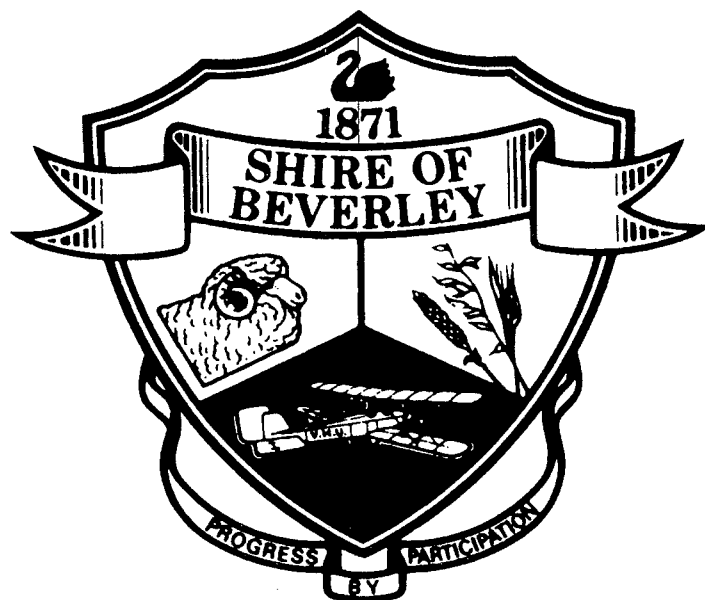


# **ORDINARY COUNCIL MEETING**

## **MINUTES**



**26 OCTOBER 2010**

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**26 OCTOBER 2010**

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL  
HELD IN THE COUNCIL CHAMBERS ON TUESDAY 26 OCTOBER 2010**

**1. COMMENCEMENT**

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

**2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

Attendance

Cr DJ Ridgway	President	South Ward
Cr LC Shaw	Deputy President	West Ward
Cr MG Roberts		South Ward
Cr C Egberts		South 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 KL Byers	Chief Executive Officer	
Mr SP Gollan	Deputy Chief Executive Officer	
Mrs SC Collins	Senior Administration Officer	

Apologies

Nil.

Leave of Absence

Nil.

**3. PUBLIC QUESTION TIME**

Nil.

**4. CONDOLENCES**

SEEDS	Hugh	24 September 2010
DEVEREUX	Kevin John	12 October 2010
SMITS	Richard Charles (Ric)	14 October 2010
CRANE	Kevin Frank	19 October 2010

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Cr Egberts applied for leave of absence from the November 2010 Ordinary Meeting of Council.

**RESOLVED Cr Egberts be granted leave of absence from the November Council meeting.**

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING**

**6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 28 SEPTEMBER 2010**

**COUNCIL RESOLUTION**

**M1/1010 Moved Cr Roberts** **Seconded Cr Egberts**  
That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on Tuesday 28 September 2010, as printed, be confirmed.

**CARRIED 9-0**

**BUSINESS ARISING**

**6.1.1 Avon Location 27959 (Reserve 25266) (Item 8.5.1.5)**  
File Reference: WES 25266

**RESCINDED MOTION**

**M2/1010 Moved Cr Murray** **Seconded Cr Shaw**  
That Council rescind Motion M25/0910 from the September Council Meeting – “That Council advise the Department of Regional Development and Lands that Council does not intend to renew the lease for Crown Lease Avon Location 27959 (Reserve 25266).”

**CARRIED 8-1**  
**ABSOLUTE MAJORITY**

**COUNCIL RESOLUTION**

**M3/1010 Moved Cr Shaw** **Seconded Cr Roberts**  
That Council advise the Department of Regional Development and Lands that Council offers an amount of \$3,000.00 per annum to renew the lease for Avon Location 27959 (Reserve 25266).

**CARRIED 9-0**

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

**6.2 MINUTES OF THE INAUGURAL MEETING OF THE TOWN ENTRY  
STATEMENT COMMITTEE HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY 14 SEPTEMBER 2010**

Appendix 1

**COUNCIL RESOLUTION**

**M4/1010 Moved Cr Murray** **Seconded Cr Roberts**  
That the Minutes of the Inaugural Meeting of the Town Entry  
Statement Committee held in the Council Chambers on Tuesday  
14 September 2010, as printed, be received.

**CARRIED 9-0**

**BUSINESS ARISING**

Nil.

**6.3 MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE  
MEETING HELD IN THE COUNCIL CHAMBERS ON TUESDAY 5  
OCTOBER 2010**

Appendix 2

**COUNCIL RESOLUTION**

**M5/1010 Moved Cr Foster** **Seconded Cr Egberts**  
That the Minutes of the Development Services Committee Meeting  
held in the Council Chambers on Tuesday 5 October 2010, as  
printed, be received.

**CARRIED 9-0**

**BUSINESS ARISING**

Nil.

## **7. PRESIDENT AND COUNCILLOR REPORTS**

### **7.1 PRESIDENT'S REPORT**

#### **Regional Transition Group and Structural Reform**

Individual Councils were requested to consider what might be appropriate representation should an amalgamation proceed and this issue provided some interesting discussion at the RTG meeting held in Quairading on 1 October. Comment is also requested from individual Councils on how they envisage structure and location of various aspects of service provision within the region. This information will guide the consultant developing the business plan on what options the grouping would like considered as part of the process. The next RTG meeting is to be held in Beverley on 11 November 2010.

Minister Castrilli has invited local governments to a Leaders Forum of Elected Members and Chief Executive Officers on Wednesday 20 October to discuss and share ideas, concerns and issues associated with the reform process relating to our local governments. The Chief Executive Officer and I plan to attend, with a report to follow.

#### **Strategic Planning**

As structural reform progresses, the process of reviewing and updating the Strategic Plan is becoming increasingly important in order to provide an up to date blueprint to guide the future direction of our community. The Community Development Association has initiated their own planning workshops to provide direction for their group and interestingly many of the ideas raised are similar to those in the Strategic Plan Report developed by Eliot Fisher. Once Councillors have had the opportunity to review and workshop the Eliot Fisher report it will be timely to submit it for community consultation as soon as possible.

#### **Ratepayer Survey**

Once collated, Councillors and staff will have the opportunity to review the responses over the next few months. Keeping in perspective that the number of respondents may represent a small percentage of our ratepayers, the survey still provides information for Council and opportunity for ratepayers to have their say, and from what I have seen so far this has generally been approached constructively.

Last year's survey results were on display at the Annual Electors' meeting and Council might consider doing this again.

**7. PRESIDENT AND COUNCILLOR REPORTS**  
**ITEM 7.1**  
**PRESIDENT'S REPORT**  
**(Continued)**

**Mobile Phone Coverage**

I have asked the Chief Executive Officer to enquire how the recent State Government announcement of funds to rectify black spot mobile phone communication zones could be applied to the Beverley Shire.

