED 8-0

7. PRESIDENT AND COUNCILLORS' REPORTS
7.1 PRESIDENT'S REPORT
(Continued)

Beverley Signage (File Reference: TT 011)

COUNCIL RESOLUTION

M9/0209 **Moved Cr Foster** **Seconded Cr Ridgway**
That permission be sought from Main Roads WA to place signage
on the Great Southern Highway and Talbot West Road directing
traffic to Beverley.

CARRIED 8-0

7.2 COUNCILLORS' REPORTS

Proposed Youth Centre (File Reference: CS 006)

Cr Ridgway suggested a survey of parents be carried out prior to June 2009 regarding the Youth Centre.

RESOLVED that Cr Ridgway liaise with the Chief Executive Officer and Ms Lyn Kay, Youth Co-ordinator, in regard to formulating questions for the survey.

RESOLVED that Council place an allowance in the 2009/2010 budget for the Youth Centre.

Art Gallery Society

Cr Ridgway advised the Art Gallery Society is liaising with Westrail in regard to using the platform as a stage.

Beverley Telecentre

Cr Ridgway advised Council of the following:

- Ms Yvette Hoskin, Telecentre Co-ordinator has resigned.
- The Centre is open 4 days per week from 9:00am to 2:00pm.
- There are capital improvements required to the building.

Cr Foster commended Cr Ridgway, Mr John Fregon and Mrs Glenys Lane for their efforts in attempting to get the Telecentre functioning again.

COUNCIL RESOLUTION

M10/0209 **Moved Cr Murray** **Seconded Cr Flood**
That the Councillors' Reports, be received

CARRIED 8-0

At 11:30am Mr Peter Wright, Shire Planner, entered the Chambers.

8. OFFICERS' REPORTS

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.1.1.1
REPORT DATE:	10 February 2009
SUBJECT:	EXTENSION OF CARAVAN APPROVAL – BEVERLEY AIRPORT – LOT 29705 LUKIN STREET, BEVERLEY
APPLICANTS:	Beverley Soaring Society
FILE REFERENCE:	BRE 32745
AUTHOR:	Shire Planner – Peter Wright

Appendix 5

BACKGROUND

The Beverley Soaring Society is seeking Council approval for the storage of an additional 15 caravans onsite at the Beverley Airport, Lot 29705 Lukin Street, Beverley.

Council at its 28 October 2008 meeting resolved to recognise the Beverley Soaring Society's non-conforming use rights to store 20 caravans on the subject site. At the same meeting Council granted Planning Approval for the storage of a further 10 caravans, permitting a maximum of 30 caravans to be stored on site. The current proposal is for a maximum of 45 caravans to be stored on the site.

COMMENT

According to the applicant, prior to Council recognition of the non-conforming use rights and granting of Planning Approval, there were 45 caravans on site. The applicant advises that should the number of caravans be restricted to 30 it would place stress for on-site accommodation and may result in a loss of membership for the Society. It is also asserted that an increase in the number of caravans to 45 will provide flexibility, allowing new members to place caravans on site as retiring members leave. In support of the application the applicant submits the following points: -

- Member currently have a total of 45 caravans on site;
- The number of caravans occupied on any one day rarely exceeds 15 and never exceeds 30;
- Caravans provide convenient accommodation at the completion of flying activities;
- Overnight accommodation on site adds to the social fabric of the Society and increases interaction with the town;

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.1

EXTENSION OF CARAVAN APPROVAL – BEVERLEY AIRPORT – LOT 29705 LUKIN STREET, BEVERLEY (Continued)

- On site caravans make the Society's activities more attractive to members' families; and
- Caravans provide convenience by allowing members to store personal effects such as clothing, parachutes, electronic equipment, etc.

The applicant has given an undertaking that should there be any requirement to store caravans in excess of 45; such caravans would be stored at the Beverley Caravan Park.

It should be noted that the application is for the storage of caravans. The applicant contends that no more than 30 caravans will be occupied at any one time. Should Council approve the application, to prevent any increase in the impact on external amenity it will be recommended the number of occupied caravans be limited as a condition of approval.

Due to the application not proposing any increase in the number of persons using the facilities at the airfield, staff consider there will not be any increased impact on external amenity. However a site inspection by staff indicates that some of the existing caravans have a detrimental impact on internal visual amenity. As the airfield may be accessed by members of the public not associated with the Soaring Society, should Council approve the application, it will be recommended a condition of approval relating to the appearance of the caravans be imposed.

Submitted plans indicate that the application complies with the Caravan Parks and Camping Grounds Regulations 1997. Any Planning Approval granted by Council is complementary to these regulations and does not supersede them. To aid the caravans in complying with the regulations and enhance safety by ensuring the caravans are able to be removed in an emergency, should Council approve the application, it will be recommended all caravans are to be roadworthy, as a condition of approval.

The application to increase the permitted number of caravans to be stored on site at Lot 29705 Lukin Street, Beverley is supported because: -

- Increasing the permitted number of caravans to be stored on site to 45 is not anticipated to increase the external impact of the Beverley Soaring Society;

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.1

EXTENSION OF CARAVAN APPROVAL – BEVERLEY AIRPORT – LOT 29705 LUKIN STREET, BEVERLEY (Continued)

- Granting of approval will not exclude the Society from complying with all other regulations relating to the use and storage of caravans; and
- Recommended conditions of approval are anticipated to improve the visual amenity of the site and enhance safety.

Therefore it will be recommended the application be approved.

Council at its December 2008 meeting resolved the following motion lay on the table.

“That Council approve the storage of a maximum of 38 caravans at Lot 29705 Lukin Street, Beverley, subject to the following conditions and advice notes: -

Conditions:

1. *If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.*
2. *Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan prepared by the applicant and endorsed by Council’s Shire Planner.*
3. *A maximum of thirty (30) caravans are to be occupied at any one time unless prior written approval from the Shire of Beverley has been applied for and obtained, to the satisfaction of the Shire Planner.*
4. *With regard to external appearance, all caravans stored on site are to be maintained in a manner acceptable to the Shire and the area kept, clean and tidy at all times, to the satisfaction of the Shire Planner.*
5. *All caravans stored on site are to be maintained in a roadworthy condition.*

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.1

EXTENSION OF CARAVAN APPROVAL – BEVERLEY AIRPORT – LOT 29705 LUKIN STREET, BEVERLEY (Continued)

6. *The storage of caravans on site is to comply with the Caravan Parks and Camping Grounds Regulations 1997.*

Advice Notes:

1. *Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.*
2. *The applicant is advised this application relates to the use of the land. No building works are authorised through this approval.*
3. *With regard to Condition 3, a minimum of two (2) weeks notice is required prior to any increase being considered.”*

STATUTORY ENVIRONMENT

Council may approve the application under the Shire of Beverley's Town Planning Scheme No. 2, Clause 5.2 - Extension of Non-Conforming Use. The application complies with all other aspects of the Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION

That Council approve the storage of a maximum of 45 caravans at Lot 29705 Lukin Street, Beverley, subject to the following conditions and advice notes: -

Conditions:

1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.
2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan prepared by the applicant and endorsed by Council's Shire Planner.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.1

EXTENSION OF CARAVAN APPROVAL – BEVERLEY AIRPORT – LOT 29705 LUKIN STREET, BEVERLEY (Continued)

3. A maximum of thirty (30) caravans are to be occupied at any one time unless prior written approval from the Shire of Beverley has been applied for and obtained, to the satisfaction of the Shire Planner.
4. With regard to external appearance, all caravans stored on site are to be maintained in a manner acceptable to the Shire and the area kept, clean and tidy at all times, to the satisfaction of the Shire Planner.
5. All caravans stored on site are to be maintained in a roadworthy condition.
6. The storage of caravans on site is to comply with the Caravan Parks and Camping Grounds Regulations 1997.

