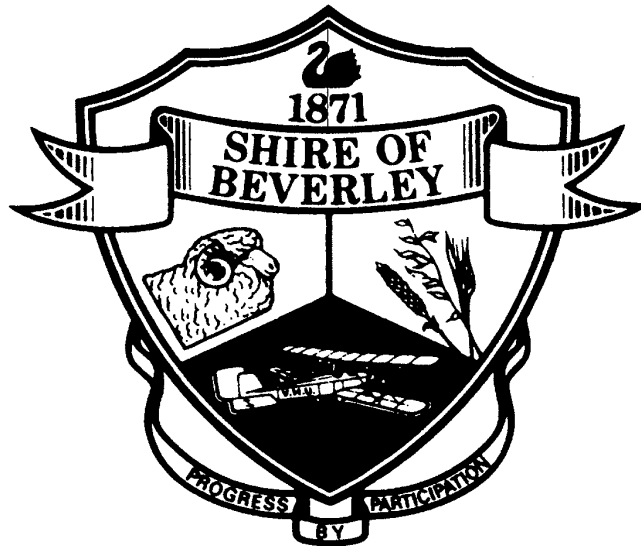


ORDINARY COUNCIL MEETING

MINUTES



27 SEPTEMBER 2011

MINUTES - CONTENTS
27 SEPTEMBER 2011

ITEM NO	SUBJECT	PAGE
1	MEETING COMMENCEMENT	1
2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	1
3	PUBLIC QUESTION TIME	1
3.1	Mr B McDonald - Purchase of Plants	1
3.2	Mr B McDonald - Sewerage	2
3.3	Mr A Marsh - Subdivision Application - Two Lot Subdivision - Lot 91 Waterhatch Road, Beverley (Item 8.1.1.6 of this meeting)	2
4	CONDOLENCES: K (Ken) W COLLINS and R (Rob) L THOMAS	2
5	APPLICATIONS FOR LEAVE OF ABSENCE	2
	Cr JD Alexander from the October 2011 Ordinary Meeting of Council	2
6	CONFIRMATION OF MINUTES AND BUSINESS ARISING	3
6.1	Minutes of the Council Meeting held on Tuesday 23 August 2011	3
	Business Arising - Nil	
7	PRESIDENT AND COUNCILLOR REPORTS	3-4
7.1	PRESIDENT'S REPORT:	3-4
	Beverley Brookton Local Planning Strategy Workshop; Substantive Chief Executive Officer Position; Thank You.	
7.2	COUNCILLOR REPORTS:	4
	Cr Ridgway - Visit to Avondale by Rossmoyne Senior High School students and Event Venues in Beverley.	
8	OFFICERS' REPORTS	
8.1.1	TOWN PLANNING ITEMS	5-47
8.1.1.1	Proposed Road Closure - Portion of Negus Road, Beverley	<i>Appendix 1</i> 5-6
8.1.1.2	Development Application - Two Outbuildings - 158 (Lot 6137) Springhill Road, Beverley	<i>Appendix 2</i> 7-9
8.1.1.3	Development Application - Extractive Industry - 1564 (Lot 28061) Edison Mill Road, Dale	<i>Appendix 3</i> 10-26
8.1.1.4	Development Application - Concert - Lot 83 Butchers Road, Westdale	<i>Appendix 4</i> 27-37
8.1.1.5	Adoption of Draft Local Planning Strategy	38-41
8.1.1.6	Subdivision Application - Two Lot Subdivision - Lot 91 Waterhatch Road, Beverley	<i>Appendix 5</i> 42-47
8.1.2	INFORMATION BULLETIN REPORT - SHIRE PLANNER	48
8.2.1	HEALTH & BUILDING SERVICES ITEMS - Nil	48
8.2.2	INFORMATION BULLETIN REPORT - HEALTH & BUILDING SERVICES	48-49
8.2.2.1	General	
8.2.2.2	Building Licenses Issued	
8.3.1	PLANT, WORKS, RECREATION AND TOURISM ITEMS	50
8.3.1.1	Bitumen Tender	50
8.3.2	INFORMATION BULLETIN REPORT - WORKS SUPERVISOR	51-53
8.3.2.1	GENERAL - PLANT AND WORKS	51-52
8.3.2.1.1	Oval Parks and Gardens	51
8.3.2.1.2	Grading	51
8.3.2.1.3	Culvert Works	51
8.3.2.1.4	Tree Clean up	51
8.3.2.1.5	Drum Muster	52
8.3.2.1.6	New Staff	52
8.3.2.1.7	Vincent Street Footpath	52
8.3.2.1.8	Doctor's Car Park	52
8.3.2.1.9	Plant Report	52

MINUTES - CONTENTS
27 SEPTEMBER 2011

ITEM NO	SUBJECT	PAGE
8.3.2.2	CONSTRUCTION	53
8.3.2.2.1	Caravan Park	53
8.3.2.2.2	Plant and Works Committee Meeting	53
8.4.1	FINANCE ITEMS	54-56
8.4.1.1	Schedule of Accounts for the month of August 2011	<i>Appendix 6</i> 54
8.4.1.2	Financial Statement for the period ending 31 August 2011	54
8.4.1.3	Investment of Surplus Funds for the month of August 2011	55
8.4.1.4	Contract Extension - Waste & Refuse Collection	56
8.5.1	ADMINISTRATION ITEMS	57-72
8.5.1.1	Local Government Climate Change Declaration	<i>Appendix 7</i> 57-58
8.5.1.2	Tier 3 Rail Network	59-60
8.5.1.3	Mining Exploration Licenses 70/4204 & 79/4207	<i>Appendix 8</i> 61-62
8.5.1.4	Mining Exploration License 70/4213	<i>Appendix 9</i> 63-64
8.5.1.5	Tender Evaluation 09/11 - Architectural Services - Beverley Oval and Recreation Centre	65-72
8.5.2	INFORMATION BULLETIN REPORT - ACTING CHIEF EXECUTIVE OFFICER	73
9	INFORMATION BULLETIN REPORT - PARTS ONE AND TWO - GENERAL SECTION	73
10	TABLED CORRESPONDENCE	73
11	OTHER BUSINESS	74
11.1	Gratuity Payment - Mr Keith Byers	74
11.2	Committee Meeting - Independent Living Units Team	74
11.3	Appointment of a Consultant to assist with the appointment of a Chief Executive Officer	74
12	CLOSURE	75

**MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS ON TUESDAY 27 SEPTEMBER 2011**

1. COMMENCEMENT

The President declared the meeting open at 10:04am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

Cr DJ Ridgway	President	South Ward
Cr LC Shaw	Deputy President	West Ward
Cr BM Foster		West Ward
Cr CJ Pepper		West Ward
Cr JD Alexander		North Ward
Cr P Gogol		North Ward
Cr KM Murray		North Ward
Mr SP Gollan	Acting Chief Executive Officer	
Ms A Lewis		Secretary

Apologies

Cr MG Roberts	South Ward
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Leave of Absence

Nil

3. PUBLIC QUESTION TIME

3.1 Purchase of Plants

Mr Bill McDonald sought clarification from Council in relation to why Council purchased plants from businesses outside of Beverley and why his initial complaint regarding the ordering of plants was not discussed at a Council meeting.

Cr Ridgway advised that the matter was discussed at a Council meeting and also advised that wherever possible the Council encourages supporting local business.

**3. PUBLIC QUESTION TIME
(Continued)**

3.2 Sewerage

Mr McDonald thanked Cr Murray in his efforts to resolve the matter of seeping sewerage from a neighbour's property onto his property.

Council commented that they were unaware the matter had not been resolved and requested that Mr McDonald write so that the matter could be further investigated.

Alan Marsh

3.3 (Subdivision Application – Two Lot Subdivision – Lot 91 Waterhatch Road, Beverley File Ref: PL 143964)

Mr Alan Marsh advised that he was speaking on behalf of Mr and Mrs Hort of Lot 91 Waterhatch Road for item 8.1.1.6 of the Agenda.

Mr Marsh addressed Council on the above matter and also the revised planning application for subdivision on Lot 91 Waterhatch Road.

Mr Marsh thanked Council for the opportunity to discuss the revised planning application.

4. CONDOLENCES

COLLINS	Kenneth (Ken) William	28 August 2011
THOMAS	Robert (Rob) Leslie	6 September 2011

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr JD Alexander applied for Leave of Absence from the October 2011 meeting.

RESOLVED that Councillor Alexander's request for Leave of Absence from the October 2011 Council meeting be approved.

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 Minutes of the Ordinary Meeting of Council held in the Council Chambers on Tuesday 23 August 2011

COUNCIL RESOLUTION

M1/0911 Moved Cr Pepper **Seconded Cr Murray**
That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on Tuesday 23 August 2011, as printed, be confirmed.

CARRIED 7-0

BUSINESS ARISING

Nil

7. PRESIDENT AND COUNCILLOR REPORTS

7.1 PRESIDENT'S REPORT

Beverley Brookton Local Planning Strategy Workshop

The Acting Chief Executive Officer and Councillors Ridgway, Shaw, Foster, Murray and Ridgway attended a workshop in Brookton to review the draft Local Planning Strategy. This proved to be a worthwhile forum for discussing content of the draft strategy with representatives from both Shires in attendance.

Substantive Chief Executive Officer Position

In my opinion Council should be making a decision on how this matter is to be progressed prior to the formation of the new Council.

The working group met during the week and in agreeing with this opinion considered that a Consultant should be employed, the process should commence as soon as possible, either of the Proposals received were acceptable and that a Recruitment Panel be endorsed to guide the course of action chosen by Council.

Thank You

I take this opportunity to recognize the many years of service by Councillor Roberts on behalf of the Shire of Beverley and wish him a long and hearty retirement.

8. OFFICERS' REPORTS

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	September Council Meeting 27 September 2011
AGENDA ITEM:	8.1.1.1
REPORT DATE:	30 August 2011
SUBJECT:	PROPOSED ROAD CLOSURE – PORTION OF NEGUS ROAD, BEVERLEY
APPLICANTS:	Mr & Mrs Sampson
FILE REFERENCE:	WO NEG
AUTHOR:	Shire Planner – Peter Wright

Appendix 1

BACKGROUND

At its 28 June 2011 meeting Council resolved: -

“That Council agree to commence proceedings to close the unconstructed section of Negus Road adjoining the north western boundary of Lot 340, and that neighbouring owners within the area be advised and requested to comment.”