**Community Resource Centre**

- The committee and staff are working toward acquitting grants which have assisted in the relocation of the centre, however are still waiting the necessary works to be completed to fully facilitate the co-location of the Playgroup and Community Resource Centre.
- The AGM, held at the end of September, resulted in 2 new members elected to the management committee.
- A government access point area, including touch screen computer, will be set up soon.
- Video conferencing is available, and the Westlink service has been reinstated following problems with equipment.
- The 12 month trainee position for 2011 is due to be advertised and the committee is looking to employ a bookkeeper for a few hours each week.
- Grant funding from the Department of Regional Development, which supports wages, has been slow in arriving, and whilst it will be back dated to 1 July, this has caused some of the State's 106 CRCs to consider closing until it reaches their accounts.
- There is still much to be done in relation to setting up the new Centre, with an official opening being on hold until the works are completed and a community questionnaire undertaken which will help with strategic planning.

**Art Group**

The Committee have initiated a meeting to commence planning for the 2011 Easter Art Exhibition.

The Society is running an Art Purchase Exhibition at the Avondale Harvest Festival and is developing plans to hold a community Christmas event at the outdoor theatre. They have been increasingly frustrated at not being able to develop a plan of events for the venue, due to uncertainty of completion with the constant delay in getting the performers change areas completed, installation of sound equipment and lighting of the seating area as per the last grant application.



**7. PRESIDENT AND COUNCILLOR REPORTS**

**ITEM 7.1**

**PRESIDENT'S REPORT  
(Continued)**

**COUNCIL RESOLUTION**

**M6/1010** Moved Cr Roberts **Seconded Cr Murray**  
That the President's Report, be received. **CARRIED 9-0**

**7.2 COUNCILLOR REPORTS**

**7.2.1 Avondale Discovery Farm – 2010 Harvest Festival Event**

Cr Gogol advised that all was progressing well towards the annual Avondale Discovery Farm – Harvest Festival event to be held on 21 November. The Beverley Men's Shed has offered to assist and they have been provided with a list of works to be undertaken.

**7.2.2 Beverley Tourism**

Cr Pepper reported on a Tourist Committee meeting he attended.

**7.2.3 Seniors' Luncheon**

Cr Foster provided an update on the arrangement for the Councillors' Seniors' Luncheon and advised that 75 guests would be attending.

**7.2.4 Road Widths in Subdivisions**

Cr Egberts suggested that the matter of standards for road widths for new roads within subdivisions be placed on the agenda for the next meeting when the Town Planner is in attendance.

**COUNCIL RESOLUTION**

**M7/1010** Moved Cr Roberts **Seconded Cr Gogol**  
That the Councillor Reports, be received. **CARRIED 9-0**

## 8. OFFICERS' REPORTS

### 8.1.1 TOWN PLANNING ITEMS

---

<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.1</b>
<b>REPORT DATE:</b>	<b>6 October 2010</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – HOME OCCUPATION – 70 (LOT 41) SMITH STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>T &amp; G Robinson</b>
<b>FILE REFERENCE:</b>	<b>SMI 286</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

---

Appendix 3

#### **BACKGROUND**

It is proposed to operate a home catering business from 70 (Lot 41) Smith Street, Beverley. Food is to be prepared on site for delivery to parties and functions. Hours of operation are proposed to be between 7:00am and 9:00pm, although the business is to operate only on an occasional basis.

Since the food is to be delivered no additional parking is proposed.

The site is zoned Residential R10, flat and contains an existing dwelling. The site is the subject of an approved, but not completed, survey strata subdivision.

#### **COMMENT**

There is anticipated to be no external impact from the proposal. The business is proposed to be conducted only when there are orders and contained within the existing dwelling. The food is to be delivered, therefore no customers will be accessing the site.

The proposal will enhance the economic development of Beverley through the establishment of a new business and increase service options available in the Shire. Given the relatively minor nature of the proposal and lack of external impact it will be recommended the application be approved.

#### **STATUTORY ENVIRONMENT**

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

**8.1.1 TOWN PLANNING ITEMS**  
**ITEM 8.1.1.1**  
**DEVELOPMENT APPLICATION**  
**- HOME OCCUPATION**  
**- 70 (LOT 41) SMITH STREET, BEVERLEY**  
**(Continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M8/1010 Moved Cr Foster** **Seconded Cr Roberts**  
**That Council resolve to approve a Home Occupation at 70 (Lot 41)**  
**Smith Street, Beverley, subject to the following conditions and**  
**advice notes: -**

**Conditions: -**

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicants and endorsed by Council's Shire Planner.**
- 3. The development shall comply with Council's Home Occupation Provisions set out in the Town Planning Scheme or otherwise notified by the Council in writing.**
- 4. No retailing to be undertaken on the premises.**
- 5. Compliance with the Shire of Beverley's Health Local Laws.**
- 6. This approval is specific to the applicants and approved property and cannot be transferred or assigned to any other person or place.**
- 7. All activity associated with this approval must be conducted within the approved areas on the endorsed plan.**
- 8. Hours of operation are between 7:00am and 9:00pm.**

**8.1.1 TOWN PLANNING ITEMS**  
**ITEM 8.1.1.1**  
**DEVELOPMENT APPLICATION**  
**- HOME OCCUPATION**  
**- 70 (LOT 41) SMITH STREET, BEVERLEY**  
**(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 applicants are advised approval is required from the Shire's Health Department prior to commencement of the development.**

**CARRIED 9-0**

## 8.1.1 TOWN PLANNING ITEMS

---

<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.2</b>
<b>REPORT DATE:</b>	<b>5 October 2010</b>
<b>SUBJECT:</b>	<b>MODIFICATION TO DEVELOPMENT APPROVAL – 147 AND 149 (LOTS 55 AND 56) VINCENT STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>Beverley Dome Hire and Contracting</b>
<b>FILE REFERENCE:</b>	<b>VIN 812</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

---

Appendix 4

### BACKGROUND

At its 24 March 2009 meeting Council granted approval for a change of use to “Shop” for the building behind the Beverley Dome 147 & 149 (Lots 55 & 56) Vincent Street, Beverley. The approved use encompassed the hire and sale of small items of machinery.

The applicant is seeking a modification of the development approval to allow a cartage business to operate from the premises and the sale of small landholding or “hobby farm” tractors.

The subject site is zoned Town Centre, 2575m<sup>2</sup> in area and consists of two lots. Contained on the site is a large outbuilding previously used for vehicle repairs and a domed building approved to be used for the sale of fuel.

### COMMENT

The applicant states that the proposed cartage business will be ancillary to the approved small machinery and sales and aid in making the business financially viable. It is proposed to mainly cart potable water, although other loads such as sand and gravel may also be transported. Unloading of the vehicles on site is not proposed.

A further modification to the development approval is to use the site for the sale of small tractors to service the requirements of small landholders. Anecdotal evidence indicates the number of small landholders is increasing in the Beverley Shire. As such the proposed land use will service a niche market with goods that are currently unavailable.