Advice Notes:

1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
2. The applicant is advised this application relates to the use of the land. No building works are authorised through this approval.
3. With regard to Condition 3, a minimum of two (2) weeks notice is required prior to any increase being considered.

COUNCIL RESOLUTION

M11/0209

Moved Cr Shaw

Seconded Cr Foster

That Council approve the storage of a maximum of 45 caravans at Lot 29705 Lukin Street, Beverley, subject to the following conditions and advice notes: -

Conditions:

1. **If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.1

**EXTENSION OF CARAVAN APPROVAL – BEVERLEY AIRPORT
– LOT 29705 LUKIN STREET, BEVERLEY
(Continued)**

2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan prepared by the applicant and endorsed by Council's Shire Planner.
3. A maximum of thirty (30) caravans are to be occupied at any one time unless prior written approval from the Shire of Beverley has been applied for and obtained, to the satisfaction of the Shire Planner.
4. With regard to external appearance, all caravans stored on site are to be maintained in a manner acceptable to the Shire and the area kept, clean and tidy at all times, to the satisfaction of the Shire Planner.
5. All caravans stored on site are to be maintained in a roadworthy condition.
6. The storage of caravans on site is to comply with the Caravan Parks and Camping Grounds Regulations 1997.
7. The applicant is to maintain and make available for inspection at all times, a register of all persons occupying caravans on-site (see Advice Note 4).

Advice Notes:

1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
2. The applicant is advised this application relates to the use of the land. No building works are authorised through this approval.
3. With regard to Condition 3, a minimum of two (2) weeks notice is required prior to any increase being considered.
4. With regard to Condition 7, the applicant is advised the register is to contain the names, addresses, arrival and departure times and dates of all persons occupying any caravan on site.

CARRIED 8-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	February Council Meeting 23 February 2009
AGENDA ITEM:	8.1.1.2
REPORT DATE:	21 January 2009
SUBJECT:	RECONSIDERATION – CONDITION 9 – COMMERCIAL VEHICLE PARKING – 96 (LOT 20) HARPER STREET, BEVERLEY
APPLICANTS:	Kim Hoskin & Alan Styles
FILE REFERENCE:	HAR 378
AUTHOR:	Shire Planner – Peter Wright

Appendix 6

BACKGROUND

Council at its 23 September 2008 meeting granted Planning Approval for the Parking of a Commercial Vehicle at 96 (Lot 20) Harper Street, Beverley. Of relevance Condition 9 of the Planning Approval required the applicants to access and egress the property in a forward motion.

A written complaint concerning non compliance with conditions of approval, including Condition 9 was received by the Shire on 7 October 2008. After investigating the matter staff considered no action was warranted. Council was informed of the matter through the Information Bulletin at its 28 October 2008 meeting. The complainant was informed of the decision in writing on 15 October 2008 and verbally at the 28 October 2008 Council meeting.

On 9 January 2009 the Shire received correspondence from Corinne Griffen & Co., Barristers & Solicitors. The correspondence stated that the complainant had incorporated his statement into a Statutory Declaration and that the complainant was specifically concerned with breaches of Condition 9. It was requested in the correspondence that the applicants incorporate their denials of the breaches of Planning Approval into a Statutory Declaration and the Statutory Declarations be forwarded to the Solicitor.

COMMENT

Condition 9 of the Planning Approval granted for Commercial Vehicle Parking at 96 (Lot 20) Harper Street, Beverley, on 23 September 2008 states:

“Commercial vehicle access and egress to the property is to be in a forward motion only.”

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.2

RECONSIDERATION – CONDITION 9 – COMMERCIAL VEHICLE PARKING – 96 (LOT 20) HARPER STREET, BEVERLEY (Continued)

The condition was imposed to avoid any potential inconvenience to traffic travelling along Harper Street. This particular matter was not raised in response to the advertising of the proposal. The complainant does not mention any inconvenience to traffic in the correspondence and appears to be mainly concerned with rigid adherence to conditions of approval.

The applicants stated that a commercial vehicle did reverse onto the property for the purpose of delivering machinery and material to be used for works associated with fulfilling conditions of approval, or the domestic enjoyment of the property. No part of the complainant's correspondence or Statutory Declaration contradicts the applicants' statement and the complainant's points 1 and 5 appear to confirm the reversing of the vehicles was for the purpose of delivering machinery and materials.

It was further stated by the applicants that there was no requirement to reverse the vehicle when accessing or egressing the property for the purpose of parking the vehicle. As the reversing of the vehicle mentioned by the complainant appeared to be not associated with the parking of the commercial vehicle, for which approval was sought and granted, staff considered no breach of Planning Approval had occurred.

Investigation by staff indicates Harper Street has a low traffic volume and the surrounding area has a low population density. Both the applicants and complainant's properties are zoned Residential R2.5. The section of Harper Street which is in proximity to the subject lot is substantially wider (13.6 metres) than may be anticipated for such a street. Therefore in the opinion of staff it would be unlikely that traffic would be inconvenienced in the event the commercial vehicle did reverse onto the property for the purpose of parking.

The removal of Condition 9 is considered unlikely to have any detrimental impact on the safety, convenience or amenity of residents in the neighbourhood. The existence of the condition does appear to be producing disquiet to the complainant, although it should be noted the applicants have stated there is no difficulty in complying with the condition. As it may be considered Condition 9 is not required and is actually instigating conflict within the community, it will be recommended Council remove the requirement for access and egress to the property to be in a forward motion.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.2

**RECONSIDERATION – CONDITION 9 – COMMERCIAL VEHICLE
PARKING – 96 (LOT 20) HARPER STREET, BEVERLEY
(Continued)**

STATUTORY ENVIRONMENT

Council may grant approval and impose such conditions as it sees fit under Clause 6.3.2 of Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION

That Council remove Condition 9, the requirement for commercial vehicles to access and egress the property in a forward motion, from the Planning Approval granted on 23 September 2008 for the parking of a commercial vehicle at 96 (Lot 20) Harper Street, Beverley.

COUNCIL RESOLUTION

M12/0209

Moved Cr Ridgway

Seconded Cr Foster

That Item 8.1.1.2 be deferred to the March 2009 Council meeting.

CARRIED 8-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.1.1.3
REPORT DATE:	6 February 2009
SUBJECT:	RETROSPECTIVE PLANNING APPROVAL – DAM – LOT 7 HARPER STREET, BEVERLEY
APPLICANTS:	Michael Frederick
FILE REFERENCE:	HAR 50019
AUTHOR:	Shire Planner – Peter Wright

Appendix 7

BACKGROUND

Following a complaint from a member of the public, staff determined a dam had been constructed without approval at Lot 7 Harper Street, Beverley. The owner was informed that unapproved Land Drainage Works was a breach of the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). Retrospective Planning Approval was subsequently sought by the owner of the property for the construction of a dam at Lot 7 Harper Street, Beverley.

The subject lot is approximately 1.2ha in area, zoned Residential R10 and contains a single dwelling with ancillary outbuilding.

COMMENT

The applicant states flooding was historically controlled by a dam on the neighbouring property in conjunction with a spill dam on the applicant's property. The applicant further states that several years ago the dams were filled and the applicant's property has since suffered from flooding on a regular basis. The dam, which is the subject of this application, was constructed with the intention of managing water from storm events and to control flooding on the property.