The proposed road closure has been advertised for 35 days in compliance with section 58 of the Land Administration Act 1997 and is being presented to Council for final consideration.

COMMENT

The proposed road closure was advertised for 35 days and the Shire received one response comprising of a no objection. A summary of the response and staff comment are detailed below:

Respondent	Property	Comment	Planner's Response
M Jones Po Box 48 Beverley WA 6304	87 Miller Road, Beverley	No objection to proposal. The owner of Lot 340 should have a legitimate reason for closing the road. No individual lot should be denied access due to the road closure.	Noted. The road closure is requested to allow a proposed development to occur on Lot 340. The road closure will not prevent any lot from having access to a road reserve that connects to the Shire's constructed road network.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
PROPOSED ROAD CLOSURE
– PORTION OF NEGUS ROAD, BEVERLEY
(Continued)

Since there were no objections to the proposal and closure of the road will allow a proposed development to proceed in compliance with the Shire of Beverley's Town Planning Scheme No. 2, it will be recommended the road closure is proceeded with.

STATUTORY ENVIRONMENT

A request to the Minister to close a road must be made in compliance with section 58 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M4/0911 **Moved Cr Foster** **Seconded Cr Murray**
That Council resolve to accept the officer's comment on the advertising and request the Minister close the portion of Negus Road, Beverley adjacent to Lot 340 Negus Road, Beverley, as detailed in the attached plan.

CARRIED 7-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	September Council Meeting 27 September 2011
AGENDA ITEM:	8.1.1.2
REPORT DATE:	30 August 2011
SUBJECT:	DEVELOPMENT APPLICATION – TWO OUTBUILDINGS – 158 (LOT 6137) SPRINGHILL ROAD, DALE
APPLICANT:	P Stevens
FILE REFERENCE:	SPR 1277
AUTHOR:	Shire Planner – Peter Wright

Appendix 2

BACKGROUND

An application has been received to construct an 8m by 15m outbuilding and use a 12m by 2.4m sea container as an outbuilding. The applicant is requesting a variation to the setback requirements contained in the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). Therefore the matter is being referred to Council for determination.

The subject site is zoned Farming, approximately 40ha in area, generally cleared and has an existing dwelling with ancillary outbuildings. Access is via Springhill Road.

COMMENT

The application complies with Council's Outbuilding policy. However the 8m by 15m outbuilding is proposed to be setback 3 metres from the rear boundary. Table 2 of TPS 2 states that setbacks from the rear boundary shall be 15 metres. Under Clause 4.2.2 of TPS 2 Council may vary the setback requirements provided: -

- "i) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- ii) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality."*

The applicant has produced signed documentation demonstrating the adjoining landowner has no objection to the proposal. Given the location of the development it is unlikely there will be any negative external impacts. Therefore it is unlikely the amenity of the locality will be disturbed or there will be any adverse effect on persons residing in the locality.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.2
DEVELOPMENT APPLICATION
– TWO OUTBUILDINGS
– 158 (LOT 6137) SPRINGHILL ROAD, DALE
(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. The outbuilding shall not be used for:**
 - Commercial purposes, unless as a component of a rural pursuit;**
 - Human habitation; and**
 - Industrial purposes.**
- 4. The outbuilding shall have a minimum 4 metre firebreak on all sides.**
- 5. The 15 metre by 8 metre outbuilding shall be setback a minimum 4 metres from the north-east boundary.**

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 a building licence is required prior to commencement of any building works.**

CARRIED 7-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	September Council Meeting 27 September 2011
AGENDA ITEM:	8.1.1.3
REPORT DATE:	31 August 2011
SUBJECT:	DEVELOPMENT APPLICATION – EXTRACTIVE INDUSTRY – 1564 (LOT 28061) EDISON MILL ROAD, DALE
APPLICANT:	Land Insights
FILE REFERENCE:	EDI 1074
AUTHOR:	Shire Planner – Peter Wright

Appendix 3

BACKGROUND

An application has been received to conduct an Extractive Industry at 1564 (Lot 28061) Edison Mill Road, Dale. It is proposed to extract clay for the production of bricks and other construction material. The applicant is acting for Austral Bricks WA Pty Ltd. The area proposed to be used for the extractive industry is a 14ha portion in the south-west corner of the property.

Proposed hours of operation are 6.00am to 6.00pm Monday to Saturday. No operations are proposed for Sundays or Public Holidays. Excavation is proposed to occur in 3 stages over a period of 45 years, although the current application is for a period of 20 years.

The subject site is zoned Farming, approximately 356ha in area, generally cleared with some remnant vegetation and has an existing dwelling with ancillary outbuildings. Access is via Edison Mill Road.

COMMENT

Although there is no statutory requirement, due to the potential for disturbance to the amenity and character of the area, the application was advertised in compliance with Clause 7.6.2 of the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). A total of 14 submissions were received comprising of 8 no objections, 2 objections and 4 providing only comment. A summary of the submission and officer's response is detailed in the table below: -

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.3

DEVELOPMENT APPLICATION

– EXTRACTIVE INDUSTRY

– 1564 (LOT 28061) EDISON MILL ROAD, DALE

(Continued)

	Respondent	Property	Comment	Planner's Response
1	W Campbell 210 Guger Road Herne Hill WA 6056	974 Edison Mill Road Westdale	1 No objection to proposal 2 Concerned over the condition of Edison Mill Road and the potential that ratepayers will have to fund maintenance.	Noted It is anticipated the applicant will be liable for any maintenance and possible upgrade of Edison Mill Road required due to the proposal (see below)
2	W & J Smith 7 Silky Oak Lane Willetton WA 6156	72 (Lot 1) Rossi Road Westdale	No objection to proposal	Noted
3.	J Scott 1564 Edison Mill Road Beverley WA 6304	Avon Loc. 28061 Edison Mill Road Westdale	No objection to proposal	Noted
4.	F Strange 1137 Edison Mill Road Beverley WA 6304	1137 Edison Mill Road Westdale	No objection to proposal	Noted
5	G McCallum RMB 244 Beverley WA 6304	6131 Brookton Highway Westdale	No objection to proposal	Noted
6	B Leach 24 Florence Road Nedlands WA 6009	Avon Loc. 13144 Otway Road, Westdale	1 No objection to proposal 2 Concerned about road safety. Suggests Edison Mill Road is bituminised and warning signs are erected.	Noted It is anticipated the applicant will be liable for any maintenance and possible upgrade of Edison Mill Road required due to the proposal. The degree of upgrading and any signage should be determined by Council (see below)

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

	Respondent	Property	Comment	Planner's Response
7	M Green 419 Hibiscus Street Tom Price WA 6751	Lot 28160 Dale Bin North Road, Westdale	1 No objection to proposal 2 Questions if Edison Mill Road will be upgraded due to safety concerns on some corners and the impact of heavy vehicles from the proposal.	Noted See 6.2 above.
8	B Gatti 19 Success Crescent Salter Point WA 6152	1166 Edison Mill Road, Beverley	No objection to proposal	Noted
9	T McLaughlin 46 Paine Court Karrinyup WA 6018	Lot 32 Edison Mill Road Westdale	1 Objection to proposal 2 Concerned that Edison Mill Road is unable to cope with the current level of traffic. The proposal will increase the problem.	Noted See 1.2 above

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

	Respondent	Property	Comment	Planner's Response
10	P Gibbs for Behmarlei Pty Ltd 57 Dobaderry Road Beverley WA 6304	57 Dobaderry Road Westdale	<p>1 Objection to proposal</p> <p>2 Concerned over the impact on amenity, including dust noise and visual amenity. Suggests a 100 metre landscaped setback with a large bund around the entire development.</p> <p>3 Concerned vehicles accessing and egressing the site will create a traffic hazard.</p> <p>4 Concerned the roads are of an inadequate standard to cater for the traffic generated by the development.</p>	<p>Noted</p> <p>Amenity is a proper planning concern. The applicant has addressed this matter in the proposal, however it is open to Council to further address the matter through conditions of approval (see below)</p> <p>There appears to be good sightlines at the proposed access to the property. Council may address this matter through conditions of approval (see below)</p> <p>The applicant recognises Edison Mill Road is inadequate for the amount of proposed traffic generated by the development and has proposed a road contribution. The amount of contribution should be determined by Council (see below)</p>
	(Cont'd next page)			

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

	Respondent	Property	Comment	Planner's Response
	P Gibbs for Behmarlei Pty Ltd 57 Dobaderry Road Beverley WA 6304 (Continued)	57 Dobaderry Road Westdale (Continued)	<p>5 Concerned the vehicles used in the proposed development when combined with vehicles currently using the road, would cause traffic hazards.</p> <p>6 Concerned road maintenance costs and administration costs would be borne by ratepayers.</p> <p>7 States the applicant should pay for Edison Mill Road to be upgraded to a two lane bitumen road.</p> <p>8 Concerned the development will not be rehabilitated adequately when the development is completed.</p>	<p>The increase in traffic and any potential conflict will need to be considered by Council.</p> <p>It is anticipated the applicant will be liable for any maintenance and possible upgrade of Edison Mill Road required due to the proposal. Administration costs are a component of the Shire's core business responsibility.</p> <p>The degree of upgrading is a matter that should be determined by Council. A two lane bitumen road may be considered excessive.</p> <p>The applicant has proposed a rehabilitation plan. It is open to Council to impose a rehabilitation bond.</p>
11	R Morland 10 Tella Street Gooseberry Hill WA 6076 (Cont'd next page)	34 Dobaderry Road Westdale	<p>1 Comment on proposal</p> <p>2 Concerned the condition of Edison Mill Road is inadequate for the amount traffic to be generated by the proposal.</p>	<p>Noted</p> <p>See 10.4 above</p>