## 8.1.1

### TOWN PLANNING ITEMS

#### ITEM 8.1.1.2

#### MODIFICATION TO DEVELOPMENT APPROVAL

#### - 147 AND 149 (LOTS 55 AND 56) VINCENT STREET, BEVERLEY (Continued)

There is no land use definition under the Shire of Beverley's Town Planning Scheme No. 3 (TPS 3) for a cartage business. The closest definition is that of "Shop" which is the approved land use and consistent with the sale of tractors. The definition of Shop is: -

*"Shop: means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for sale of vehicles or for any purpose falling within the definition of industry."*

It should be noted the sale of vehicles is excluded from the land use "Shop". However it may be argued tractors do not comply with the definition of vehicles and should be defined as farm machinery. This is supported by the definition of "Motor Vehicle Sales Premises" which relates only to "motorcycles, cars, trucks and caravans".

Should Council accept that the proposed cartage contracting and tractor sales are consistent with the definition of Shop then the requested modification to the development approval can proceed. Should Council determine the proposed use is inconsistent with the definition of Shop, then a new development application for a use not listed must be lodged and the application considered after advertising.

Given the prominent location of the area, a major concern is the impact on the visual amenity for the area. To protect visual amenity, should Council approve the application, it will be recommended all activity associated with the cartage be conducted behind the street setback area and the display area for the tractors be limited, as conditions of modified approval.

To further mitigate any impact on visual amenity it is considered excessively large farm machinery should be prevented from being displayed in front of the building setback line. Should Council approve the application, it will be recommended the size and type of machinery displayed in front of the building setback line, be limited as a condition of modified approval.

## 8.1.1 TOWN PLANNING ITEMS

### ITEM 8.1.1.2

#### MODIFICATION TO DEVELOPMENT APPROVAL

#### - 147 AND 149 (LOTS 55 AND 56) VINCENT STREET, BEVERLEY (Continued)

Using the land for the storage of goods being carted may be seen to cause potential negative impacts on the area. Visual impact, dust and noise could detrimentally affect the area through the storage of bulky raw material. Although no unloading of cartage vehicles is proposed, to avoid potential future confusion over the extent of the approval should Council approve the application, it will be recommended no material associated with the cartage component of the business be stored on site, as a condition of modification of approval.

Under appropriate conditions it is considered there will be little negative external impact from the proposal. The business will add to the economic diversification of Beverley and increase the availability and range of goods and services. Therefore it will be recommended the request to modify the development approval granted by Council, be approved.

#### STATUTORY ENVIRONMENT

Provided Council accepts the requested land uses fall within the definition of "Shop" as discussed above, the request complies with the Shire of Beverley's Town Planning Scheme No. 2.

#### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M9/1010

Moved Cr Roberts

Seconded Cr Egberts

That Council resolve to modify the Development Approval granted on 24 March 2009 for a change of use to "Shop" at 147 & 149 (Lots 55 & 56) Vincent Street, Beverley, to allow contract cartage and small tractor sales, subject to the following conditions and advice notes: -

#### Conditions: -

1. Vehicles used and associated with cartage of goods or materials, including potable water, shall be parked behind the street setback line for the building and effectively screened at all times, to the satisfaction of the local government.
2. Goods and materials being carted, including potable water, shall not be off loaded from vehicles, transferred between vehicles or stored on site.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.2**

**MODIFICATION TO DEVELOPMENT APPROVAL**

**- 147 AND 149 (LOTS 55 AND 56) VINCENT STREET, BEVERLEY  
(Continued)**

- 3. In front of the street setback line for the building, tractors shall only be displayed in an area nominated on an approved plan, endorsed by the Shire Planner.**
- 4. A maximum of three tractors shall be displayed in front of the street setback line for the building.**
- 5. Ancillary tractor equipment displayed for sale in front of the street setback line for the building must be attached to a tractor.**
- 6. No tractor above 100 horsepower or 3,500cc engine size, shall be offered for sale or hire from the premises.**

**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 it is the Shires preference that Lots 55 and 56 be amalgamated.**

**CARRIED 9-0**



## 8.1.1 TOWN PLANNING ITEMS

---

<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.3</b>
<b>REPORT DATE:</b>	<b>8 October 2010</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – OUTBUILDING – LOT 48 WILLIAM STREET, MOUNT KOKEBY</b>
<b>APPLICANTS:</b>	<b>A Lamont</b>
<b>FILE REFERENCE:</b>	<b>WIL 1217</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

---

Appendix 5

### **BACKGROUND**

A proposal has been received for the construction of an outbuilding at Lot 48 William Street, Mount Kokeby. The application is being referred to Council since the application requires a variation to Council's Outbuilding Policy and there is no delegated authority.

The subject site is approximately 2.03ha in area, zoned Farming, substantially vegetated and currently contains no buildings.

### **COMMENT**

The applicant is requesting a variation to Council's policy to allow the construction of an outbuilding for the purpose of storing vintage cars with an associated workshop. As such the use of the outbuilding is for the domestic enjoyment of the property.

The criteria in Council's Outbuilding Policy states that on Farming zoned lots between 1ha and 10ha in size, approval of an outbuilding should not be granted prior to the commencement of the construction of a dwelling. The purpose of this provision is to prevent outbuildings from becoming de facto dwellings. Outbuildings are not constructed to residential standards and the level of amenity is considered inadequate.

A recent sale of a property has highlighted the difficulty of persons constructing an outbuilding and then converting it into a "weekender" without Council approval. New landowners that do not conduct due diligence may purchase the property assuming all development has been approved. To address this matter, should Council approve the application, it will be recommended notifications be placed on title outlining the restrictions on the use of the outbuilding, as a condition of approval.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.3**

**DEVELOPMENT APPLICATION**

**- OUTBUILDING**

**- LOT 48 WILLIAM STREET, MOUNT KOKEBY**

**(Continued)**

To further comply with Council's policy and minimise the potential for the outbuilding to be used for residential purposes, should Council approve the application, it will be recommended the provision of ablution facilities be excluded, as a condition of approval.

External colours and finishes have not been nominated. Given the size of the lot, the proximity of the outbuilding to a major road and the desire to protect rural character, it is considered visual amenity should be addressed. Should Council approve the application, it will be recommended external colours and finishes are addressed as a condition of approval.

Provided the use of the outbuilding is limited to the stated use or other domestic pursuits, no residential activity occurs and visual amenity is addressed, it is considered the proposal will not have any substantial negative external impacts.

The application to construct an outbuilding at Lot 48 William Street, Mount Kokeby is supported due to: -

- The outbuilding is to be used for the domestic enjoyment of the property;
- Negative external impacts can be limited; and
- Recommended conditions of approval are anticipated to address the impact on visual amenity and concerns relating to potential residential use of the outbuilding.

Therefore it will be recommended the application be approved.

**STATUTORY ENVIRONMENT**

The proposal requires a variation to Council's Outbuilding Policy.