The application complies with the requirements of TPS 2. However TPS 2 contains the land use "Land Drainage Works" to prevent works that alter water flow from impacting on adjoining properties. Should Council approve the application, it will be recommended that the development does not increase water flow onto neighbouring properties, as a condition of approval.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.3

RETROSPECTIVE PLANNING APPROVAL – DAM – LOT 7 HARPER STREET, BEVERLEY (Continued)

As the dam is clearly visible from Harper Street visual amenity for neighbouring properties is, in the opinion of staff, disturbed. The applicant has stated that the dam will be landscaped. To ensure the alleviation of disturbance to visual amenity, should Council approve the application, it will be recommended landscaping of the dam be a condition of approval.

A further potential disturbance to the amenity of the neighbourhood is the possibility of insects breeding in the dam. The applicant has stated the dam will be sprayed as necessary to kill the mosquito larvae. It will be recommended, should Council approve the application, that the control of insects be a condition of approval.

The application is supported due to:

1. The dam is allegedly required to control flooding;
2. The application complies with TPS 3; and
3. Disturbance to amenity may be addressed through conditions of approval.

Therefore it is recommended the application be approved.

STATUTORY ENVIRONMENT

The application complies with the Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M13/0209

Moved Cr Foster

Seconded Cr Murray

That Council grant retrospective Planning Approval for the construction of a dam at Lot 7 Harper Street, Beverley, subject to the following conditions and advice notes: -

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.3

**RETROSPECTIVE PLANNING APPROVAL – DAM – LOT 7 HARPER STREET, BEVERLEY
(Continued)**

Conditions:

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**
- 3. Within 90 days of the date of this approval, the applicant is to submit a landscape plan for the screening of the development, to the satisfaction of the Shire Planner (refer to Advice Note 2).**
- 4. The approved landscaping is to be maintained, to the satisfaction of the Shire Planner**
- 5. No water emanating from the dam or the construction associated with the dam is to flow onto any adjoining property, to the satisfaction of the Shire Planner.**
- 6. The applicant is to prevent the breeding of insects in the dam, to the satisfaction of the Shire Planner.**

Advice Notes:

- 1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.**
- 2. With regard to Condition 3, the landscape plan is to include the timing of the planting, which is to be no later than six months from the date of this approval, as well as details of species, mulch and irrigation.**

CARRIED 7-1

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.1.1.4
REPORT DATE:	3 February 2009
SUBJECT:	RETROSPECTIVE PLANNING APPROVAL – SANDALWOOD PLANTATIONS – LOT 23435 ATHOL ROAD, BALLY BALLY & LOTS 205 AND 12 YORK- WILLIAMS ROAD, BEVERLEY
APPLICANTS:	Forest Products Commission
FILE REFERENCE:	EWE 1323 & GRE 73
AUTHOR:	Shire Planner – Peter Wright

Appendix 8

BACKGROUND

Two applications have been received for the establishment of Sandalwood Plantations at Lot 23435 Athol Road, Bally Bally and Lots 205 and 12 York–Williams Road, Beverley. The subject lots are vacant, zoned Farming and contain outbuildings used in conjunction with agricultural pursuits. Planting of the host plants has already commenced.

Sandalwood Plantations are a use not listed in the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2) and could not be reasonably determined to fall within the interpretation of any other use. As such under Clause 3.2.5 of TPS 2 Council may:

- a) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
- b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an application for planning consent, following which the Council may, at its discretion, permit the use.

COMMENT

As Sandalwood Plantations may be considered a form of agricultural production and therefore a use consistent with a Farming zone, it is recommended that Council determine the applications are consistent with the objectives and purpose of the zone.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.4

RETROSPECTIVE PLANNING APPROVAL – SANDALWOOD PLANTATIONS – LOT 23435 ATHOL ROAD, BALLY BALLY & LOTS 205 AND 12 YORK-WILLIAMS ROAD, BEVERLEY (Continued)

In compliance with Clause 6.2 of TPS 3 the applications were advertised to surrounding land owners for a period of 21 days. No submissions were received for Lot 23435 Athol Road, Bally Bally and two submissions were received in relation to the application for Lots 205 and 12 York–Williams Road, Beverley. The submissions were one no objection and one response providing only comment. A summary of the submissions and staff comments are detailed in the following table.

1	R de Gruchy & D Barrett-Lennard PO Box 38 Beverley WA 6304	6587 Great Southern Highway, Beverley
1.1	Comment on Proposal. Supports the development in principle.	Noted Noted
1.2	Concerned over vermin control. In particular kangaroos and rabbits and their impact on surrounding farmland and roads.	The application contains a vermin control plan for rabbits. Council may impose conditions of approval addressing other vermin. (see below)
1.3	Concerned over peripheral damage to neighbouring crops through spray drift. The respondents allege the applicant had sprayed in windy conditions last year.	The applicant advises that they comply with all State and Federal requirements relating to spraying of crops. Council may impose additional conditions of approval to address this matter. (see below)
2	G Moulton PO Box 28 Beverley WA 6304	4283 Talbot Road, Beverley
	No Objection to Proposal	Noted

After assessment staff considers the application adequately addresses most matters including weed control, fire management, environmental issues, agricultural management and harvesting. Submissions received during the advertising relating to vermin control and spray drift indicate these matters require further consideration.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.4

RETROSPECTIVE PLANNING APPROVAL – SANDALWOOD PLANTATIONS – LOT 23435 ATHOL ROAD, BALLY BALLY & LOTS 205 AND 12 YORK-WILLIAMS ROAD, BEVERLEY (Continued)

One of the concerns raised during the advertising period relates to vermin control, particularly kangaroos and rabbits. The application addresses on-going rabbit control, however no other vermin have been identified or included in the vermin control plan. All forms of vermin have the potential to create external negative impacts. It is recommended, should Council approve the application, that vermin monitoring and subsequent control be a condition of approval.

Spray drift is another matter raised during the advertising period. Although the applicant states that it followed all legislative requirements, community concerns remain. It is recommended, should Council approve the application, that the applicant notifies adjoining property owners prior to spraying and not allow any spray to drift onto neighbouring properties, as conditions of approval.

The application is supported for the following reasons:

1. It is considered the application is consistent with planning objectives and intent for the Farming zone;
2. Matters including vermin control, weed control, fire management, environmental issues, agricultural management and harvesting are addressed in the application; and
3. Concerns raised during the advertising period may be addressed through conditions of approval.

Therefore it is recommended the application be approved.

STATUTORY ENVIRONMENT

Should Council determine the applications are consistent with the planning objectives and intent of the Farming zone, then the application complies with the Shire of Beverley's Town Planning Scheme No.2

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.4

**RETROSPECTIVE PLANNING APPROVAL – SANDALWOOD
PLANTATIONS – LOT 23435 ATHOL ROAD, BALLY BALLY & LOTS
205 AND 12 YORK-WILLIAMS ROAD, BEVERLEY
(Continued)**

VOTING REQUIREMENT

Absolute Majority.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M14/0209 Moved Cr Shaw Seconded Cr Murray

- A. That Council resolve by absolute majority that the proposed use may be consistent with the objectives and purpose of the Farming zone.**
- B. That Council grant retrospective Planning Approval for Sandalwood Plantations at Lot 23435 Athol Road, Bally Bally and Lots 205 and 12 York–Williams Road, Beverley, subject to the following conditions and advice notes: -**

Conditions:

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**
- 3. Within 90 days of granting of approval, the vermin control plan is to be modified to include the monitoring of all potential vermin and if necessary, control of identified vermin, to the satisfaction of the Shire Planner.**
- 4. Neighbouring property owners are to be notified prior to spraying operations commencing, to the satisfaction of the Shire Planner.**

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.4

**RETROSPECTIVE PLANNING APPROVAL – SANDALWOOD
PLANTATIONS – LOT 23435 ATHOL ROAD, BALLY BALLY & LOTS
205 AND 12 YORK-WILLIAMS ROAD, BEVERLEY
(Continued)**

5. Sprays used on the Sandalwood Plantations are not to impact on neighbouring properties, to the satisfaction of the Shire Planner.