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

	Respondent	Property	Comment	Planner's Response
	R Morland 10 Tella Street Gooseberry Hill WA 6076 (Continued)	34 Dobaderry Road Westdale (Continued)	<p>3 Questions if adequate landscaping for the purpose of screening is proposed. States screening should be a condition of approval.</p> <p>4 The amount of material and time span of the proposal was not stated in the advertising material.</p> <p>5 Very strict conditions of approval should be imposed to address potential dust concerns.</p>	<p>The applicant has proposed screening through landscaping and bunds. It is open to Council to further address this matter through conditions of approval.</p> <p>Due to resource constraints and the size of the application, only a summary of the application was sent to recipients of the advertising. The advertising did provide the opportunity for members of the public to obtain further information upon request.</p> <p>The applicant has provided a dust management plan. It is open to Council to further address this matter through conditions of approval if considered necessary.</p>
12	C Hart PO Box 243 Beverley WA 6304	265 Dalebin North Road, Westdale	<p>1 Comment on proposal</p> <p>2 Concerned Dale Bin North Road will be negatively impacted.</p>	<p>Noted</p> <p>The applicant has not proposed using Dale Bin North Road. Council may confirm the access route as a condition of approval.</p>

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

	Respondent	Property	Comment	Planner's Response
13	P Clark & D Moriarty PO Box 361 Beverley WA 6304	Loc. 23148 Dobaderry Road Westdale	<p>1 Comment on proposal</p> <p>2 Concerned over the maintenance of Edison Mill Road.</p> <p>3 Concerned safety may be compromised due to the speed of clay trucks on Edison Mill Road.</p> <p>4 Concerned about noise and dust generated by the development.</p> <p>5 Queries how often the site will be operating.</p> <p>6 States the development would be acceptable provided appropriate controls are in place.</p>	<p>Noted</p> <p>See 6.2 above.</p> <p>It is open to Council to require a traffic management plan or impose traffic restrictions, including signage, on Edison Mill Road.</p> <p>See 10.2 above.</p> <p>Estimates of the times the site will be operating are included in the application. See 11.4 above.</p> <p>It is Council's role after assessing the proposal to impose appropriate conditions of approval.</p>

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

	Respondent	Property	Comment	Planner's Response
14	W Browwer 129 William Street Beckenham WA 6107	Lots 21116 & 28151 corner Edison Mill Road & Dale Bin North Road, Westdale	1 Comment on proposal 2 Concerned the increase in traffic on Edison Mill Road will have a negative impact on: <ul style="list-style-type: none"> • the condition of the road; • noise; • dust; and • traffic safety 	Noted If Edison Mill Road is not adequately maintained the increase in commercial vehicle traffic will negatively impact on the community. It is Council's responsibility to address these matters through conditions of approval or refuse the application.

It appears the application is generally supported by residents in the area. The main matter of concern relates to the upgrading and maintenance of Edison Mill Road. To a lesser extent concerns relating to noise, dust and visual amenity have been expressed by the community. The matters raised during the advertising are discussed below.

DEC Comment

In addition to the abovementioned advertising, comment was requested from the Department of Environment and Conservation (DEC). The comment received was: -

- Weeds should be controlled, particularly *Phytophthora cinnamomi*;
- No material from the site is to enter any crown reserve;
- Buffers should be adequate to protect the amenity of surrounding residents;
- Rehabilitation should use appropriate local native species, be ongoing and control weeds;
- An annual ongoing weed control program;
- All surface water runoff to remain on site; and
- The applicant should be advised a permit may be required to clear native vegetation.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

The concerns relating to weeds, material from the site, surface water and clearing of native vegetation, although relevant planning matters are considered relatively minor. Should Council approve the application, it will be recommended the matters are addressed through conditions of approval or advice notes.

With regard to the buffer to nearby residents, the application complies with Environmental Protection Agency guidelines. The nearest residents are approximately 600 metres from the development area. With appropriate conditions of approval to protect the amenity of the area, it is considered unlikely nearby residents will have any substantial negative impact.

Edison Mill Road

It is proposed there will be approximately 1900 commercial vehicle movements to and from the site per year. The bulk of the movements will be over a 3 to 4 week period during the summer months with up to 96 movements per day. It is possible that in future years cartage may be required for up to 4 days per month during winter. The vehicles to be used for cartage are, 8 wheel truck and dog combinations with a gross weight of 64 tonnes and a payload of 42 tonnes.

The proposed access route to the site is from Brookton Highway along approximately 12 kms of Edison Mill Road. The route along Edison Mill Road does not pass any private property. Edison Mill Road is a Restricted Access Vehicle (RAV) road and therefore the vehicles proposed for cartage are able to operate on the road. However it is unlikely the road can sustain the level of traffic proposed.

The applicant recognises that a contribution to the maintenance of the road will be required. The main concern expressed during the advertising is the impact on Edison Mill Road. Council may require the road to be upgraded and an annual contribution levied for the maintenance of the road. Alternatively Council may require an annual predetermined contribution.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

However regardless of the method of contribution used, the amount must fairly reflect the impact caused by the development. Should Council approve the application, it will be recommended that Edison Mill Road be upgraded prior to the commencement of use to accommodate proposed vehicle movements and a monitoring regime is initiated to determine the annual contribution towards maintenance, as conditions of approval.

A concern was raised during advertising of the application that Dale Bin North Road may be used for access to the site. Dale Bin North Road has not been proposed for access. However to alleviate community concerns and ensure there is minimal impact on surrounding residents, should Council approve the application, it will be recommended the use of Edison Mill Road as the access route is a condition of approval.

Traffic and Safety

Comments received from respondents to the advertising and an inspection by staff indicates there may be concerns relating to road safety and traffic management on Edison Mill Road. There are bends, ridges and other difficulties on the road that may negatively impact on the interaction between the vehicles carting clay and other road users. Due to the potential for a severe negative impact if there is traffic failure (vehicle accident), should Council approve the application, it will be recommended the submission and compliance with a traffic management plan, are conditions of approval.

Public accessing the site is a safety concern regardless of whether the applicant is aware of such access or not. To address this matter, should Council approve the application, it will be recommended as conditions of approval, the development site is fenced, warning signs are erected and the site is locked when unattended.

Amenity

The main impacts on amenity appear to be from noise, dust and disturbance to visual amenity.

The area is a Farming zone and therefore some level of noise and dust disturbance should be anticipated due normal farming operations. The applicant has submitted noise and dust management procedures as a component of the application. The negative impacts may be further mitigated through compliance with proposed hours of operation.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

Should Council approve the application, to address the impact of noise and dust it will be recommended compliance with submitted dust and noise management procedures and hours of operation, are conditions of approval.

To further minimise any disturbance to surrounding residents from noise and dust, should Council approve the application, it will be recommended that if the Shire receives a substantiated complaint and the matter cannot be resolved, the operation ceases until such time as the matter is resolved, as a condition of approval.

Disturbance to visual amenity is a relevant planning concern. The applicant has proposed screening vegetation and a bund at the front of the property. A site inspection by staff indicates the screening vegetation would need to be extended 100 metres from the road along the western boundary to prevent the development being visible from the road. DEC has expressed concerns that any screening or rehabilitation should use species endemic to the area.

Should Council approve the application, it will be recommended conditions of approval include: -

- Submission of a detailed landscape plan;
- The bund is vegetated with appropriate vegetation; and
- The screening vegetation is extended for 100 metres along the western boundary from the road boundary.

In conjunction with the landscape screening component the rehabilitation component should be considered. Although the final rehabilitation plan will be implemented in a time frame beyond this application, continuous rehabilitation should be considered to address visual amenity. To address this matter, should Council approve the application, it will be recommended the stages are rehabilitated progressively and a per hectare bond is imposed, as conditions of approval.

Given that there are no water courses in the development area, water is not a major concern. However to protect neighbouring properties, provide water for dust suppression and prevent contaminated water leaving the site, should Council approve the application, retention of surface water on the site will be a recommended condition of approval.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

Timeframe

The resource has an expected lifespan of 45 years. The application is for 20 years which will coincide with the maximum length of time allowable for an Extractive Industry license. Approving the application for a limited time will allow Council to review the operation prior to the exhaustion of the resource. It is open to Council to limit the approval to a lesser time than recommended if it is considered desirable to review the development in a shorter time frame. However since it is unlikely there will be any substantial development of sensitive land uses in the area, should Council approve the application, a 20 year approval will be recommended as a condition of approval.

STATUTORY ENVIRONMENT

Extractive Industry is a discretionary land use under the Shire of Beverley's Town Planning Scheme No. 2. Therefore the application may be approved or refused at Council's discretion.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M6/0911 Moved Cr Pepper Seconded Cr Foster
That Council grant Planning Approval for an Extractive Industry at 1564 (Lot 28061) Edison Mill Road, Dale, 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 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

- 3. Development shall only be conducted in the approved portion of Lot 28061, hereby referred to as the development site, as depicted on the approved and endorsed development plan.**
- 4. This approval is for a period of 20 years from the date of this approval being granted. Prior to the expiry of this approval, a new approval must be applied for and granted.**
- 5. Should a new approval not be granted prior to the expiry of this approval, all excavation shall cease and the land rehabilitated in compliance with the approved rehabilitation plan within 24 months of the expiry.**

Road and Traffic Conditions

- 6. Edison Mill Road between Lot 28061 and Brookton Highway shall be upgraded to a standard commensurate with the proposed amount of commercial vehicle traffic to the satisfaction of the local government, prior to commencement of development.**
- 7. At the applicant's cost an appropriately qualified engineer shall certify that the upgrading of Edison Mill Road complies with the requirements of Condition 6 of this approval, prior to commencement of development.**
- 8. A log of all vehicles accessing the development site shall be submitted every 3 months to the Shire. The details of the log shall include vehicle size and type, date and time.**
- 9. An annual contribution for the maintenance of Edison Mill Road, as assessed by the Shire using the submitted vehicle log, shall be paid by the applicant every 12 months from the date of this approval.**
- 10. Access to the site shall be via Edison Mill Road from Brookton Highway. Dale Bin North Road shall not be used for access.**