8.1.1

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.3**

**DEVELOPMENT APPLICATION**

**- OUTBUILDING**

**- LOT 48 WILLIAM STREET, MOUNT KOKEBY**

**(Continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M10/1010**

**Moved Cr Egberts**

**Seconded Cr Pepper**

**That Council grant Planning Approval for the construction of an outbuilding at Lot 48 William Street, Mount Kokeby, subject to the following conditions and advice notes: -**

**Conditions: -**

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**
- 3. The outbuilding shall not be used for human habitation, commercial or industrial purposes.**
- 4. Prior to issue of a Building License notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the lot advising that the outbuilding cannot be used for any form of human habitation, including as a weekender.**
- 5. Prior to issue of a Building License notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the lot advising that the outbuilding cannot be used for any form commercial or industrial purposes without the prior approval of Council.**

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.3**

**DEVELOPMENT APPLICATION**

**- OUTBUILDING**

**- LOT 48 WILLIAM STREET, MOUNT KOKEBY**

**(Continued)**

- 6. Cladding for the proposed development is to be Colorbond or similar approved material, in a colour which is in harmony with the existing built form in the area. Zincalume shall not be used for cladding.**
- 7. The outbuilding shall have a minimum 4 metre firebreak on all sides.**
- 8. The applicant shall only remove those trees and/or clear native vegetation as required for the construction of the building and any associated access (see Advice Note 3).**
- 9. Ablution facilities shall not be constructed within, or in association with, the outbuilding without prior Council approval.**

**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 8, 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.**

**CARRIED 8-1**

## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.4</b>
<b>REPORT DATE:</b>	<b>6 October 2010</b>
<b>SUBJECT:</b>	<b>SUBDIVISION APPLICATION – LOTS 1, 2, 10, 11, 1303, 2630 AND 3959 TALBOT WEST ROAD, WATERHATCH ROAD AND YORK-WILLIAMS ROAD, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>R &amp; G Moulton &amp; Kendelin Pastoral Co.</b>
<b>FILE REFERENCE:</b>	<b>PL142852</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 6

### BACKGROUND

An application for a seven lot amalgamation/subdivision has been referred to the Shire. The proposal is to realign boundaries for farm management purposes. There is no proposed increase in lot numbers.

The subject lots are zoned Farming, vacant, undulating to hilly, are traversed by waterways and have some remnant vegetation.

### COMMENT

The proposal complies with the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2) and the District Rural Strategy (DRS). The proposed lot pattern and size have been designed to be more sustainable for broad acre farming and provide access to landlocked properties. No additional lots are to be created and the new boundaries enhance environmental outcomes by separating environmentally sensitive land from productive agricultural land.

With exception of proposed Lot 7, which is included only for the purpose of providing access to landlocked lots, all proposed lot are substantially larger than the minimum recommended lot size under TPS 2.

Since the proposal is consistent with the requirements and intent of TPS 2 and the DRS and will produce superior planning outcomes, it will be recommended the application be recommended for approval.

### STATUTORY ENVIRONMENT

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

**8.1.1 TOWN PLANNING ITEMS**  
**ITEM 8.1.1.4**  
**SUBDIVISION APPLICATION**  
**- LOTS 1, 2, 10, 11, 1303, 2630 AND 3959**  
**TALBOT WEST ROAD, WATERHATCH ROAD AND**  
**YORK-WILLIAMS ROAD, BEVERLEY**  
**(Continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M11/1010 Moved Cr Foster** **Seconded Cr Roberts**  
That Council resolve to recommend to the Western Australian Planning Commission that application WAPC No. 142852 for the subdivision and amalgamation of 1, 2, 10, 11, 1303, 2630 and 3959 Talbot West Road, Waterhatch Road and York-Williams Road, Beverley, be approved subject to the following conditions: -

**Conditions: -**

- 1. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.**
- 2. All roads being constructed to the satisfaction of the Shire of Beverley.**
- 3. The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that any future dwelling on the lot will need to be connected to on-site effluent disposal system(s).**
- 4. A Notification, pursuant to section 165 of the Planning and Development Act is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows: -  
*"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot."***

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.4**

**SUBDIVISION APPLICATION**

**- LOTS 1, 2, 10, 11, 1303, 2630 AND 3959**

**TALBOT WEST ROAD, WATERHATCH ROAD AND**

**YORK-WILLIAMS ROAD, BEVERLEY**

**(Continued)**

5. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate(s) of Title of the proposed lot(s) advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water for residential development in compliance with the Shire of Beverley's Town Planning Scheme.
6. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority.
7. Measures being taken to ensure the identification, mapping and protection, of any vegetation on the site worthy of retention prior to commencement of site works.

**CARRIED 9-0**

## 8.1.1 TOWN PLANNING

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.5</b>
<b>REPORT DATE:</b>	<b>12 October 2010</b>
<b>SUBJECT:</b>	<b>INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME NO. 2</b>
<b>FILE REFERENCE:</b>	<b>LUP010 18</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 7

### BACKGROUND

It is proposed to initiate Amendment 18 to the Shire of Beverley's Town Planning Scheme No. 2 for the purpose of: -

1. Incorporating the zone "Light Industry" into Town Planning Scheme No. 2;
2. Rezoning Lot 126 Great Southern Highway, Lots 96, 97, 98 & 99 Hunt Road and Lots 124, 378 & 377 De Lisle Street, Beverley, from Recreation and Open Space to Light Industry;
3. Amending the Scheme Map accordingly;
4. Incorporating provisions into Town Planning Scheme No. 2 to allow the subdivision of Homestead Lots; and
5. Incorporating provisions into Town Planning Scheme No. 2 to allow Council to vary a planning approval.

To facilitate the transition between residential zoned areas and industrial zoned localities, it is proposed to incorporate the zone Light Industry into Town Planning Scheme No. 2 (TPS 2). In conjunction a small area of Shire owned land and Unallocated Crown Land (UCL) is proposed to be rezoned to Light Industry. Concurrently redundant road reserves are required to be closed. The aim of the rezoning is to advance the development of the current transitional area and satisfy an existing unmet demand for such land.

Recent subdivision proposals received by the Shire relating to Homestead Lots have revealed a deficiency in TPS 2. The Scheme does not have provisions to allow such subdivision, although the creation of Homestead Lots complies with Western Australian Planning Commission (WAPC) Development Control Policy 3.4 (DC 3.4). It is the Shire's intention to make Town Planning Scheme No. 2 consistent with the WAPC's policy and provide greater housing options within the Shire of Beverley.



8.1.1

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.5**

**INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME**

**NO. 2**

**(Continued)**

Currently under Town Planning Scheme No. 2 should an applicant requests a variation to planning approval granted by Council, the applicant is required to submit a new application, regardless of how minor the variation is. This results in inflexible planning outcomes that cannot cater for changed circumstances or subsequently recognised improvements to the development. Having to process a new application for minor variations, wastes valuable Shire resources, and delays the commencement of the development.

**COMMENT**

Enquiries by members of the public to the Shire of Beverley relating to the availability of Light Industry zoned land have revealed an unmet need for such land within the Shire. It is anticipated incorporating Light Industry into TPS 2 as a land use zone, will aid the economic development of the district by providing variety of manufacturing and service options that currently do not exist.

A driver for the provision of industrial and light industrial land is the recent failure by Landcorp to develop an industrial estate in an Industry zoned area. Thereby creating a shortage of land capable of some form of industrial development in the Shire.