Advice Notes:

1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
2. In relation to Condition 5, the applicant is advised to avoid spraying on days where the wind may cause spray drift onto adjoining properties.

**CARRIED 7-1
ABSOLUTE MAJORITY**

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.1.1.5
REPORT DATE:	13 February 2009
SUBJECT:	TWO LOT SUBDIVISION – LOT 4 BUTCHERS ROAD, DALE
APPLICANTS:	A J Marsh Pty Ltd
FILE REFERENCE:	PL139187
AUTHOR:	Shire Planner – Peter Wright

Appendix 9

BACKGROUND

It is proposed to subdivide Lot 4 Butchers Road, Dale into two lots. The purpose of the subdivision is to separate a rocky outcrop and disused farmhouse from viable agricultural land, thus creating a homestead lot.

The subject site is approximately 79ha in area, zoned Farming and contains an existing single dwelling with ancillary outbuildings. The section of the subject site proposed for the Homestead lot contains a large granite outcrop.

COMMENT

The current proposal being presented to Council is the result of consultation between staff and the applicant.

The original proposal was considered inadequate due to the shape of the remnant lot. An orphaned section of land separated from the bulk of proposed Lot 1 by the granite outcrop would have remained on the title of proposed Lot 1. Of further concern the original proposal would have resulted in a lot below the minimum 20ha, as recommended by Clause 3.6.2 of Town Planning Scheme No. 2 (TPS 2). It should be noted under Clause 3.6.2(i)(a) a subdivision below 20ha may be considered if it addresses matters such as physical landform constraints.

The proposal being presented for Council consideration is considered by staff to be an improved design outcome as well as creating a lot 20ha in area. A superfluous dwelling and non-productive area of land is to be separated from viable broad acre farmland. It should be noted a feature of the proposed subdivision is that it reflects the on ground topography.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.5

TWO LOT SUBDIVISION – LOT 4 BUTCHERS ROAD, DALE (Continued)

It has been agreed between staff and the applicant that remaining concerns relating to subdivision design, such as the sliver of land between existing Lot 2956 and the proposed Homestead lot, would be addressed in a future application. As such the applicant has produced a proposed subdivision addressing the Shire's concerns, to be lodged when financial constraints allow. The proposed future subdivision provides improved lot layout, which separates viable and non-viable agricultural land and combines the viable agricultural land into one parcel. Staff considers the proposed future subdivision to be more sympathetic to the site. It should be noted that while the applicant has agreed to apply for the future proposed subdivision, there is no mechanism available to enforce such an application.

The modified proposed subdivision is supported due to:

- The proposal allows an excess single dwelling to be utilised;
- Viable and non-viable agricultural land will be separated;
- The proposal complies with on ground topographical constraints;
- A minimum lot size of 20ha is to be created; and
- The lot layout optimises potential future subdivision.

Therefore it will be recommended the application be supported.

STATUTORY ENVIRONMENT

The application complies with the Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M15/0209

Moved Cr Gogol

Seconded Cr McDonald

That Council recommend to the Western Australian Planning Commission that application WAPC No. 139187 for the two lot subdivision of Lot 4 Butchers Road, Dale, be approved subject to the following conditions:-

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.5

**TWO LOT SUBDIVISION – LOT 4 BUTCHERS ROAD, DALE
(Continued)**

- 1. The dwellings and any other structures proposed to be retained are to be compliant with the requirements and provisions of the Shire of Beverley's Town Planning Scheme No. 2.**
- 2. Vehicle crossovers complying with the Shire of Beverley's specifications, are to be constructed to both lots.**
- 3. The applicant lodging with the Western Australian Planning Commission the modified proposal presented to Council for consideration.**

CARRIED 5-3

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.1.1.6
REPORT DATE:	13 February 2009
SUBJECT:	OUTLINE DEVELOPMENT PLAN INITIATION – LOT 3 BREMNER ROAD, BEVERLEY
APPLICANTS:	Land Insights
FILE REFERENCE:	DB 007
AUTHOR:	Shire Planner – Peter Wright

Appendix 10

BACKGROUND

On 18 May 2008 the Minister for Planning and Infrastructure approved Amendment 11 to the Shire of Beverley's Town Planning Scheme No. 2 (TPS2) for the purpose of rezoning a portion of Lot 3 Bremner Road, Beverley, from Farming to Rural Residential. Of relevance the rezoning laid down provisions for controlling subdivision of Lot 3 Bremner Road in Schedule 3 of TPS 2.

One of the provisions for subdivision of Lot 3 Bremner Road contained in Schedule 3 of TPS 2 stated:

“The Council shall not support any application for subdivision of the land into Rural Residential lot sizes unless the subdivision is consistent with a Subdivision Guide Plan endorsed by Council and the Commission for a whole or part of the area.”

Schedule 3 also stated the Subdivision Guide Plan shall include the following provisions:

- Minimum lot size of 2 ha;
- Protection and rehabilitation of natural areas and features including existing native vegetation and drainage lines;
- Building envelopes shall be identified for each lot in accordance with the following:
 - i) Be at least 40 metres from adjoining lots where farming is or can potentially occur;
 - ii) Located to ensure that existing vegetation and drainage lines are protected and maintained; and
 - iii) Located to address any other environmental management issues identified by the Council.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.6

OUTLINE DEVELOPMENT PLAN INITIATION – LOT 3 BREMNER ROAD, BEVERLEY (Continued)

On 23 September 2008 Council recommended approval of a subdivision application, WAPC No. 138365, which complied with the provisions and intent of the Amendment 11 rezoning. However the Western Australian Planning Commission (WAPC) deferred the application until a Subdivision Guide Plan was endorsed by Council and the Commission.

Therefore the applicant has presented this Outline Development Plan (ODP) to Council for consideration, initiation, and to satisfy the relevant requirements of Schedule 3 of TPS 2.

COMMENT

The submitted ODP complies with approved documentation for Amendment 11 to TPS 3. There is little new information contained in the ODP as matters of concern have been addressed in the amendment documentation, Schedule 3 to TPS 2, the subdivision application and recommended conditions of approval. The principle new information is that Water Corporation has advised that some of the proposed lots may now be connected to scheme water.

The applicant has requested that Council consider that as the advertising for Amendment 11 is similar to the required advertising for the ODP, no further advertising be required. Clause 4.11b) of TPS 2 states that should Council resolve to adopt an ODP, it shall be advertised for a period of 21 days. TPS 2 regards the advertising for Amendment 11 and the proposed ODP to be separate processes, which cannot be combined unless both applications are considered concurrently.

As the relevant matters of concern have already been addressed and the proposed ODP is required to allow the subdivision to proceed, it is recommended Council adopt the proposed ODP for the purpose of advertising.

STATUTORY ENVIRONMENT

The proposed Outline Development Plan complies with the provisions and intent of the Shire of Beverley's Town Planning Scheme No. 2.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.6

**OUTLINE DEVELOPMENT PLAN INITIATION – LOT 3 BREMNER ROAD, BEVERLEY
(Continued)**

OFFICER'S RECOMMENDATION

That Council adopt the proposed Outline Development Plan for a portion of Lot 3 Bremner Road, Beverley and instruct the Shire Planner to advertise the adopted Outline Development Plan in accordance with Clause 6.2 of the Shire of Beverley's Town Planning Scheme No. 2.

COUNCIL RESOLUTION

M16/0209 Moved Cr Gogol

Seconded Cr Flood

That Council adopt the proposed Outline Development Plan for portion of Lot 3 Bremner Road, Beverley and the Shire Planner forward the Outline Development Plan to the Western Australian Planning Commission for approval.