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

- 11. Within 3 months of the date of this approval a Traffic Management Plan for Edison Mill Road shall be submitted by the applicant to the satisfaction of the Shire. The plan shall detail appropriate speeds, signage and any other relevant restrictions**
- 12. At the applicant's cost the approved Traffic Management Plan shall be implemented and complied with (see Advice Note 3)**

Operating Conditions

- 13. Hours of operation shall be 6.00am to 6.00pm Monday to Saturday. No operations shall occur on Sundays, Public Holidays or outside approved hours of operation.**
- 14. Prior to commencement of use, the development site shall be fenced.**
- 15. The site shall be kept locked at all times when there are no authorised persons on site.**
- 16. Prior to commencement of use signage shall be erected in prominent locations on all development site boundaries, informing the public of safety and access restrictions to the satisfaction of the Shire.**
- 17. Prior to the commencement of use the access (crossover) to the site shall be constructed to the satisfaction of the Shire.**
- 18. Excavated clay shall be stored in stockpiles with a maximum height of 4 metres.**
- 19. As the Water Corporation reticulated sewer is not available the site is to be connected to an approved wastewater treatment system, which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations or an approved temporary effluent disposal system to be placed on site during periods of excavation. The approved system is not to be used for disposal of industrial liquid waste or other non-ablution wastes (refer to Advice Note 4).**

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

- 20. All development shall comply with the setback requirements contained in Table 2 of the Shire of Beverley's Town Planning Scheme No. 3.**

Amenity and Environmental Conditions

- 21. The noise and dust management procedures contained in the application shall be complied with at all times.**
- 22. Emitted noise shall comply with *Environmental Protection (Noise) Regulations 1997* at all times.**
- 23. Upon notification of a valid written complaint relating to non compliance with noise and dust management procedures being received by the Shire, the applicant shall cease all operations until such time as the subject of the complaint is remedied to the satisfaction of the Shire.**
- 24. A landscape plan for the purpose of screening the development on the eastern and southern boundary of the development site as well as 100 metres of the western boundary from the road reserve, shall be submitted and approved by the Shire, prior to commencement of use (see Advice Note 5).**
- 25. A screening bund to a minimum height of 3 metres and a maximum height of 4.5 metres shall be constructed and maintained along the southern boundary behind the approved screening landscaping, within six (6) months of the commencement of use.**
- 26. The screening bund the subject of Condition 25 shall have vegetation to the south face, as appropriate to the season, to the satisfaction of the Shire.**
- 27. All approved landscaping and the vegetation on the bund, the subject of Conditions 24 and 26 shall be maintained, including watering and fertilising as appropriate to ensure survival and quick growth rate, to the satisfaction of the Shire.**

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

- 28. All surface water shall be contained on site.**
- 29. The applicant shall comply with the weed management process contained in the submitted and approved application at all times.**
- 30. The applicant shall use best practise weed control, to the satisfaction of the Shire.**
- 31. The applicant shall prevent any material from entering any adjoining property.**
- 32. The applicant shall only remove those trees and/or clear native vegetation as required for the development and any associated access (see Advice Note 7).**

Rehabilitation Conditions

- 33. No more than 4 hectares shall be open for excavation at any one time (see Advice Note 8).**
- 34. A landscaping plan for the purpose of rehabilitating excavated areas shall be submitted and approved within 12 months of commencement of use.**
- 35. A rehabilitation bond of \$3,000 per hectare, shall be lodged with the Shire prior to excavation. The bond shall only apply to the specific area proposed to be open for excavation. Should the applicant not rehabilitate the land in compliance with the conditions of this approval the bond shall be used for rehabilitation of the land at Council's discretion.**
- 36. The rehabilitation bond shall be returned to the applicant at the completion of the rehabilitation of the land to the Shire's satisfaction.**
- 37. Within 24 months of the applicant permanently ceasing all excavation the site shall be rehabilitated in compliance with the approved rehabilitation plan and rehabilitation procedures contained in the submitted and approved application.**

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.3
DEVELOPMENT APPLICATION
– EXTRACTIVE INDUSTRY
– 1564 (LOT 28061) EDISON MILL ROAD, DALE
(Continued)

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 that when the Extractive Industry Local Law for the Shire of Beverley is gazetted, an Extractive Industry Licence will be required.**
- 3. With regard to Condition 12, the applicant is advised that all signage must be erected in compliance with the approved Traffic Management Plan, prior to commencement of use.**
- 4. With regard to Condition 19, an application is to be submitted to the Council's Environmental Health section.**
- 5. With regard to Condition 24, the landscape plan is to include the location and species of plantings, details of mulch, fertiliser and reticulation (if required) and a timeframe for planting.**
- 6. With regard to any required landscape plan the applicant is advised it is the Shire's preference that species endemic to the area are used.**
- 7. With regard to Condition 32, the applicant is advised approval may be required from the Department of Environment and Conservation prior to the removal of trees and/or clearing of vegetation.**
- 8. With regard to Condition 33, where excavation has occurred the land is to be rehabilitated in compliance with the approved rehabilitation plan prior to being considered closed for excavation.**

CARRIED 7-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	September Council Meeting 27 September 2011
AGENDA ITEM:	8.1.1.4
REPORT DATE:	6 September 2011
SUBJECT:	DEVELOPMENT APPLICATION – CONCERT – LOT 83 BUTCHERS ROAD, WESTDALE
APPLICANT:	Wild Card Promotions
FILE REFERENCE:	BUT 51004
AUTHOR:	Shire Planner – Peter Wright

Appendix 4

BACKGROUND

It is proposed to conduct a concert on 8 and 9 October 2011 at Lot 83 Butchers Road, Westdale. The subject site is approximately 49 ha in area, zoned Farming and contains existing buildings. The application includes the erection of ancillary temporary structures.

It is anticipated 5,000 persons will attend the event which includes parking and overnight camping areas. Catering will be provided, although no sale of alcohol is proposed. For warmth and extra light, in specific locations large steel drums will be utilised as open braziers. Submitted evacuation and traffic management plans are identical to those approved for a concert on the site on 25 October 2008, 27 October 2009 and 30 October 2010. A revised fire plan has been submitted.

COMMENT

Under the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2) a concert is a use not listed. Clause 3.2.5 of TPS 2 states that where a land use is not listed 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 Council may, at its discretion, permit the use.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.4
DEVELOPMENT APPLICATION
– CONCERT
– LOT 83 BUTCHERS ROAD, WESTDALE
(Continued)

In previous years the event has attracted a substantial number tourists, members of the travelling public and residents of Beverley. Clause 3.5 of TPS 2 states that Council will support proposals which service members of the travelling public or tourists. Given that the proposed use will not preclude agricultural use of the property for the remainder of the year and provides entertainment options not normally available in Beverley, it will be recommended Council determine that the proposed use may be consistent with the objectives and purpose of the Farming zone.

Advertising

In compliance with Clause 6.2 of TPS 2 the application was advertised for a period of 21 days. A total of 5 submissions were received comprising of 3 no objections and 2 objections. A summary of the submissions received and officer's responses are detailed in the table below: -

	Respondent	Property	Comment	Planner's Response
1	A Gosling 47 Turner Gully Road Beverley WA 6304	47 Turner Gully Road, Westdale	1 No objection to proposal.	Noted.
			2 Previous events have been well organised and not resulted in any negative impacts.	Noted
			3 At last years event the location of random breath testing by the police caused excessive inconvenience to residents not attending the event and did little to enhance road safety.	This is police operational matter not a relevant planning matter.
			4 Random breath testing should be conducted at the entrance to the property.	See 1.3.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.4
DEVELOPMENT APPLICATION
– CONCERT
– LOT 83 BUTCHERS ROAD, WESTDALE
(Continued)

	Respondent	Property	Comment	Planner's Response
	Name and Address withheld (Continued)		5 Concerned over the rubbish generated by the event.	This is a negative external impact that affects the amenity and character of the area and would be difficult to mitigate through conditions of approval. However at past events the applicant has employed community organisations to provide a cleaning service, which is considered to provide direct community benefit.
			6 Concerned over excessive noise generated by the event.	Shire records indicate no complaints have been received concerning disturbance to noise amenity in the past. Council must consider if the amount of the noise generated on one night of the year is an excessive impact on the amenity of neighbouring properties
			7 Requests police presence on all access roads before during and after the event.	See 1.3 above.
5	Name and Address withheld (Cont'd next page)		1 Objection to Proposal	Noted
			2 The impact of such a large number of persons attending the event will have a negative impact on the character of the area.	For one weekend the character of the area will be impacted. Council must determine if the impact is unacceptable.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.4
DEVELOPMENT APPLICATION
- CONCERT
- LOT 83 BUTCHERS ROAD, WESTDALE
(Continued)

	Respondent	Property	Comment	Planner's Response
	Name and Address withheld (Continued)		8 Concerned over the fire risk.	The event has been moved to the start of October in compliance with Council's advice to address fire concerns. The applicant has submitted an updated fire management plan. Should Council approve the application, further conditions of approval or advice notes may be imposed.
			9 Persons appearing to be affected by substances have trespassed onto property during last year's event.	See 4.4 above
			10 Items connected with illegal drug use have been dumped by the side of the road.	See 4.4 above
			11 Requests the event be relocated.	The application is for a land use on a specific property. Council must consider the application as submitted.
			12 Councillors are invited to stay at the respondent's property during the event.	This is unlikely to produce an enhanced planning outcome and may be considered a conflict of interest.
	(Cont'd next page)			

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.4

**DEVELOPMENT APPLICATION – CONCERT – LOT 83 BUTCHERS ROAD, WESTDALE
(Continued)**

	Respondent	Property	Comment	Planner's Response
	Name and Address withheld (Continued)		13 States staff will be held responsible if there are repercussions from the submitted comments.	Identifying details of respondents are not released when withholding is requested. It would be inappropriate for comments being considered by Council to not be put on the public record.

Comment was requested and received from the Fire Control Officer for the area. The Fire Control Officer stated there was no objection to the proposal from a fire perspective.

Similar events have occurred on this property previously. A search of Shire records indicates no correspondence regarding serious matters of concern has been received by the Shire. In response to the advertising of the current application two respondents have raised concerns about the amenity and security concerns, with one of the respondents also mentioning fire risk. It is assumed all other residents of the area have no objection or no opinion on the proposal.