Incorporating the zone "Light Industry" into TPS 2 requires amendments to Table 1 – Zoning Table, Table 2 – Site Requirements – Minimum Setbacks from Boundaries and an additional Clause 4.15. The proposed amendments and additions require the insertion of the following provisions into TPS 2: -

**Table 1 – Zoning Table**

	<b>Uses</b>	<b>Light Industry</b>
3	Caretaker's Dwelling	AA
5	Club Premises	SA
7	Dry Cleaning Premises	P
9	Fuel Depot	SA
16	Industry - Light	P
19	Industry - Service	P
20	Intensive Agriculture	AA
21	Land Drainage Works	AA
23	Motor Vehicle Sales Premises	AA

8.1.1

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.5**

**INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME**

**NO. 2**

(Continued)

**Table 1 – Zoning Table (Continued)**

<b>Uses</b>		<b>Light Industry</b>
24	Motor Vehicle Repair Station	AA
26	Office	AA
27	Public Recreation	AA
28	Public Utility	AA
32	Service Station	SA
33	Sheds	AA
34	Shop	AA
35	Single House	AA
36	Veterinary Consulting Rooms	SA

Generally the provisions for the Light Industry zone in Table 1 are similar or the same as for the Industry zone. There are some differences, such as General Industry being a prohibited use, to accommodate the lesser impact anticipated for the zone. All land uses contained in Table 1 of TPS 2 and not listed in the above table are prohibited in the Light Industry zone.

**Table 2 – Site Requirements – Minimum Setbacks from Boundaries**

Zone	Street	Rear	Side
Light Industry	7.5m	7.5m	0

Table 2 requirements for the Light Industry zone are the same as the Industry zone in order to maintain a consistent streetscape in industrial areas. Council may vary the requirements when considering specific proposals.

Proposed Clause 4.15 provides minimum statutory requirements for development approval. The provisions are designed to enhance amenity and minimise the impact on any possible nearby sensitive land uses, whilst at the same time allowing sustainable economic development. It is anticipated Council will prepare a Town Planning Scheme policy to provide more detailed guidance for development. The following provisions are proposed for Clause 4.15: -

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.5**

**INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME**

**NO. 2**

**(Continued)**

**4.15 LIGHT INDUSTRY ZONE**

- 4.15.1 In addition to a building license, the Council's prior approval to commence development is required for all development including fencing. Such application shall be made in writing to the Council and be subject to the provisions of Clause 6.1 of the Scheme.
- 4.15.2 Fencing forward of the building line shall be visually permeable.
- 4.15.3 All street boundaries shall have a minimum one (1) metre of landscaping. A greater amount of landscaping may be required at Council's discretion.
- 4.15.4 The front setback area shall not be used for the storage and/or manufacture of goods or materials.
- 4.15.5 With regard to access: -
- Should a 0 metre side setback be proposed, adequate provision shall be made to allow access to the rear of the property.
  - All car parking shall be contained on site.
  - The number of car parking bays to be provided and their location shall be at Council's discretion.
- 4.15.6 Development approval for single dwellings will not normally be granted in the Light Industry zone.
- 4.15.7 Notwithstanding Clause 4.15.6, single dwellings may be used to facilitate a transition from the Light Industry zone and Residential zones. Council may consider, at its discretion, granting development approval for a single dwelling if such development complies with all of the following criteria: -

## 8.1.1

### TOWN PLANNING ITEMS

#### ITEM 8.1.1.5

#### INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME

#### NO. 2

(Continued)

- The lot fronts Residential zoned land;
- The single dwelling complies with the R10 density requirements for the Residential Design Codes;
- A 5 metre wide driveway is provided to supply access to the rear of the lot;
- All light industrial land use, including storage of material, associated parking and display of goods, is to the rear of the dwelling;
- The front setback area is landscaped; and
- All signage complies with Council's Signage Policy.

#### Road Closures

In addition to rezoning the area, to facilitate the development of light industrial lots redundant road reserves will need to be closed. These roads were never constructed and are the result of past development proposals and historical anomalies. To fulfil statutory requirements, a Council resolution to commence the road closure process is required.

#### Rezoning

In conjunction with the introduction of the Light Industry zone, Lot 126 Great Southern Highway, Lots 96, 97, 98 & 99 Hunt Road and Lots 124, 378 & 377 De Lisle Street, Beverley are proposed to be rezoned from Recreation and Open Space to Light Industry. The rezoning is intended to provide a transitional zone adjacent to the Industrial zone and enhance economic development opportunities within the Shire of Beverley.

#### Homestead Lots

WAPC Development Control policy DC 3.4 contains provisions that allow Homestead Lots to be created under specific conditions. Such lots enable an existing dwelling on a farm to continue to be occupied. Generally Homestead Lots vary between 1-4ha and may be up to 20ha under specific circumstances. TPS 2 contains no such provisions.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.5**

**INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME**

**NO. 2**

**(Continued)**

In all policy areas under the District Rural Strategy (DRS), it is stated that subdivision will be recommended for vacant, appropriately serviced farm residences. Support for subdivision is conditional on the proposed lots having direct frontage to a constructed public road and the dwellings being surplus to farm management requirements. Therefore the DRS is seen to support the creation, under appropriate circumstances, of Homestead Lots.

Recently Council has had to recommend refusal for the creation of proposed Homestead Lots, due to constraints under TPS 2. Council expressed the opinion that if it were possible under TPS 2, the proposals may have been supported.

Homestead Lots are considered to provide substantial community benefit through: -

- the provision of housing options;
- the continued occupation of farmhouses that are redundant to farming operations; and
- allowing residents to stay in the area and remain a part of the community after retiring from active farming.

Since the dwellings already exist it is considered any environmental and/or amenity impact will be minimal. However proposed provisions to be added to TPS 2 will permit Council to consider the appropriateness of any proposal.

Clause 3.6.2 (i) of TPS 2 provides exemptions to subdivision requirements for particular types of subdivision under specific circumstances. To allow Council to recommend the creation of Homestead Lots under TPS 2, it is proposed to incorporate the following addition to Clause 3.6.2 (i) into the scheme: -

## 8.1.1

### TOWN PLANNING ITEMS

#### ITEM 8.1.1.5

#### INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME

#### NO. 2

(Continued)

- 3.6.2 (i) (f) It is proposed to create a Homestead Lot to allow the continued occupation of an existing farm house and it can be demonstrated that the proposal will not adversely affect the use of the land for agricultural purposes in the area. The minimum lot size for a Homestead Lot shall be 1ha and the maximum lot size shall be 20ha. The proposed lot must contain an existing dwelling. In assessing such proposals Council will take into consideration the potential for adjoining land to be similarly subdivided/developed and may not support the proposal if an undesirable precedent will be set.

Council will not support the creation of a Homestead Lot where a Homestead Lot has been excised from the farm in the past. A notification shall be placed on the title of the created lots informing future owners that no further Homestead Lots will be supported.

A detailed study of the suitability and capability of the site will be required, including information on the following matters: -

- The availability and provision of a suitable water supply for domestic, land management and fire management purposes;
- Provision of constructed public road access and services;
- Land management measures including fire management;
- Environmental matters; and
- Drainage considerations.