CARRIED 8-0

At 12:28pm the Council adjourned for lunch.

At 1:35pm the Council reconvened from lunch without Cr Foster in attendance. The Shire Planner rejoined the meeting.

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.1.1.7
REPORT DATE:	6 February 2009
SUBJECT:	FINAL ADOPTION – TREE CROPPING POLICY
APPLICANTS:	Shire of Beverley
FILE REFERENCE:	LUP 004 & EM 015
AUTHOR:	Shire Planner – Peter Wright

Appendix 11

BACKGROUND

The draft Tree Cropping Policy prepared by SEAVROC is being presented to Council for final adoption.

The Sustainable Land Use Management (SLUM) group, under direction from SEAVROC engaged URS consultants to prepare a draft policy in relation to tree cropping. For the policy to be effective, it is required to be adopted by the individual member Councils. It is anticipated the policy will provide a consistent Planning framework for tree cropping throughout the SEAVROC region.

Council at its 25 November 2008 meeting resolved to adopt the policy for the purpose of advertising. In compliance with Clause 7.6 of the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2), the policy was advertised for a total of 48 days. Notification of the advertising appeared in the West Australian on 17 December 2008.

COMMENT

The requirement for the policy stems from an increasing interest in tree cropping within the SEAVROC region. Planning for tree crops not only involves managing potential impacts from the growing of the tree crops, but also allows for possible future downstream processing. As such it is believed Councils should be proactive in their approach to policy development.

Pursuant to Clause 7.6 of TPS 2 the policy was advertised between 17 December 2008 and 3 February 2009. One submission, which raised no objection, was received from the Department of Agriculture, Fisheries and Forestry.

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.1.1.8
REPORT DATE:	16 January 2009
SUBJECT:	INITIATION OF AMENDMENT 15 TO TOWN PLANNING SCHEME NO. 2
APPLICANTS:	Shire of Beverley
FILE REFERENCE:	LUP 010 15
AUTHOR:	Shire Planner – Peter Wright

Appendix 12

BACKGROUND

It is proposed to initiate Amendment 15 to the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). The purpose of the amendment is to remove the requirement for compliant outbuildings to obtain Planning Approval, by altering the use class "Sheds" under Zoning Table 1, from "AA" (discretionary) to "P" (permitted) in all zones except Town Centre and Industrial zones.

One of the intentions of the recently finalised Amendment 14 to TPS 2, was to exempt compliant outbuildings from requiring Planning Approval. Under new Clause 4.1.2(h) of TPS 2, should outbuildings meet specific requirements then Planning Approval is not required.

After the amendment was finalised, it was discovered that there was an anomaly in the zoning table and all outbuildings (sheds) above 4m² in area were a discretionary use in all zones. As such under part (i) of Clause 4.1.2(h) the requirement for Planning Approval remains.

COMMENT

Council's Outbuilding Policy No. 8 specifically does not cover outbuildings in Town Centre or Industrial zones. With the exception of setback requirements under Table 2 and the requirement for Development Approval, TPS 2 does not impose any development standards in an Industrial zone. Therefore to maintain development standards, continue to allow Council oversight in Industrial zones and prevent potential adverse impacts on amenity, it will be recommended sheds remain a discretionary use in Industrial zones.

8.1.1

TOWN PLANNING ITEMS

Item 8.1.1.8

INITIATION OF AMENDMENT 15 TO TOWN PLANNING SCHEME NO. 2 (Continued)

TPS 2 has development requirements for the Town Centre zone which must be assessed in a discretionary manner. Apart from prescribed standards, development is to be assessed in the context of harmonising with surrounding built form. The standards required within this Design Control Area are formulated to enhance the character and amenity of the Beverley Town Centre. As such to maintain character, amenity and design control as required under TPS 2, it will be recommended sheds remain a discretionary use in the Town Centre zone.

The intention of Amendment 14 was to minimise the amount of Council resources allocated to compliant development and produce efficiency gains for the benefit of the Shire and ratepayers. Currently all outbuildings above 4m² in area require Planning Approval. Such approval may be granted under delegated authority, thereby producing some efficiency gains.

Amending TPS 2 and removing the requirement for compliant outbuildings to obtain planning approval in all zones except Town Centre and Industrial will:

- Reduce processing times by only requiring Building Approval;
- Reduce the amount of Shire resources expended on Development Approvals;
- Produce cost saving to ratepayers through not having to pay a Planning Application fee; and
- Be consistent with the original intention of Amendment 14.

As such it will be recommended Amendment 15 is initiated.

STATUTORY ENVIRONMENT

Town Planning Schemes are amended under Section 75 of the Planning and Development Act 2005 in compliance with the Town Planning Regulations 1967.

8.1.1 TOWN PLANNING ITEMS
Item 8.1.1.8
INITIATION OF AMENDMENT 15 TO TOWN PLANNING SCHEME
NO. 2
(Continued)

OFFICER'S RECOMMENDATION

1. That Council initiate Amendment 15 to the Shire of Beverley's Town Planning Scheme No. 2 for the purpose of amending zoning table 1 by changing the land use class "Shed" from an "AA" use to a "P" use in all zones except Town Centre and Industrial.
2. The Shire Planner be instructed to forward the amendment documentation to the Environmental Protection Authority for consideration and the Western Australian Planning Commission for information.
3. Should the Environmental Protection Authority not require further assessment, the Shire Planner is to advertise the amendment in compliance with the Town Planning Regulations 1967.
4. At the conclusion of advertising, the Shire Planner is to refer the amendment to Council for further consideration.

COUNCIL RESOLUTION

M18/0209	Moved Cr Flood	Seconded Cr Gogol
	That Council take no action.	
		CARRIED 8-0

At 1:45pm Mr Peter Wright, Shire Planner left the Chambers.

8.1.2 INFORMATION BULLETIN REPORT – SHIRE PLANNER
Nil.

8.2.1 HEALTH & BUILDING SERVICES ITEMS
Nil.

8.2.2 INFORMATION BULLETIN REPORT – HEALTH & BUILDING SERVICES

8.2.2.1 GENERAL

General correspondence, duties and communications for Environmental Health Officer/Building issues.

8.2.2.2 REPAIRS/MAINTENANCE REPORT

The Shire Maintenance Officer provided a Repairs/Maintenance Report. (Refer page 1 of the February Information Bulletin provided under separate cover.)

RESOLVED that the Health & Building Services Information Bulletin Report, be received.

At 1:46pm Mr Steve Vincent, Works Supervisor, entered the Chambers.

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS
Nil.

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR

8.3.2.1 GENERAL – PLANT AND WORKS

8.3.2.1.1 Oval, Parks and Gardens

- Oval has been verti mowed and fertilised
- Xmas decorations removed
- Street trees lopped
- Ongoing weed spraying
- Town roads have been swept

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR
8.3.2.1 GENERAL – PLANT AND WORKS
(Continued)

8.3.2.1.2 Doctors Surgery Grounds

To reduce the water usage on the lawn area it has been suggested to reduce the size of this lawn. After speaking to Malcolm Kehlet he has suggested certain areas which could remain as lawn and gardens. However there are some issues regarding plant types and drainage for the remaining areas.

It is suggested that the Community Development Committee meet on site to discuss what action is to be taken with these remaining areas.

8.3.2.1.3 Main Street Brick Paving (File Reference: CP 021)

The pavers in the main street need urgent attention, as they are very uneven and a trip hazard. Replacement of these footpaths has been put off many times due to the uncertainty of the long term plans for the main street. There are certain areas that require relaying as soon as possible.

The cost for Justin Smith to lift, level, and relay these pavers would be \$20 per square metre.

The worst area is between the Queen Street and the railway line.