The concert will aid in economic development and economic diversification in the Shire of Beverley. Direct economic enhancement will occur due to catering for the needs of the substantial number of persons attending the event. Indirect economic benefit will come from raising the profile of Beverley throughout the state and making Beverley a tourist destination. As such the event will aid in economic diversification in Beverley.

Entertainment options in Beverley may be considered limited for the younger age groups. This event will provide an entertainment option comparable with those in the metropolitan area and not generally available in Beverley. As such the event will aid in enhancing the amenity of the Shire.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.4
DEVELOPMENT APPLICATION – CONCERT – LOT 83 BUTCHERS ROAD, WESTDALE
(Continued)

Fire Management

The proposal contains a fire management plan and an emergency evacuation plan to be implemented for the duration of the event. Previously concerns have been raised that the event is being held toward the start of the fire prone period of the year. To address this matter the applicant has moved the event to the start of October in compliance with Council's advice. Should Council approve the application it will be recommended the fire management and emergency evacuation plans be implemented as conditions of approval.

Amenity

Two of the respondents to the advertising mentioned difficulty in accessing their properties due to police activity, with the respondents also mentioning disturbance caused by noise and anti social behaviour.

How the police conduct their activities are police operational matters and it would not be appropriate for the Shire to attempt to influence the police. Any concerns should be sent directly to the police by the aggrieved persons.

Anti social behaviour, including trespass and littering are police matters. However Council should assess the cumulative impact of such behaviour on the amenity of nearby residents. There have been approximately 5,000 persons attending previous events. To date Shire records indicate no written complaints of anti social behaviour have been made. In response to advertising of the current proposed event concerns of anti social behaviour have been raised by only two residents.

Given the event is a concert and associated activity orientated toward youth, it may be anticipated a substantial amount of noise would be generated. The respondents that mentioned the noise raised concerns about the impact on livestock (sheep) and uncomfortable levels of noise experienced by neighbours. Such a level of noise would negatively impact on the amenity of residents in the area.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.4
DEVELOPMENT APPLICATION – CONCERT – LOT 83 BUTCHERS ROAD, WESTDALE
(Continued)

Council must weigh the conflicting matters of approving a land use of limited duration that aids in economic development, provides entertainment options and caters for several thousand persons against the legitimate concerns of a resident on the impact on amenity. It will be recommended that due to the limited timeframe of the impact on amenity, Council approve the application. Should Council approve the application, in the opinion of staff it would be difficult to impose reasonable conditions of approval that would mitigate the impact on amenity apart from those limiting the duration of the event.

First Aid and Management Plans

As components of the application, a fire risk, precaution and evacuation plan and a traffic management plan have been submitted. To cater for first aid at the 2010 concert, an ambulance and three staff were on duty from 9.00 am 30 October 2010 to 9.00 am 31 October 2010. Shire staff consider similar first aid arrangements should occur from 9.00 am 8 October 2011 to 9.00am 9 October 2011. Should Council approve the application, it will be recommended the fire and traffic management plans and first aid arrangements as detailed, be specified as conditions of approval.

Conclusion

The application to conduct a concert at Lot 83 Butchers Road, Westdale is supported due to:

1. Diversification of economic activity;
2. Enhancement of amenity through provision of generally unavailable entertainment options;
3. Raising the “profile” of the Shire of Beverley;
4. Limited objections to the proposal; and
5. Economic benefit to the local economy.

It will therefore be recommended the proposal be considered a land use that is consistent with the objectives of the Farming zone and Council grant planning approval.

8.1.1 TOWN PLANNING ITEMS

ITEM 8.1.1.4

**DEVELOPMENT APPLICATION – CONCERT – LOT 83 BUTCHERS ROAD, WESTDALE
(Continued)**

- 6. The approved Traffic Management Plan is to be complied with at all times, for the entire period of this approval.**
- 7. An ambulance and three staff qualified in first aid is to be available on-site between the hours of 9.00 am 8 October 2011 to 9.00 am 9 October 2011.**

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 a building licence is required prior to commencement of any building works.**
- 3. With regard to Condition 4, an application is to be submitted to the Council's Environmental Health Section and approved, prior to the commencement of the event.**

CARRIED 7-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	September Council Meeting 27 September 2011
AGENDA ITEM:	8.1.1.5
REPORT DATE:	21 September 2011
SUBJECT:	ADOPTION OF DRAFT LOCAL PLANNING STRATEGY
FILE REFERENCE:	LUP 004
AUTHOR:	Shire Planner – Peter Wright

BACKGROUND

In accordance with the *Planning and Development Act 2005* and the *Town Planning Regulations 1967*, a local authority is required to review its Town Planning Scheme (now called a Local Planning Scheme) every 5 years. To support the preparation of a new Local Planning Scheme, the Town Planning Regulations now require the preparation of a Local Planning Strategy (LPS).

The Town Planning Regulations 12A(3) set out that: -

“A Local Planning Strategy shall: -

- (a) set out the long-term planning directions for the local government;
- (b) apply State and regional planning policies; and
- (c) provide the rationale for the zones and other provisions of the Scheme.”

To facilitate the new Scheme and Strategy Council at its 23 December 2008 meeting resolved: -

- “1. *To initiate Local Planning Scheme No. 3 encompassing all land contained within the Shire boundaries. The proposed Local Planning Scheme No. 3 is to replace the Shire of Beverley’s Town Planning Scheme No. 2.*
2. *The purpose of the proposed scheme is to modernise the statutory planning controls within the Shire of Beverley, reflect current best practice with regard to land use planning and provide guidance for the future development of the Shire.*
3. *The Shire Planner is to forward appropriate documentation to the Western Australian Planning Commission.*

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.5
ADOPTION OF DRAFT LOCAL PLANNING STRATEGY
(Continued)

4. *The Shire Planner, through the Chief Executive Officer, is granted delegated authority in all matters pertaining to the preparation of a Local Planning Strategy, to be presented to Council in support of the proposed Local Planning Scheme No. 3.*

In compliance with Part 4 of Council's resolution the draft Local Planning Strategy (LPS) is being presented to Council for initial adoption.

COMMENT

The LPS will set the strategic land use direction for the municipalities for the next 10 – 15 years. A LPS is the main framework for land use planning, at the local level, to enable the Council to plan for the future. A LPS expresses the strategic vision, policies and proposals of the Council and reflects local needs and aspirations. A LPS is also the key instrument for translating State and regional plans and policies to the local level and to provide the strategic framework and rationale for the zones and other provisions for a Local Planning Scheme.

The LPS is primarily concerned with "spatial" or "land use" considerations including the location, distribution and relationship of land uses, subdivision, development and associated infrastructure. The LPS considers wide ranging economic, natural resource management, environmental and social considerations at a strategic level. It is however highlighted that various issues identified in the preliminary community consultation, are beyond the scope of the LPS and land use planning e.g. decisions relating to medical and education funding and levels of service. Non-spatial matters will be addressed by the Council, State Government agencies and other organisations through other programmes, projects and activities. The non-spatial issues provide opportunities for further discussion, involvement and lobbying between the community, representative groups, the local government and other agencies.

Should Council adopt the LPS it will be forwarded to the Western Australian Planning Commission (WAPC) for certification to publicly advertise. When the advertising has been completed the draft LPS will again be presented to Council along with any responses and suggested modifications. It should be noted the WAPC may require modification of the draft LPS. If the modifications substantially alter the planning context or framework the strategy will be represented to Council.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.5
ADOPTION OF DRAFT LOCAL PLANNING STRATEGY
(Continued)

A review of the draft LPS has discovered some minor drafting inconsistencies. Should Council adopt the draft LPS it will be recommended Council authorise formatting changes and administrative corrections, such as cross-referencing and numbering, with the goal of ensuring the maps and text are consistent. Note that these changes will not alter the planning content of the draft Strategy.

STATUTORY ENVIRONMENT

In accordance with the Planning and Development Act 2005 and the Town Planning Regulations 1967, a local authority is required to review its Local Planning Scheme and prepare an accompanying Local Planning Strategy for endorsement by the Western Australian Planning Commission.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M8/0911 Moved Cr Gogol Seconded Cr Foster
That Council: -

- 1. Adopt the draft Shires of Brookton and Beverley Local Planning Strategy as attached to this report.**
- 2. Authorise formatting changes and administrative corrections, such as cross-referencing, numbering and notations on strategy maps, with the goal of ensuring the maps and text are consistent, provided that these changes will not alter the planning content of the draft Strategy.**
- 3. Following the receipt of modified documentation to the satisfaction of the Shire's Chief Executive Officer, the Strategy be referred to the Western Australian Planning Commission for certification in accordance with the Town Planning Regulations 1967 to facilitate advertising of the draft Strategy.**
- 4. That should the Western Australian Planning Commission require minor or technical modifications to the Local Planning Strategy, staff may negotiate such changes under delegated authority. Should the Western Australian Planning Commission request substantial changes, those modifications will be presented to Council for consideration prior to formal advertising.**

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.5
ADOPTION OF DRAFT LOCAL PLANNING STRATEGY
(Continued)

- 5. Should advertising approval be granted, advertise the draft Shire of Brookton and Beverley Local Planning Strategy in compliance with the requirements of the Town Planning Regulations 1967.**

CARRIED 7-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	Council Meeting 27 September 2011
AGENDA ITEM:	8.1.1.6
REPORT DATE:	22 September 2011
SUBJECT:	SUBDIVISION APPLICATION – TWO LOT SUBDIVISION – LOT 91 WATERHATCH ROAD, BEVERLEY
APPLICANT:	A J Marsh
FILE REFERENCE:	PL143964
AUTHOR:	Steve Thompson – Consultant Planner

Appendix 5

BACKGROUND

The purpose of the report is for Council to consider a modified subdivision plan and to provide its recommendations which will assist the State Administrative Tribunal to determine an application for review.