#### **Modifying Planning Approval**

This proposed amendment seeks to rectify an existing problem. Council will gain greater flexibility since it will be able to approve minor amendments to Planning Approval, without having to reconsider the entire proposal. The Shire's limited resources may be more effectively utilised through having minor amendments to an existing Planning Approval processed more efficiently.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.5**

**INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME**

**NO. 2**

**(Continued)**

It is anticipated the greater efficiency produced from the amendment will result in customer service benefits and if authority is delegated, a reduction in the number of reports to Council.

A number of Town Planning Schemes currently have the authority to amend a Planning Approval. The Model Scheme Text contains a recommended clause for this proposed amendment to the Town Planning Scheme. In compliance with the Model Scheme Text recommended clause, the power to vary a Planning Approval is only exercised prior to the commencement of the development or use.

It is recommended Town Planning Scheme No. 2 be amended through the insertion of Clauses 6.7 as follows: -

**6.7 AMENDING OR REVOKING A PLANNING APPROVAL**

6.7.1 The local government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

**Conclusion**

Proposed Amendment 18 will provide increased planning options for the Shire of Beverley as well as delivering community benefits and meeting identified planning needs. The amendment is supported at a strategic level by the District Rural Strategy. As such the amendment may be seen to substantially contribute to the orderly and proper planning of the Shire. Therefore it will be recommended Council initiate Amendment 18 to the Shire of Beverley's Town Planning Scheme No. 2.

**STATUTORY ENVIRONMENT**

Town Planning Schemes are amended under Section 75 of the Planning and Development Act 2005.

**8.1.1 TOWN PLANNING ITEMS**  
**ITEM 8.1.1.5**  
**INITIATION OF AMENDMENT 18 TO TOWN PLANNING SCHEME**  
**NO. 2**  
**(Continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M12/1010 Moved Cr Foster Seconded Cr Gogol**  
**That Council resolve: -**

- 1. To initiate Amendment 18 to the Shire of Beverley's Town Planning Scheme No. 2 for the purpose of: -**
  - Incorporating the zone "Light Industry" into Town Planning Scheme No. 2;**
  - Rezoning Lot 126 Great Southern Highway, Lots 98 & 99 Hunt Road and Part Lots 378 & 377 De Lisle Street, Beverley, from Recreation and Open Space to Light Industry;**
  - Amending the Scheme Map accordingly;**
  - Incorporating provisions into Town Planning Scheme No. 2 to allow the creation of Homestead Lots; and**
  - Incorporating provisions to allow the modification of an existing Planning Approval.**
- 2. To instruct the Shire Planner to prepare the amendment documentation and once prepared forward the amendment documentation to the Environmental Protection Authority for approval and the Western Australian Planning Commission for information.**
- 3. Upon receipt of approval of the amendment documentation from the Environmental Protection Authority the Shire Planner is to advertise the amendment for comment in compliance with the Town Planning Regulations 1967.**
- 4. Instruct the Shire Planner to commence closure of the redundant roads within the area proposed for rezoning to Light Industry, as identified in the Amendment 18 document.**

**CARRIED 9-0**



## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.6</b>
<b>REPORT DATE:</b>	<b>8 October 2010</b>
<b>SUBJECT:</b>	<b>PROPOSAL IN PRINCIPLE – RESPITE AND TRAINING FACILITY</b>
<b>APPLICANTS:</b>	<b>K Bell</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 8

### **BACKGROUND**

A request has been received from a potential developer for Council to provide an indication on the acceptability of a proposal. No specific property has been selected for the proposal and limited details have been provided.

### **COMMENT**

The proposed land uses appear mainly related to using a working farm to achieve social outcomes. Appropriately located, planned and managed such a development could have substantial benefits for Beverley and the wider community. However badly planned and managed, the development has the potential to aggravate any existing social concerns and become a cause of disruption.

Depending on the details, the development could be located in a Rural Residential zone to allow easy access to the Beverley townsite. Although it is likely a Farming zoned lot would be more appropriate given the extensive development proposed.

The concept is laudable and it will be recommended Council give in principle support subject to more details. It will not be recommended Council commit to approving the project and it is the opinion of staff this should be made explicit in any resolution.

### **STATUTORY ENVIRONMENT**

No statutory determination has been requested.

**8.1.1 TOWN PLANNING ITEMS**  
**ITEM 8.1.1.6**  
**PROPOSAL IN PRINCIPLE**  
**- RESPITE AND TRAINING FACILITY**  
**(Continued)**

**OFFICER'S RECOMMENDATION**

That Council resolve to give in principle support for the proposed land use, subject to further details and a Development Application. This resolution does not commit Council to approving a Development Application for this proposal. Council may approve or refuse the proposal after considering all relevant matters and submitted details contained in any future Development Application.

**COUNCIL RESOLUTION**

**M13/1010 Moved Cr Shaw** **Seconded Cr Roberts**  
**That Item 8.1.1.6 above is held over until the next meeting of**  
**Council, when the Shire Planner will be in attendance.**  
**CARRIED 9-0**

## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.7</b>
<b>REPORT DATE:</b>	<b>15 October 2010</b>
<b>SUBJECT:</b>	<b>RECONSIDERATION OF SUBDIVISION APPLICATION – LOTS 12, 22, 24, 19022 JONES ROAD &amp; LOT 50 WESTDALE ROAD, WESTDALE</b>
<b>APPLICANTS:</b>	<b>Parkfield Farms Pty Ltd</b>
<b>FILE REFERENCE:</b>	<b>S142724</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 9

### BACKGROUND

At its 28 September 2010 meeting Council considered a proposal to amalgamate and subdivide Lots 12, 22, 24 and 19022 Jones Road and Lot 50 Westdale Road, Westdale, to create 30 Green Title lots. All proposed lots are to be between 20 and 27 hectares in area. Council voted against the officer's recommendation to approve the proposal 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 green title 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 green title lot size for the area.
7. Approval of the application will create a substantial number of small unserviced lots.
8. The proposal will result in the intensification of residential development within a highly flammable proposed land use.
9. The cumulative effect of the proposed development will adversely affect the character and amenity of the area.
10. The application is inconsistent with orderly and proper planning for the area.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

Council then resolved: -

*"That Council recommends to the Western Australian Planning Commission that should they approve application WAPC No. 142724 for the subdivision of Lots 12, 22, 24 and 19022 Jones Road and Lot 50 Westdale Road, Westdale, that the approval be subject to the conditions and advice note as contained in the defeated motion M13/0910 above."*

The applicant has requested Council reconsider its recommended refusal of the proposal and has submitted supporting documentation. The Western Australian Planning Commission (WAPC) has agreed to a deferral of the application to allow Council the opportunity to reconsider the matter. It should be noted the WAPC deferral is not intended to provide any direction to Council.

The purpose of the subdivision is to raise capital to facilitate a tree cropping proposal on the properties. The Shire is in receipt of an Application for Planning Approval for a tree cropping proposal over the subject land, which is currently being advertised.