South side 35m x 3	\$ 2,100.00
North side 20m x 3	\$ 1,200.00
Extra Bricks for breakages	\$ 500.00

COUNCIL RESOLUTION

M19/0209 Moved Cr Foster **Seconded Cr Flood**
That Council proceed to repair the north and south side of Vincent Street footpaths.

CARRIED 8-0

8.3.2.1.4 Storm Damage

The east of the Shire received 75mm of rain on the 27/1/09 and 100mm on the 28/1/09. Both days this rain came down in a thunderstorm which only lasted one hour.

This has caused damage to the following 25 roads at 47 separate locations:

Kokeby East, Top Beverley, Woods, Greenhills South, Northbourne, Wyalgima, Potts, Barrington, Glencoe, Bally Bally Caroling, Beringer, Jacobs Well, Batty, Clulows, Petchells, Wansbrough, Yenyening Lakes, Athol, K1, Morbining, Ewerts, Mawson, Balkuling, McDonald, and Manuels.

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR

8.3.2.1 GENERAL – PLANT AND WORKS

8.3.2.1.4 Storm Damage (Continued)

The bridge on Kokeby East Road near Kilpatrick Road will need to be replaced for an estimated cost of \$350,000.00.

There is a total length of 16 kilometres of gravel sheeting and culvert washouts that require repairs. Estimated total costs for road repairs, excluding the bridge replacement on Kokeby East Road, is \$232,000.00 using our current internal rates.

We will be claiming from Main Roads WA for Special Funding Assistance. This funding consists of 2/3 Main Roads and 1/3 Shire, any improvements are at 100% cost to the Shire.

It was suggested by Main Roads that this work could be completed over the next financial year, although the application needs to be submitted to Main Roads as soon as possible.

Decisions need to be made as to whether the Shire will carry out this work or a contractor. Due to the large affected area and spread over 47 different locations, this type of work would be difficult to tender out. One option maybe some of our gravel sheeting jobs could be completed by contractors and this repair work carried by our workforce in the 2009/10 financial year.

8.3.2.1.5 Cherry Picker

The second-hand cherry picker we were waiting on was not traded, therefore we will need to have our machine sent away to be reconditioned.

8.3.2.1.6 Ride on Mower

The new mower has arrived. Arrangements will be made to sell the old mower by tender locally.

8.3.2.1.7 Plant Report

The Works Supervisor provided a Plant Report.
(Refer page 1 of the February Information Bulletin provided under separate cover.)

8.3.2.2 CONSTRUCTION

8.3.2.2.1 Talbot West Road

Work on Talbot West Road had to be stopped for a little over two weeks while emergency repairs were carried out in the East of the Shire after the storms.

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR
8.3.2.2 CONSTRUCTION
8.3.2.2.1 Talbot West Road
(Continued)

It is anticipated that this road will be completed by the first week in March. We are currently three weeks behind on our sealing program.

8.3.2.2.2 Westdale Road

Fencing has been completed at the realignment near Springhill Road. Culvert headwalls have been finished near the Westdale Hall. With the extra cement stabilising and bitumen costs it is anticipated this project will exceed the budget allocation.

8.3.2.2.3 Bridge 731 Mawson Road

Bridge 731 has been replaced with box culverts. This work was brought forward as the contractor had other commitments elsewhere. Even though there were delays due to the storms in this area the road was only closed for 10 days while this bridge was replaced. The reinstatement of the bitumen road is to be carried out in conjunction with the bitumen work scheduled on the Greenhills South Road.

8.3.2.2.4 Greenhills South Road

Work is due to start on Greenhills South Road after the completion of Talbot West Road. A seal width needs to be determined before this work starts.

The standard width for new seal on the Regional Road Group roads is 7 metres, however due the number of large trees along this road the maximum seal width would only be between 5 - 6 metres.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M20/0209 Moved Cr Shaw **Seconded Cr McDonald**
That the Information Bulletin Report from the Works Supervisor,
be received.

CARRIED 8-0

At 2:05pm Mr Steve Vincent, Works Supervisor, left the Chambers.

8.4.1 FINANCE ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.4.1.1
REPORT DATE:	16 February 2009
SUBJECT:	SCHEDULE OF ACCOUNTS FOR DECEMBER 2008 & JANUARY 2009
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 13

COMMENT

The Schedule of Accounts for the months of December 2008 and January 2009 is the attachment to this item.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION

M21/0209 **Moved Cr Gogol** **Seconded Cr McDonald**
That the Schedule of Accounts for the months of December 2008 and January 2009, be received.

CARRIED 8-0

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.4.1.2
REPORT DATE:	17 February 2009
SUBJECT:	FINANCIAL STATEMENTS FOR THE PERIODS ENDED 31 DECEMBER 2008 & 31 JANUARY 2009
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

COMMENT

The Financial Statements for the periods ended 31 December 2008 and 31 January 2009 are provided under separate cover.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION

M22/0209 **Moved Cr Shaw** **Seconded Cr Murray**
That the Financial Statements, as presented, for the periods ended 31 December 2008 and 31 January 2009, be received.

CARRIED 8-0

8.4.1 FINANCE ITEMS

SUBMISSION TO: February Council Meeting 24 February 2009
AGENDA ITEM: 8.4.1.3
REPORT DATE: 17 February 2009
SUBJECT: INVESTMENT OF SURPLUS FUNDS
DECEMBER 2008
FILE REFERENCE: FM 008
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 December 2008 with Esanda, ANZ and Commonwealth Banks.

▪ Office Equipment Reserve	\$ 21,240.00
▪ Annual Leave Reserve	\$ 107,083.00
▪ Building Reserve	\$ 448,566.00
▪ Plant Reserve	\$ 441,292.00
▪ Recreation Ground Reserve	\$ 251,379.00
▪ Bush Fire Fighters Reserve	\$ 81,579.00
▪ Avon River Development Reserve	\$ 16,463.00
▪ Community Bus Reserve	\$ 20,427.00
▪ Cropping Committee Reserve	\$ 82,165.00
▪ Road Construction Reserve	\$ 177,824.00
▪ Municipal Fund	\$ 500,000.00
▪ Municipal Fund	\$ 300,000.00

The Investment terms are as follows:

Certificate#	Term	Interest Rate	Amount	Expires
1357709011	94 Days	7.30%	\$ 441,292.00	02/01/2009
ANZ Bank	1 Month	4.80%	\$ 448,566.00	15/01/2009
ANZ Bank	91 Days	7.00%	\$ 358,462.00	30/01/2009
ANZ Bank	3 Months	5.50%	\$ 399,698.00	28/02/2009
CBA	3 Months	6.50%	\$ 300,000.00	14/01/2009
CBA	3 Months	6.50%	\$ 500,000.00	14/01/2009

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M23/0209 Moved Cr Murray **Seconded Cr Shaw**
That the Investment Report for the month of December 2008, be received.

CARRIED 8-0

8.4.1 FINANCE ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.4.1.4
REPORT DATE:	17 February 2009
SUBJECT:	INVESTMENT OF SURPLUS FUNDS JANUARY 2009
FILE REFERENCE:	FM 008
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 January 2009 with Esanda, ANZ and Commonwealth Banks.