The Council at its meeting on 19 April 2011 considered a subdivision application on Lot 91 Waterhatch Road, Beverley. The application proposed to create a Homestead lot of 7.49ha, with a balance lot of approximately 16.3ha. The Council resolved as follows:

“That Council resolve to recommend refusal of the application for a two lot subdivision at Lot 91 Waterhatch Road, Beverley for the following reasons: -

1. The application has failed to demonstrate the land will continue to be used for viable agricultural production.
2. Individual lots are not agriculturally viable.
3. Intensification of residential development is inappropriate in the Farming zone.
4. The proposed lot sizes are below the recommended minimum lot size of 40 hectares.
5. Approval of the application will set an undesirable precedent.
6. The proposed lot sizes are not consistent with the prevailing lot size for the area.
7. There is no provision for water on the balance lot.
8. The application does not comply with the planning intent for the zone or area.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.6
SUBDIVISION APPLICATION
– TWO LOT SUBDIVISION
– LOT 91 WATERHATCH ROAD, BEVERLEY
(Continued)

9. The application will result in ad-hoc fragmentation of rural land.
10. The cumulative effect of the proposed development will adversely affect the character and amenity of the area.
11. The application is inconsistent with orderly and proper planning for the area.”

The Western Australian Planning Commission (WAPC) refused the subdivision application on 22 June 2011. The WAPC's reason(s) for refusal are:

1. The proposed subdivision is inconsistent with the 'Farming' zoning of the land in the Shire of Beverley Local Planning Scheme No. 2 (LPS 2). The purpose and intent of this zoning is to ensure the continued viability of agricultural production and retain the rural character and amenity of the area. The proposed lots are inconsistent with minimum lot sizes recommended for land zoned as 'Farming' in the BE2 Policy Area and are inconsistent with the continued use of the land for productive agricultural purposes. Furthermore, the proposed subdivision has failed to demonstrate the criteria required for subdivision proposals contained in section 3.5 of LPS 2.
2. The proposed subdivision is contrary to the Beverley - Brookton District Rural Strategy by reason that the subdivision of land within the Policy Area BE2 for purposes of non-agricultural nature will not be recommended. The proposal does not comply with the provisions related to the subdivision of vacant farm land residences as the balance lot is too small to represent a bona fide farming operation.
3. The proposed subdivision is contrary to State Planning Policy 2.5 - *Agricultural and Rural Land Use Planning* by reason that it would result in the ad hoc fragmentation of rural land, rural settlement in an area remote from existing community services and infrastructure, increased potential for land use conflict.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.6
SUBDIVISION APPLICATION
– TWO LOT SUBDIVISION
– LOT 91 WATERHATCH ROAD, BEVERLEY
(Continued)

4. The proposed subdivision is contrary to Development Control Policy 3.4 - *Subdivision of Rural Land*, on the basis that the subdivision of the subject land in the manner proposed has not been identified in a town planning scheme or an adopted Local Planning Strategy for closer settlement in the manner proposed and therefore represents the unplanned breakdown of landholdings. Furthermore, the proposal is inconsistent with the provisions for the subdivision of homestead lots contained within this policy. The size of the proposed balance agricultural lot is considered to be insufficient as it contains minimal 'farming land' and is smaller than the upper size limit of 20 hectares that is normally entertained for the creation of homestead lots.
5. Approval to the subdivision would create an undesirable precedent for the further subdivision of other lots of a similar size in the Farming Zone of this locality.

The applicant has requested the State Administrative Tribunal (SAT) to review the WAPC decision. The matter is currently before SAT. In accordance with the orders made by SAT, the WAPC has been invited to reconsider its decision on or before 1 November 2011 and to refer the modified plans to the Shire of Beverley.

The attachment shows the modified plan of subdivision submitted for Lot 91 Waterhatch Rd. Originally the Homestead lot was 7.49ha, while the modified plan proposes a Homestead lot of 1.6ha, with proposed Lot 2 having an area of 22.238ha.

The subject site is zoned Farming, is 23.838 ha in area, generally cleared and has an existing single dwelling with an ancillary outbuilding. Access is via Waterhatch Road.

COMMENT

While noting the modified plan, it is suggested that there is no planning justification for the Council to support the proposed subdivision. Accordingly, it is recommended that the Council again advise the WAPC that the subdivision application should not be approved.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.6
SUBDIVISION APPLICATION
– TWO LOT SUBDIVISION
– LOT 91 WATERHATCH ROAD, BEVERLEY
(Continued)

The applicant has not provided any sound planning reasons for the proposed subdivision. The subdivision application is inconsistent with the planning framework and the planning intent for the area. The modified plan to create a Homestead lot of 1.6ha will practically create a Rural Residential lot an area that is identified and zoned for Farming.

There is no suggestion or supporting documentation for intensive agriculture. The applicant has also not demonstrated that the population is static or declining in the area. It is noted that the population of the Shire of Beverley is increasing.

Shire of Beverley Town Planning Scheme No. 2

TPS 2 does not support this subdivision proposal. Under TPS 2, there are also no provisions allowing the creation of Homestead lots.

TPS 2 does not allow subdivision in this area, which forms part of Policy Area BE2, below 40 ha. Clause 3.6.2 of TPS 2 in part states:

“POLICY AREAS BE2, BE3, BE3a, BE4, BE5, BE6, BE7 AND BE8

In policy Areas BE2, BE3, BE3a, BE4, BE5, BE6, BE7 and BE8 subdivision will not be recommended and development approval will not be supported for proposals which are inconsistent with the continued use of land for productive agricultural purposes. A minimum lot size of 40 hectares is recommended for the subdivision of land in these policy areas.”

Given the size of the lots and lack of supporting documentation, it appears the intention of the subdivision is to create rural residential lots. Unplanned intensification of residential development in the area is likely to have a negative impact on the character and amenity of the area. Such a land use would be incompatible with the planning intent of the zone and would result in ad-hoc fragmentation of agricultural land. There are no other lots in the area similar in size to the proposed lots. As a consequence of the above, if approved, the proposal is likely to set an undesirable precedent for the area.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.6
SUBDIVISION APPLICATION
– TWO LOT SUBDIVISION
– LOT 91 WATERHATCH ROAD, BEVERLEY
(Continued)

Development Control Policy 3.4 (DC 3.4)

The applicant has stated the proposal is to create a Homestead lot in compliance with the WAPC Policy DC 3.4 This policy controls the subdivision of rural land. The policy is currently under review and a new draft policy has been released.

Under the current DC 3.4, when creating a Homestead lot, the applicant is required in part to demonstrate that:

- the population is declining or relatively static; and
- there is an adequate water supply for domestic, land management and fire management purposes.

No evidence has been supplied to demonstrate the population in the area is declining or static and the remnant lot has no water supply. As a result, the application does not comply with the policy.

In addition to the current provisions, the draft Policy DC 3.4 has the following additional provision:

- The balance lot is suitable for the continuation of the rural land use and greater than 100ha, unless otherwise provided for in an endorsed local planning strategy.

Conclusion

The subdivision application, including its modified plan, is inconsistent with TPS 2 and State planning policies. Approval for subdividing Lot 91 Waterhatch Road would result in unplanned, ad-hoc fragmentation of rural land and set an undesirable precedent. As a result the proposal is inconsistent with the orderly and proper planning for the locality. It is recommended that the Council reaffirm its decision that the subdivision application should not be approved.

STATUTORY ENVIRONMENT

The application does not comply with the provisions of the Shire of Beverley's Town Planning Scheme No. 2.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.6
SUBDIVISION APPLICATION
– TWO LOT SUBDIVISION
– LOT 91 WATERHATCH ROAD, BEVERLEY
(Continued)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M9/0911 Moved Cr Shaw Seconded Cr Gogol
That Council recommend that the Western Australian Planning Commission reiterate its decision to refuse the application for a two lot subdivision at Lot 91 Waterhatch Road, Beverley. The Council endorses the decision of the Western Australian Planning Commission on 22 June 2011 to refuse the subdivision application. The Council notes the modified plan put forward by the applicant does not address a range of planning issues including the following:

- 1. The application has failed to demonstrate the land will continue to be used for viable agricultural production.**
- 2. Individual lots are not agriculturally viable.**
- 3. Intensification of residential development is inappropriate in the Farming zone.**
- 4. The proposed lot sizes are below the recommended minimum lot size of 40 hectares.**
- 5. Approval of the application will set an undesirable precedent.**
- 6. The proposed lot sizes are not consistent with the prevailing lot size for the area.**
- 7. There is no provision for water on the balance lot.**
- 8. The application does not comply with the planning intent for the zone or area.**
- 9. The application will result in ad-hoc fragmentation of rural land.**
- 10. The cumulative effect of the proposed development will adversely affect the character and amenity of the area.**
- 11. The application is inconsistent with orderly and proper planning for the area.**

CARRIED 7-0

8.1.2 INFORMATION BULLETIN REPORT – PLANNING SERVICES

The Planning Services Information Bulletin Report had been provided under separate cover.

COUNCIL RESOLUTION

M10/0911 Moved Cr Alexander **Seconded Cr Gogol**
That the Planning Services Information Bulletin Report, be received.

CARRIED 7-0

8.2.1 HEALTH & BUILDING SERVICES ITEMS

Nil.

8.2.2 INFORMATION BULLETIN REPORT – ENVIRONMENTAL HEALTH AND BUILDING SERVICES

8.2.2.1 GENERAL

General correspondence, duties and communications for Environmental Health and Building Services.

8.2.2.2 BUILDING LICENSES ISSUED

Building licenses issued up to 20 September 2011: -

Lic No: 4 11/ 12	Lic No: 5 11/ 12
No: Lot 182 Langsford Street, Beverley	No: 93 Butchers Road, Dale
Building: Shed	Building: Shed
Value: \$13,244	Value: \$14,000
Lic No: 6 11/ 12	Lic No: 7 11/ 12
No: 1940 York-Williams Road, Beverley	No: 25 Dawson Street, Beverley
Building: Awning to Shed	Building: Verandah
Value: \$12,500	Value: \$3,700
Lic No: 8 11/ 12	Lic No: 9 11/ 12
No: Lot 110 Little Hill Road, Beverley	No: 211 Johnson Road, Bally Bally
Building: Shed	Building: Farm Shed
Value: \$7,000	Value: \$20,000

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

SUBMISSION TO: September Council Meeting 27 September 2011
AGENDA ITEM: 8.3.1.1
REPORT DATE: 20 September 2011
SUBJECT: Bitumen Tender
FILE REFERENCE: FM 009
AUTHOR: Works Supervisor – Steve Vincent

BACKGROUND

Tenders closed on 13th September 2011 for the supply and delivery of bitumen products and services.