The land is zoned Farming and within the Be4 policy area. The combined area under consideration is approximately 707.73ha and comprises of two landholdings. The subject lots are accessed by Jones Road and Westdale Road and contain two dwellings with ancillary outbuildings. Generally the land is undulating, with waterways traversing the properties and some remnant vegetation.

Currently the land is being used for broad acre farming.

**COMMENT**

The applicant has provided the following responses to Council's reasons for recommending the application be refused: -

## 8.1.1 TOWN PLANNING ITEMS

### ITEM 8.1.1.7

#### RECONSIDERATION OF SUBDIVISION APPLICATION

- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE

(Continued)

1. The application has failed to demonstrate the land will continue to be used for viable agricultural production.

In response the applicant quotes the Shire of Beverley's Town Planning Scheme No. 3 (TPS 3) Clause 3.6.2(i) and Part (d) of that clause. The relevant provisions state: -

Clause 3.6.2(i)

*"The Council will in any policy area recommend subdivision and support development when any of the following circumstances apply: -"*

Clause 3.6.2(i) (d)

*"It is proposed to create lots for intensive or other agricultural purposes and it can be demonstrated that the proposal will not adversely affect the use of land for agricultural purposes in the area. A detailed study of the suitability and capability of the site for the proposed use will be required, including information on the following matters: -*

- the availability and provision of a suitable water supply to the land*
- provision of constructed road access and services*
- land management measures*
- environmental considerations*
- drainage catchment considerations*
- bush fire management*
- economic feasibility of the project*
- stocking levels relating to new lots created."*

The applicant states that all criteria contained in the clause has been complied with. It is further stated that caveats over the created lots will ensure the land will continue to be used for productive agricultural purposes and legal advice indicates the caveats can secure the agricultural use.

The applicant also mentions the use of caveats is beyond TPS 2 requirements.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

**Staff Response**

The use of caveats is beyond TPS requirements and in the opinion of staff is only being implemented to address Council concerns over the continued agricultural use of the land. Without independent legal advice or guidance from the Department of Planning, it is not possible for staff to provide advice with a significant degree of certainty on the use of caveats to achieve the stated objectives.

The definition of Intensive Agriculture under TPS 2 includes the production of native plants. Therefore the application does technically comply with the statutory requirements of the clause. It may be inferred that the intent of intensive agriculture was for high intensity agricultural activity on single lots, however neither the District Rural Strategy or TPS 2 addresses this matter adequately.

**2. Individual lots are not agriculturally viable.**

The applicant refers to the report submitted in support of the application, which demonstrates that use of the land produces greater returns than traditional broad acre agriculture. The applicant then mentions a State Administrative Tribunal (SAT) determination for a subdivision in Morbinning in which 20 hectares was mentioned as an acceptable area for a viable Sandalwood plantation.

**Staff Response**

Whilst the submitted report demonstrates a greater economic return if the land is used for sandalwood production, it does not demonstrate individual lots are viable. A difficulty is that there is no objective standard for agricultural viability. It may be argued that a lot producing any form of income, no matter how small is viable. Alternatively it may be argued that viability relates to the ability of the land to independently support a family.

In the opinion of staff, due to the presence of building envelopes and the potential for the lots to ultimately contain residential development, the lots should be able to independently support one or more persons. The report has failed to demonstrate this is possible on the independent lots. Unfortunately staff are unable to locate any legal precedence to support their opinion.

## 8.1.1

### TOWN PLANNING ITEMS

#### ITEM 8.1.1.7

#### RECONSIDERATION OF SUBDIVISION APPLICATION

#### - LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50 WESTDALE ROAD, WESTDALE

(Continued)

With regard to the SAT determination (2007 WASAT 288) a review by staff indicates the intention of the paragraph was to demonstrate that the minimum size for a commercial plantation of sandalwood is 20 hectares. This relates to the economics of planting, management, harvesting, etc. As discussed previously without an objective standard of viability it is not possible to determine if the return on 20 hectares makes the lot viable. The return on 20 hectares of Sandalwood may be considered sufficient only as supplementary income.

#### **3. Intensification of green title residential development is inappropriate in the Farming zone.**

The applicant states the purpose of the proposal is to unlock capital which will be used to facilitate the tree cropping enterprise. The applicant also mentions that single dwellings are a discretionary use in the Farming zone and as such Council can restrict residential development.

The applicant further argues that 20 hectares is not suitable for rural residential purposes and it is anticipated no more than 50% of the lots will have residential development.

#### **Staff Response**

No evidence is supplied to support the assertion that only 50% of the lots will be used for residential development and it is possible that all lots will ultimately contain single dwellings. The Shire has seen instances of residential development in excess of 20 hectares, often inappropriately utilising outbuildings as "weekenders".

On a similar survey strata subdivision immediately to the north of the current proposal, a significant cause of concern for purchasers was that there were a total of 3 dwelling entitlements in the development. Some purchasers did not conduct due diligence and only discovered the residential restriction after purchase. As some of those lots were 20 hectares it indicates there is a demand for rural residential development on 20 hectare lots.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

Clause 3.6.2(iii) of TPS 2 states that Council may preclude the construction of dwellings on landholdings where the proposal involves intensive agricultural pursuits. To address the matter of the subdivision becoming a defacto rural residential development, Council could recommend conditions of approval that removed the building envelopes and placed a notification on titles that stated no further residential development would be approved. Such conditions would prevent the proposal becoming a rural residential development and alert potential landowners of the residential restrictions prior to purchase.

Restricting residential development may also be justified due to the residences not being required for the proposed use of the land. The existence of residential development may be seen as a constraint on the use of the land for Sandalwood production.

**4. The proposed lot sizes are below the recommended minimum lot size of 40 hectares.**

Clause 3.6.2 of TPS 2 allows subdivision to a minimum lot size of 20 hectares provided the proposal does not affect the use of land for agricultural purposes in the area. The applicant further states, that the proposed use of tree cropping will not impact on continued agricultural productivity in the area.

**Staff Response**

Whilst a tree crop over the total area would not impact on agricultural productivity, the impact of 30 additional landowners could be seen as a potential negative impact. Matters such as cars and farm machinery using the same road and restrictions on spray drift over residences, could impact on agricultural productivity.

**5. Approval of the application will set an undesirable precedent.**

The applicant states that the application complies with TPS 2 requirements and therefore no precedent has been set. Additionally the applicant states the SAT has determined that precedent is not a stand alone reason for refusal.



**8.1.1 TOWN PLANNING ITEMS**  
**ITEM 8.1.1.7**  
**RECONSIDERATION OF SUBDIVISION APPLICATION**  
**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50**  
**WESTDALE ROAD, WESTDALE**  
**(Continued)**

**Staff Response**

It is the opinion of staff that this proposal may set an undesirable precedent. As far as staff are aware the use over a large area of TPS 2 provisions relating to intensive agriculture as a trigger for green title subdivision that would not otherwise be approved, is unprecedented. There is also the potential for this subdivision to be seen as a precedent for other large lots in the area to be subdivided down to 20 hectares. There is an argument that approval of this development will see 20 hectares become the prevailing lot size in the area.