▪ Office Equipment Reserve	\$ 21,240.00
▪ Annual Leave Reserve	\$ 107,083.00
▪ Building Reserve	\$ 448,566.00
▪ Plant Reserve	\$ 441,292.00
▪ Recreation Ground Reserve	\$ 251,379.00
▪ Bush Fire Fighters Reserve	\$ 81,579.00
▪ Avon River Development Reserve	\$ 16,463.00
▪ Community Bus Reserve	\$ 20,427.00
▪ Cropping Committee Reserve	\$ 82,165.00
▪ Road Construction Reserve	\$ 177,824.00
▪ Municipal Fund	\$ 500,000.00
▪ Municipal Fund	\$ 300,000.00

The Investment terms are as follows:

Certificate#	Term	Interest Rate	Amount	Expires
1357709011	3 Months	5.62%	\$ 441,292.00	02/04/2009
ANZ Bank	1 Month	4.80%	\$ 448,566.00	15/02/2009
ANZ Bank	91 Days	4.80%	\$ 358,462.00	01/05/2009
ANZ Bank	3 Months	5.50%	\$ 399,698.00	28/02/2009
CBA	3 Months	4.80%	\$ 500,000.00	14/04/2009
CBA	3 Months	4.80%	\$ 300,000.00	14/04/2009

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M24/0209 Moved Cr Flood **Seconded Cr Murray**
That the Investment Report for the month of January 2009, be received.

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.1.1
REPORT DATE:	17 February 2009
SUBJECT:	OLD FIRE STATION – EXTENSION OF LEASE THE BEVERLEY MENS SHED INC.
FILE REFERENCE:	RC 015 & VIN 1114
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 14

BACKGROUND

Council would be aware that The Beverley Mens Shed has been granted permission to use the Old Fire Station as a clubhouse venue until 2013 and have been granted permission in principal to erect a shed on this land.

COMMENT

Mr Harold Anderson, Secretary of The Beverley Mens Shed, has written to Council requesting Council consider a further 5 year peppercorn lease of the Old Fire Station with the right to purchase the building after this period. If at the end of the five year period the right to purchase has not been exercised there is a further option to renew the lease for another five years.

The Beverley Mens Shed would be responsible for all repairs and maintenance, public liability insurance, power and water charges. They are also aware of the Station's heritage listing and would work towards the completion of a conservation plan for the building.

Council needs to consider if they wish to retain the building and land for possible development at a later stage.

I have contacted a local real estate agent to provide a market appraisal of the site. At the time of preparing this report I have not receive this appraisal.

I do consider that allowing a ten (10) year lease of this site may be more prudent, as this will allow Council time to decide on the future requirements of this area. This will also allow The Beverley Mens Shed the opportunity to access grant funding, due to them having security of tenure.

8.1.1 ADMINISTRATION ITEMS

Item 8.5.1.1

**OLD FIRE STATION – EXTENSION OF LEASE – THE BEVERLEY
MENS SHED INC
(Continued)**

OFFICER'S RECOMMENDATION

That Council grant The Beverley Mens Shed Incorporated a ten (10) year lease of the Old Fire Station.

COUNCIL RESOLUTION

M25/0209 Moved Cr Flood

Seconded Cr Foster

That Council grant The Beverley Mens Shed Incorporated a ten (10) year lease of the Old Fire Station, at a peppercorn rental, and at the end of this period, should Council wish to sell the premises, The Beverley Mens Shed be given the first option to purchase.

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.1.2
REPORT DATE:	16 February 2009
SUBJECT:	RECREATION GROUND HIRE – BULLDUST COUNTRY UTE CHARITY UTE MUSTER 2009
FILE REFERENCE:	CP 009
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

The Bulldust Country Ute Charity Ute Muster 2009 has requested the use of either the Recreation Ground or Old Race Course from 11 to 12 July, at a discounted or donated rental for the purpose of launching their Beverley to Darwin Return Ute Muster.

COMMENT

The purpose of the event is to raise funds for the Royal Flying Doctor Service and Youth in the Avon, who are suffering depression. The types of activities planned are stalls, games, an evening concert and perhaps rodeo events at the Pony Club.

A recovery breakfast is planned for the following day.

There is no football planned for this weekend.

OFFICER'S RECOMMENDATION

That Council give permission for the Bulldust Country Ute Charity Muster 2009 to conduct their sound activities at the Beverley Recreation Ground from 11 to 12 July 2009 at no cost.

COUNCIL RESOLUTION

M26/0209 **Moved Cr Ridgway** **Seconded Cr Foster**
That Council advise the Bulldust Country Ute Charity Muster 2009 that permission is given for them to conduct their sound activities at the Beverley Recreation Ground from 11 to 12 July 2009 at no cost and a bond of \$500.00 applies.

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.1.3
REPORT DATE:	16 February 2009
SUBJECT:	MAIN STREET IMPROVEMENTS
FILE REFERENCE:	GS 002
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

For some years Council has offered an incentive of up to \$500.00 based on a dollar for dollar basis for business owners in the main street to improve the appearance of their premises. An amount of \$2,000.00 has been included in the 2008/09 budget.

COMMENT

The owners of the Freemasons Tavern and Beverley Newsagency have requested that Council make matching funds available for painting of the frontage of their businesses.

The Freemasons Tavern has already expended over \$19,000.00, whilst the painting of the Newsagency has yet to be undertaken.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M27/0209 **Moved Cr Murray** **Seconded Cr Gogol**
That the Freemasons Tavern be granted a payment of \$500.00 for the improvements undertaken to the outside of the premises and that the Beverley Newsagency be paid matching funding up to \$500.00 for painting of the premises upon completion of the proposed works.

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.1.4
REPORT DATE:	16 February 2009
SUBJECT:	WASTE & REFUSE CONTRACT
FILE REFERENCE:	WM 003
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

The contract between Avon Waste and Council to remove kerbside rubbish expired on 2 October 2008. Avon Waster has requested that Council exercise an option to extend the contract for a further 5 years at the current price with annual CPI reviews.

COMMENT

Unfortunately clause 19 of the current contract states:

“19. Contract Period

19.1 If the Council desires to renew the term and gives to the contractor notice in writing at least 3 months prior to the expiration of the term to that effect and if at the time of giving that notice and at the expiration of the term the Council is not in breach of this contract then the Council may extend the term for a further five years at a collection rate to be negotiated between the parties but not less than the collection rate payable under this contract and otherwise on the same terms and conditions contained in the contract (except for the right of extension under this subclause).”

This effectively means that this option is no longer available.

Council, should it require a 5 year contract, must advertise the collection of household rubbish for tender. It may however negotiate a year by year arrangement with Avon Waste as the annual contract would be considerably less than \$100,000.00.

The Shire of Cunderdin has expressed an interest to provide a collection service for other Councils and has recently been talking to Kellerberrin and Tammin. The downside to this arrangement, however, is that we may need to purchase our own bins. The cost of these is approximately \$53.00 each. Council would need \$31,500.00 if replacement bins were necessary.

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.1.5
REPORT DATE:	18 February 2009
SUBJECT:	RANGER – DOG COMPLAINT
FILE REFERENCE:	LE 012
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Council has received a complaint regarding the lack of communication from Council's Ranger.

COMMENT

The complainant has advised that she has not received any communication from the Ranger in relation to two dog attacks that had occurred in November and January.

The complainant states -

"It is a basic and essential criterion for such a public officer such as a Council Ranger to:

- 1. Answer the phone,*
- 2. If busy when a call comes, to return the call within 48 hours,*
- 3. Communicate to the complainant in a timely manner what action Council is taking in regard to such a serious incident.*

The above incident gives clear evidence that the current Ranger is not yet competent at items 1, 2 or 3.

I require;

- 1. A timely written response to the specific action Council has taken in regard to this dangerous dog,*
- 2. The Council conduct a timely review of the system currently in place regarding the Ranger obligations required by a local Council,*
- 3. Determine how they can be professionally met as they are currently not being met by this Ranger,*
- 4. A timely written confirmation of this letter*
- 5. A timely written response from Council regarding the above serious communication issues to my address."*

8.1.1 ADMINISTRATION ITEMS
Item 8.5.1.5
RANGER COMPLAINT
(Continued)

I have spoken to the Ranger regarding the claims made against her and she has advised that contact has been made with the complainant on several occasions regarding the attacks.