COMMENT

The following tender prices were received: -

	Primer cents / litre	contract \$ per m ²	Spreader truck \$ / hour
RnR	0.94	2.80	115
BORAL	0.94	3.21	115
FULTON HOGAN	1.12	3.36	-
BITUMEN SURFACING	1.22	3.70	100

These prices equate to the following overall costs for this years proposed works: -

	Primer @110,000l	Reseals @ 46,500 m ²	TOTALS
RnR	\$ 103,400	\$ 130,200	\$ 233,600
BORAL	\$ 103,400	\$ 149,265	\$ 252,665
FULTON HOGAN	\$ 123,200	\$ 156,240	\$ 279,440
BITUMEN SURFACING	\$ 134,200	\$ 172,050	\$ 306,250

In past years we have used both RnR Contracting and Boral for our bitumen work. They are both equally competent and capable of undertaking these works. The outcome from the evaluation scorecard has shown RnR Contracting to come out in front due to their lower rates.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M12/0911 Moved Cr Gogol **Seconded Cr Shaw**
That Council accept the tender from RnR Contracting for the supply of bitumen products and services as tendered of Primer .94 cents per litre, full contract reseals (less aggregate) at \$2.80 per square metre and truck hire \$115 per hour.

CARRIED 7-0

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

Beverley District High School held there school sports and the inter school sports days on the oval, four long jump pits were prepared for these events.

The oval sustained little damage after the recent horse event held in Beverley. Preparation is underway with the surface being verti mowed, verti draining has also been arranged to de-compact the surface ready for the cricket season.

Spraying and slashing is being carried out on various shire blocks and reserves, the airstrip has also been sprayed

8.3.2.1.2 Grading

Earlier this month we had a trainer with our operators teaching better techniques for shaping the roads and improving the drainage which will in time improve the overall standard of our roads. The graders are currently working in the east of the shire. Shoulder maintenance is also being carried out on bitumen roads.

8.3.2.1.3 Culvert Works

A culvert on Rickeys Siding Road had to be replaced as it had collapsed due to the deterioration of the concrete pipe through the salt effected area.

The floodway at Rickeys Road was repaired, there has been a pipe installed through this floodway to reduce the maintenance required after each rain. The pipe used was a Ø 600mm left in stock from a previous job.

8.3.2.1.4 Tree Clean up

Contractors are currently working in the Maitland Road area picking up the fallen trees. They will then finish off Yenyenning Lakes Road and Southern Branch Road. The final section of road will be on Morbining Road between Akien Road and Beringer Road. The mulching crew will finish off on Valentine, Hobbs and Corberding Roads.

8.4.1 FINANCE ITEMS

SUBMISSION TO:	September Council Meeting 27 September 2011
AGENDA ITEM:	8.4.1.3
REPORT DATE:	19 September 2011
SUBJECT:	INVESTMENT OF SURPLUS FUNDS FOR THE MONTH OF AUGUST 2011
FILE REFERENCE:	FM 008
AUTHOR:	Acting 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 August 2011 with the ANZ Bank.

RESERVE	INVESTMENT	TOTAL	ACCT #	TERM	RATE	EXPIRY
Building	\$ 837,609.00	\$ 837,609.00	9689-04888	2 Months	5.50%	28/09/11
Plant	\$ 198,454.00	\$ 198,454.00	9689-08002	4 Months	5.80%	28/11/11
Annual Leave	\$ 123,997.00					
Recreation Ground	\$ 291,202.00	\$ 415,199.00	9689-08942	4 Months	5.80%	28/11/11
Bush Fire Fighters	\$ 95,928.00					
Avon River Development	\$ 19,261.00					
Community Bus	\$ 25,469.00					
Cropping Committee	\$ 159,806.00					
Road Construction	\$ 208,838.00	\$ 509,302.00	9689-09419	3 Months	5.95%	28/10/11
	\$1,960,564.00	\$1,960,564.00				

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M17/0911 Moved Cr Foster **Seconded Cr Pepper**
That the Investment Report for the month of August 2011, be received.

CARRIED 7/0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	September Council Meeting 27 September 2011
AGENDA ITEM:	8.5.1.1
REPORT DATE:	21 September 2011
SUBJECT:	LOCAL GOVERNMENT CLIMATE CHANGE DECLARATION
FILE REFERENCE:	EM 015
AUTHOR:	Acting Chief Executive Officer – Stephen Gollan

Appendix 7

SUMMARY

WALGA has developed a “Local Government Climate Change Declaration”. Council is requested to consider the Declaration and advise WALGA of its in principle support.

BACKGROUND

Over the past ten years local governments in Western Australia have made significant commitments to and investments in climate change action in both mitigation and adaptation areas. Many local governments have policies, projects and officers dedicated to climate change management.

To create a strong advocacy position for the local government sector, WALGA has developed a “Local Government Climate Change Declaration”.

COMMENT

The “Local Government Climate Change Declaration” has been developed based on the Nottingham Declaration which has been adopted by 90% of UK councils.

The declaration is voluntary and states the high level “political” commitment of local governments to acknowledging the impacts of climate change on local government and to developing locally appropriate climate change management strategies. In particular, new Commonwealth legislation on the Carbon Farming Initiative, Carbon Tax and transition to an Emissions Trading Scheme, and the current development and consultation on the State Climate Change Adaptation and Mitigation Strategy will present both risks and opportunities, which will be better met with a sector wide, consistent approach.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.1
LOCAL GOVERNMENT CLIMATE CHANGE DECLARATION
(Continued)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M19/0911 Moved Cr Foster Seconded Cr Gogol
That Council advise the Western Australian Local Government Association (WALGA) of its in principle support for the "Local Government Climate Change Declaration" provided that resources for action are provided by the State and Federal Government.
LOST 0-7

*Reason for Voting against the Officers Recommendation:
Council believes that there is no factual evidence to back the Government Climate Change Declaration.*

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	September Council Meeting 27 September 2011
AGENDA ITEM:	8.5.1.2
REPORT DATE:	19 September 2011
SUBJECT:	TIER 3 RAIL NETWORK
FILE REFERENCE:	ED 004 & RO 008
AUTHOR:	Acting Chief Executive Officer – Stephen Gollan

SUMMARY

Hon Max Trenorden MLC is wishing that the shires in the Wheatbelt Railway Retention Alliance obtain an agreed position which can be presented to the Minister for Transport.

BACKGROUND

The State Government is proposing to close down the Tier 3 rail network due to the cost of maintaining the lines. Council at their March meeting agreed to become financial members of the Wheatbelt Railway Retention Alliance with the view of keeping the Tier 3 rail network operational.

COMMENT

Councillors Alexander and Gogol have been Council's representatives at the alliances meetings.

At the last meeting of the alliance at Merredin on 19 July 2011 there were a number of resolutions passed regarding keeping the Tier 3 rail network operational.

One motion passed from this meeting was: -

"That the Wheatbelt Railway Retention Alliance call upon the Western Australian Government to support the retention of Tier 3 rail lines and to reallocate uncommitted funds presently directed to road upgrades back to rail".

The Hon Max Trenorden MLC and Hon Phil Gardiner MLC have been meeting with the shires that are in the alliance in an attempt to gain an agreed position which can be presented to the Minister.

The Hon Max Trenorden MLC visited Beverley on 15 September 2011 to discuss this matter.

8.5.1

ADMINISTRATION ITEMS

ITEM 8.5.1.3

MINING EXPLORATION LICENSES 70/4204 & 70/4207

(Continued)

- 2. All costeans and other disturbances to the surface of the land made as a result of exploration, including drill pads, grid lines and access tracks, being backfilled and rehabilitated to the satisfaction of the district mining engineer. Backfilling and rehabilitation being required no later than six months after excavation unless approved by the district mining engineer.**
- 3. Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of the exploration program.**
- 4. No activities taking place to the detriment of any roads, streets or verges.**
- 5. Minimum disturbances being made to the natural vegetation.**
- 6. Adequate suppression control methods and practices being used.**
- 7. Except with the approval of the Shire of Beverley, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated to the satisfaction of the Shire of Beverley's Works Supervisor.**
- 8. All works comply with the Environmental Protection (Noise) Regulations 1997.**
- 9. All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.**

CARRIED 7-0

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.4
MINING EXPLORATION LICENSE 70/4213
(Continued)

- 3. Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of the exploration program.**
- 4. No activities taking place to the detriment of any roads, streets or verges.**
- 5. Minimum disturbances being made to the natural vegetation.**
- 6. Adequate suppression control methods and practices being used.**
- 7. Except with the approval of the Shire of Beverley, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated to the satisfaction of the Shire of Beverley's Works Supervisor.**
- 8. All works comply with the Environmental Protection (Noise) Regulations 1997.**
- 9. All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.**

CARRIED 7-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	September Council Meeting 27th September 11
AGENDA ITEM:	8.5.1.5
REPORT DATE:	23 September 2011
SUBJECT:	TENDER EVALUATION 09/11 – ARCHITECTURAL SERVICES – BEVERLEY OVAL AND RECREATION CENTRE
FILE REFERENCE:	FM 009
AUTHOR:	Acting Chief Executive Officer – Mr Stephen Gollan

BACKGROUND

A state-wide Request for Tender advertisement was placed in the West Australian on 13 August 2011, with tender submissions closing at 12 Noon on 2 September 2011.

COMMENT

At the close of the tender submission period, 13 tenders had been received from the following firms: -

- (1) MCG Architects;
- (2) ADC Projects;
- (3) Holton Connor Architects;
- (4) Donovan Payne Architects;
- (5) Gresley Abas Pty Ltd;
- (6) Site Architecture Studios;
- (7) Patterson Group Architects;
- (8) Fratelle Group;
- (9) Coniglio Ainsworth Architects;
- (10) HMA Architects;
- (11) Slavin Architects;
- (12) Hodge Collard Preston; and
- (13) Gold Manor Design.