The complainant has also been advised in writing of the current status of the incidents.

COUNCIL RESOLUTION

M29/0209	Moved Cr Flood	Seconded Cr Gogol
	That Council prosecute the owner of the alleged dog attack under Section 33D(1) of the Dog Act.	
		CARRIED 8-0

8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER
(Refer pages 2 to 7 of the February Information Bulletin provided under separate cover.)

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.2.5
REPORT DATE:	16 February 2009
SUBJECT:	ROYALTIES FOR REGIONS
FILE REFERENCE:	GS 016
AUTHOR:	Chief Executive Officer – Keith Byers

The guidelines for the abovementioned funds have been received and it would appear that an application will need to be forwarded no later than March 2009.

This means Council will be required to make an immediate informed decision as to where the \$605,681.00 will be utilised. I suspect the likely projects for consideration will be accommodation for aged persons/retirees and sports complex development. Either way details of costs will be at best vague estimates. Should Council opt for road works this could affect future allocations from the Grants Commission.

COUNCIL RESOLUTION

M30/0209 Moved Cr Flood **Seconded Cr Foster**
That Council utilise the 2008/09 Royalties for Regions allocation
for Aged Accommodation Units in Beverley.
CARRIED 8-0

At 3:37pm Cr Ridgway left the meeting.

**9. INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER
(Continued)**

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.2.6
REPORT DATE:	16 February 2009
SUBJECT:	ROYALTIES FOR REGIONS – REGIONAL GRANTS SCHEME
FILE REFERENCE:	GS 016
AUTHOR:	Chief Executive Officer – Keith Byers

The Wheatbelt Development Commission has received \$4.4 million for distribution to communities within the region under the abovementioned scheme.

The Commission Boards can approve projects up to \$250,000.00, the Minister up to \$500,000.00 and anything in excess of this figure by Cabinet. The estimated cost of the York-Williams Road seal project is \$1.4 million.

COUNCIL RESOLUTION

M31/0209 Moved Cr Flood **Seconded Cr Foster**
That Council apply for additional funding from the Regional Grant
Scheme to construct the Caravan Park Ablution Block.
CARRIED 7-0

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.2.7
REPORT DATE:	16 February 2009
SUBJECT:	CYCLE TRAIL
FILE REFERENCE:	GS 016
AUTHOR:	Chief Executive Officer – Keith Byers

Mrs Sue Grey-Smith of Hunt Road has requested Council give consideration to constructing a cycle path from Beverley to York utilising funds from the “Royalties for Regions”, Lotteries Commission, Heathway’s and assistance from the Shire of York.

RESOLVED that Council write and thank Mrs S Grey-Smith for her ideas in regard to a cycle path from Beverley to York.

**9. INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER
(Continued)**

SUBMISSION TO:	February Council Meeting 24 February 2009
AGENDA ITEM:	8.5.2.11
REPORT DATE:	17 February 2009
SUBJECT:	FEDERAL GOVERNMENT GRANT MONEY
FILE REFERENCE:	LS 002
AUTHOR:	Chief Executive Officer – Keith Byers

Correspondence was received from Mr K Bird and was included in Council's Information Bulletin. The correspondence relates to Royalties for Regions and Fire Control issues.

COUNCIL RESOLUTION

M32/0209 Moved Cr Flood **Seconded Cr Murray**
That Council refer Mr K Bird's correspondence to Council's Solicitors seeking their opinion if they consider comments made are defamatory of libellous.

CARRIED 4-3

9. INFORMATION BULLETIN

The Information Bulletin was provided under separate cover.

COUNCIL RESOLUTION

M33/0209 Moved Cr Foster **Seconded Cr Murray**
That the February Information Bulletin, be received.

CARRIED 7-0

10. TABLED CORRESPONDENCE

- SEAVROC
 - Feasibility Study of Regional Collaborative Models for SEAVROC Local Governments by Neil Douglas 30 January 2009
 - Additional Information Relating to the Feasibility Study
- WALGA
 - Systemic Sustainability Study – The Journey: Sustainability into the Future
- AVONDALE PROJECT COMMITTEE INC
 - Avondale Harvest Festival 23 November 2008 – Operational Report by Dina Barrett-Lennard 2 December 2008

**10. TABLED CORRESPONDENCE
(Continued)**

- WALGA
 - Local Emergency Management Committee Guide
- WA TELECENTRE ADVISORY COUNCIL, TELECENTRE NETWORK MEMBERS & DLGRD
 - Paper on Telecentre Network and Delivering on Regional Policy Objectives
- WALGA
 - President's Report January/February 2009
- AUSTRALIAN GOVERNMENT
 - National Awards for Local Government
- WALGA
 - Western Councillor Issue #24 - January 2009
- AUSTRALIAN TRANSPORT COUNCIL
 - National Road Safety Action Plan 2009 and 2010
- DEPARTMENT OF ENVIRONMENT AND HERITAGE
 - Adaptive Reuse – Preserving Our Past, Building Our Future
- PERTH LEGACY
 - Legacy Newsletter – Autumn 2009
- DEPARTMENT OF IMMIGRATION AND CITIZENSHIP
 - Celebrating 60 Years of Australian Citizenship 1949 - 2009
- GENETIC SUPPORT COUNCIL OF WA INC
 - Gene Advocate Issue 55 - 2008
- WALGA
 - State Council Summary Minutes – February 2009
- AVON CATCHMENT COUNCIL
 - E-News Issue #45 – 10 February 2009
- WALGA
 - Regional Road Group Report – January 2009

11. OTHER BUSINESS

ITEM NUMBER:	11.1
SUBJECT:	GREAT SOUTHERN OLIVE HOLDINGS PTY LTD
FILE REFERENCE:	SHE1 622

Advice was received that there is a lack of fire fighting equipment at the property of Great Southern Olive Farm.

RESOLVED that Council contact Great Southern Olive Holdings Pty Ltd in regard to the lack of Fire Fighting units on their property.

**11. OTHER BUSINESS
(Continued)**

ITEM NUMBER:	11.2
SUBJECT:	LOTS 530 & 54 VINCENT STREET, BEVERLEY
FILE REFERENCE:	VIN 51105

Concern was raised regarding the condition of Lots 530 and 54 Vincent Street.

COUNCIL RESOLUTION

M34/0209 Moved Cr Flood **Seconded Cr McDonald**
That the land be declared unsightly and the owner be ordered to clear Lot 530 & 54 Vincent Street, Beverley within 30 days, failure to do so will lead to prosecution.

CARRIED 7-0

ITEM NUMBER:	11.3
SUBJECT:	WATER RETENTION – 43 HUNT ROAD, BEVERLEY
FILE REFERENCE:	HUN 970

Council discussed the subject of water retention on private property.

RESOLVED that Council write to the owner of 43 Hunt Road, regarding retaining water on his property as per section 3.25(1) of the Local Government Act 1995.

ITEM NUMBER:	11.4
SUBJECT:	WASTEWATER REUSE PROPOSAL
FILE REFERENCE:	WM 004

Mr Brian Kavanaugh addressed Council at their workshop on the Water Corporation's Wastewater Reuse Proposal.

COUNCIL RESOLUTION

M35/0209 Moved Cr Flood **Seconded Cr McDonald**
That the Water Corporation be advised that Council agrees in principal to the Wastewater Reuse Proposal as presented by Mr Brian Kavanaugh.

CARRIED 7-0

12. CLOSURE

There being no further business the meeting closed at 4:38pm.

I hereby certify these Minutes as being confirmed in accordance with Section 5.26 of the Local Government Act 2695.

Presiding Member

Date