The Acting Chief Executive Officer engaged the services of Mr D Long, from DL Consulting, to undertake an independent evaluation of the tender submissions and provide a Tender Evaluation Report.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
TENDER EVALUATION 09/11
– ARCHITECTURAL SERVICES
– BEVERLEY OVAL AND RECREATION CENTRE
(Continued)

The Tender Evaluation Report details that the preferred tenders, in order of assessment are: -

- (1) ADC Projects;
- (2) Patterson Group Architects; and
- (3) Holton Connor Architects.

The most advantageous tender to the Council is ADC projects for the following reasons: -

- (1) ADC Projects is a highly experienced firm in similar projects to the Beverley Oval and Recreation Centre. ADC projects has previously undertaken the design and project management of the construction of multi-purpose sports halls and multi-use sports pavilions that service the needs of a wide range of users.
- (2) The price submitted by ADC projects was not the lowest, but is very competitive and represents value for money. The price has incorporated all the allowances related to the design development and project management required for this Request for Tender.
- (3) The tender submission from ADC Projects represents best value for money.

DISCLOSURE OF INTEREST

No disclosure of interest has been tabled.

APPENDIX

A copy of the Tender Evaluation Report from DL Consulting is the appendix to this item – **Confidential Attachment Evaluation Report – RFT 09/11 Architectural Services Beverley Oval and Recreation Centre.**

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
TENDER EVALUATION 09/11
– ARCHITECTURAL SERVICES
– BEVERLEY OVAL AND RECREATION CENTRE
(Continued)

CONSULTATION

In accordance with Functions and General Regulations 14 and 15, Council placed a state-wide advertisement in the West Australian on 13 August 2011, with the closing date being 2 September 2011, providing a period of greater than 14 days for tender submissions to be made.

No other consultation has been undertaken.

POLICY IMPLICATIONS

There are no known policy implications related to this item.

STATUTORY ENVIRONMENT

Local Government Act 1995

3.57 Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

11. Tenders to be invited for certain contracts

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;
 - (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA;
 - (ba) the local government intends to enter into a contract arrangement for the supply of goods or services where —
 - (i) the supplier is either —
 - (l) an individual whose last employer was the local government; or

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
TENDER EVALUATION 09/11
– ARCHITECTURAL SERVICES
– BEVERLEY OVAL AND RECREATION CENTRE
(Continued)

- (II) a group, partnership or company comprising at least 75% of persons whose last employer was that local government;
- (ii) the contract —
 - (I) is the first contract of that nature with that individual or group; and
 - (II) is not to operate for more than 3 years; and
- (iii) the goods or services are —
 - (I) goods or services of a type; or
- (II) (in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type, that were provided by the individual (or persons) whilst employed by the local government;
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government;
- (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;
- (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
TENDER EVALUATION 09/11
– ARCHITECTURAL SERVICES
– BEVERLEY OVAL AND RECREATION CENTRE
(Continued)

- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
- (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines.

14. Requirements for publicly inviting tenders

- (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, State-wide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving State-wide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
- (2a) If a local government —
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender,the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
 - (a) a brief description of the goods or services required;
 - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained;
 - (c) information as to where and how tenders may be submitted; and
 - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —
 - (a) such information as the local government decides should be disclosed to those interested in submitting a tender;
 - (b) detailed specifications of the goods or services required;
 - (c) the criteria for deciding which tender should be accepted;
 - (d) whether or not the local government has decided to submit a tender; and

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
TENDER EVALUATION 09/11
– ARCHITECTURAL SERVICES
– BEVERLEY OVAL AND RECREATION CENTRE
(Continued)

- (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

15. Minimum time to be allowed for submitting tenders

- (1) If the notice is published in the newspaper as part of giving State-wide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving State-wide public notice.
- (2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

16. Receiving and opening tenders

- (1) The CEO is responsible for keeping any tender submitted including a tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.
- (2) Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.
- (3) When tenders are opened —
 - (a) at least one and, if practicable, more than one employee of the local government or one person authorised by the CEO to open tenders and, if practicable, one or more other persons, is required to be present;
 - (b) members of the public are entitled to be present; and
 - (c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
TENDER EVALUATION 09/11
– ARCHITECTURAL SERVICES
– BEVERLEY OVAL AND RECREATION CENTRE
(Continued)

18. Choice of tender

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
TENDER EVALUATION 09/11
– ARCHITECTURAL SERVICES
– BEVERLEY OVAL AND RECREATION CENTRE
(Continued)

STRATEGIC IMPLICATIONS

The Beverley Oval and Recreation Centre project is a strategic initiative identified in Councils Strategic Plan, Forward Capital Works Plan and five year financial plan. Funding for the project has been incorporated into the 2011/12 budget.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M23/0911 Moved Cr Pepper **Seconded Cr Foster**
That Council: -

- 1. Award Tender 09/11 – Architectural Services – Beverley Oval and Recreation Centre to ADC Projects for the fixed price of \$169,720 (excluding GST) as per their tender submission and the Request for Tender documentation, subject to ADC Projects entering into an agreed contract with the Shire of Beverley.**
- 2. Delegate authority to the Chief Executive Officer to award the final contract.**
- 3. Notify all tenderers of Councils decision in (1) above.**

CARRIED 7-0

At 2:45pm both Mr Stephen Gollan and Mrs Alison Lewis returned to the Council Chambers, at the request of the Shire President.

12. CLOSURE

There being no further business the meeting closed at 2:55pm.

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

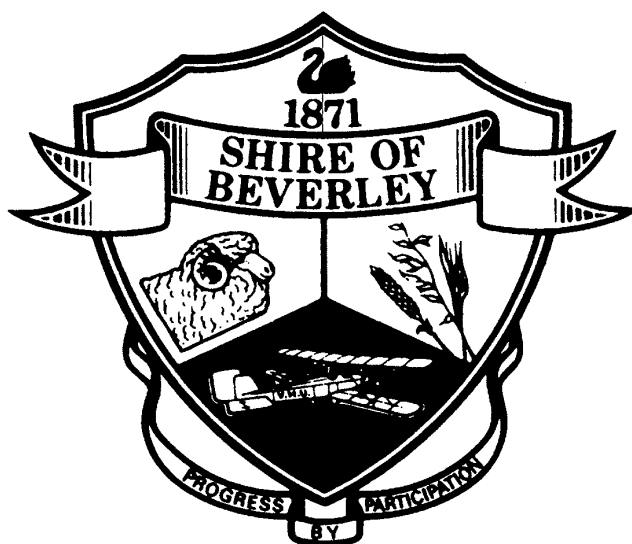
Presiding Member

Date

ORDINARY COUNCIL

MEETING

MINUTES



27 SEPTEMBER 2011

MINUTES - CONTENTS
27 SEPTEMBER 2011

ITEM NO	SUBJECT	PAGE
1	MEETING COMMENCEMENT	1
2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	1
3	PUBLIC QUESTION TIME	1
3.1	Mr B McDonald - Purchase of Plants	1
3.2	Mr B McDonald - Sewerage	2
3.3	Mr A Marsh - Subdivision Application - Two Lot Subdivision - Lot 91 Waterhatch Road, Beverley (Item 8.1.1.6 of this meeting)	2
4	CONDOLENCES: K (Ken) W COLLINS and R (Rob) L THOMAS	2
5	APPLICATIONS FOR LEAVE OF ABSENCE	2
	Cr JD Alexander from the October 2011 Ordinary Meeting of Council	2
6	CONFIRMATION OF MINUTES AND BUSINESS ARISING	3
6.1	Minutes of the Council Meeting held on Tuesday 23 August 2011	3
	Business Arising - Nil	
7	PRESIDENT AND COUNCILLOR REPORTS	3-4
7.1	PRESIDENT'S REPORT:	3-4
	Beverley Brookton Local Planning Strategy Workshop; Substantive Chief Executive Officer Position; Thank You.	
7.2	COUNCILLOR REPORTS:	4
	Cr Ridgway - Visit to Avondale by Rossmoyne Senior High School students and Event Venues in Beverley.	
8	OFFICERS' REPORTS	
8.1.1	TOWN PLANNING ITEMS	5-47
8.1.1.1	Proposed Road Closure - Portion of Negus Road, Beverley	<i>Appendix 1</i> 5-6
8.1.1.2	Development Application - Two Outbuildings - 158 (Lot 6137) Springhill Road, Beverley	<i>Appendix 2</i> 7-9
8.1.1.3	Development Application - Extractive Industry - 1564 (Lot 28061) Edison Mill Road, Dale	<i>Appendix 3</i> 10-26
8.1.1.4	Development Application - Concert - Lot 83 Butchers Road, Westdale	<i>Appendix 4</i> 27-37
8.1.1.5	Adoption of Draft Local Planning Strategy	38-41
8.1.1.6	Subdivision Application - Two Lot Subdivision - Lot 91 Waterhatch Road, Beverley	<i>Appendix 5</i> 42-47
8.1.2	INFORMATION BULLETIN REPORT - SHIRE PLANNER	48
8.2.1	HEALTH & BUILDING SERVICES ITEMS - Nil	48
8.2.2	INFORMATION BULLETIN REPORT - HEALTH & BUILDING SERVICES	48-49
8.2.2.1	General	
8.2.2.2	Building Licenses Issued	
8.3.1	PLANT, WORKS, RECREATION AND TOURISM ITEMS	50
8.3.1.1	Bitumen Tender	50
8.3.2	INFORMATION BULLETIN REPORT - WORKS SUPERVISOR	51-53
8.3.2.1	GENERAL - PLANT AND WORKS	51-52
8.3.2.1.1	Oval Parks and Gardens	51
8.3.2.1.2	Grading	51
8.3.2.1.3	Culvert Works	51
8.3.2.1.4	Tree Clean up	51
8.3.2.1.5	Drum Muster	52
8.3.2.1.6	New Staff	52
8.3.2.1.7	Vincent Street Footpath	52
8.3.2.1.8	Doctor's Car Park	52
8.3.2.1.9	Plant Report	52