The SAT may not regard precedent as a stand alone reason for refusal, however precedent is only a component of Council's response.

**6. The proposed lot sizes are not consistent with the prevailing green title lot size for the area.**

The applicant refers to lot sizes in the area being down to 12 hectares and the fact that TPS 2 does not distinguish between survey strata and green title lots.

**Staff Response**

The lots referred to are a part of a survey strata scheme to the north of the proposed subdivision. Whilst TPS 2 does not distinguish between the different types of lots, the ability to control planning outcomes is considerable and as such differences are a relevant consideration. Since green title subdivision is proposed the prevailing green title lot size is considered relevant. The proposal does not match the prevailing green title lot size.

The adjacent survey strata scheme was imposed on the Shire by the Minister for Planning. Given the undesirable planning outcomes, as demonstrated by representations to the Shire by owners of the lots, the use of the scheme as a precedent is questionable.

**8.1.1 TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

**7. Approval of the application will create a substantial number of small unserviced lots.**

All lots are proposed to be connected to electricity and telecommunications infrastructure. Landowners will be responsible for the provision of a potable water supply and waste disposal system (septic tanks).

**Staff Response**

The proposal would result in lots that generally have the same amount of services as dwellings on farms. The proposal will, however, have 30 landowners in a concentrated area without access to shops, recreation facilities and any other form of urban infrastructure. This may result in future demand for such infrastructure to meet landowner expectations.

**8. The proposal will result in the intensification of residential development within a highly flammable proposed land use.**

The applicant states that the submitted Fire Management Plan addresses the matter of residential use resulting from the proposal and any fire risk is reduced to a level that is acceptable.

It is the opinion of staff that if the Fire Management Plan is followed the fire risk will be reduced. The question to be considered by Council in conjunction with other concerns is, if residential development should be intensified in such an area? The risk from fire is reduced, however it is not removed.

**9. The cumulative effect of the proposed development will adversely affect the character and amenity of the area.**

The applicant did not specifically address this matter.

It may be argued each of the previous concerns may not be sufficient justification individually to recommend refusal. However it is open to Council to consider the cumulative impact of the matters discussed above, such as the intensification of development, smaller lot sizes and potential fire risk, will ultimately have an adverse effect on the character and amenity of the area.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

**10. The application is inconsistent with orderly and proper  
planning for the area.**

The applicant did not specifically address this matter.

The planning objectives for the area relate to continued viable agricultural production. The area has not been identified for intensified development and as such there has been no forward planning to cater for such land use. It may be considered a comparatively large number of lots subdivided to the minimum lot size requires strategic justification. Matters such as amenity, landscape, land use, servicing, environment and importantly, community expectations must be considered and planned for.

It would have been desirable for the applicant to have addressed how the proposal integrates with the planning intent and objectives for the area.

**Applicant's Conclusion**

The applicant concludes by stating the supporting arguments for the proposed subdivision are: -

1. The proposed type of subdivision is expressly permitted under Clause 3.6.2 of TPS 2;
2. The mechanism proposed for ensuring the land continues to be used for agriculture is beyond TPS 2 requirements;
3. The landowner intends to retain ownership of the existing dwelling;  
and
4. A similar proposal for Lot 23562 Maitland Road, Kokeby was approved and as such a precedent has been set.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

In relation to Point 1 the applicant is correct. TPS 2 states after consideration of specific criteria as detailed in Point 1 of the Comment section, Council will support subdivision for intensive agriculture. However Clause 3.6.2 also states subdivision to a minimum of 20 hectares **may** be recommended by Council. There is no compulsion to support subdivision down to the minimum lot size. With regard to this matter Clause 3.6.2 states if issues affecting the productive use of the land result from the assessment of the land, Council may require the land to be rezoned to allow appropriate land use and development controls to be put in place.

With regard to Point 2, the applicant is correct that the legal mechanism is beyond the requirements of TPS 2 and has supplied information that a legal opinion supports the applicant's assertion. Without an independent legal opinion staff are not in a position to provide detailed comment on this aspect of the applicant's response. In the opinion of staff, should an independent legal opinion confirm the applicant's claim, then this section of the proposal would mitigate many of the planning concerns with the proposal.

Point 3 is of limited value since there is no guarantee the landowner would retain ownership and it may be noted that the landowner has not stated that the property would be the primary place of residence. Also there are 2 dwellings within the proposal and the intention of the second landowner has not been stated.

Point 4 states that a survey strata subdivision in Kokeby sets a precedent. In the opinion of staff the applicant is only partially correct. There are similarities between the two proposals. However the proposals are for different types of subdivision, and are located in different areas. As such the individual proposals are assessed on their merits.

## 8.1.1

### **TOWN PLANNING ITEMS**

#### **ITEM 8.1.1.7**

#### **RECONSIDERATION OF SUBDIVISION APPLICATION**

#### **- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50 WESTDALE ROAD, WESTDALE**

**(Continued)**

Although the Kokeby subdivision proposal has good access, it is not adjacent to a major transport route. The impact on amenity, landscape and the environment is much less with the Kokeby proposal and due to lower amounts of development there is a lesser impact on the surrounding community. Importantly a major difference between the two proposals is that should the WAPC agree to the recommended conditions, Council will have greater legal control over the continuing agricultural use of the land under the Kokeby proposal. Should acceptable agricultural use of the land not continue, the survey strata scheme may be dissolved and the land then reverts to a single title. This is not possible under a green title subdivision, such as the current proposal being reconsidered by Council.

#### **Conclusion**

Staff have, recommended the application be approved under appropriate conditions. However Council in exercising its rights and responsibilities as the democratically elected representatives of the community, has deemed the proposal is not acceptable and recommended refusal. The applicant has requested a reconsideration and submitted reasons in support of the applicant's request. In the opinion of staff the submitted response from the applicant has not provided sufficient justification for a change in Council's position. Therefore it will be recommended Council consider the original proposal acceptable or continue the recommend refusal.

Should Council determine the application is acceptable as an agricultural subdivision without residential entitlements, approval could be recommended utilising recommended conditions of approval that remove the building envelopes and place appropriate notifications on the titles.

#### **STATUTORY ENVIRONMENT**

The Western Australian Planning Commission is the determining authority for all subdivision in Western Australia. The Western Australian Planning Commission has approved a deferral of the application to allow Council to reconsider the matter. This should not be interpreted as indicating the Commission's position on the matter.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

**OFFICER'S RECOMMENDATION**

That Council consider the original proposal acceptable and resolve to recommend to the Western Australian Planning Commission that application WAPC No. 142724 for the subdivision of Lots 12, 22, 24 and 19022 Jones Road & Lot 50 Westdale Road, Westdale, be approved subject to the following conditions and advice note: -

or

That Council resolve to recommend refusal of application WAPC No. 142724 for the following reasons and recommend to the Western Australian Planning Commission that should the application be approved the following conditions and advice note be imposed: -

Reasons for Refusal: -

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 green title 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 green title lot size for the area.
7. Approval of the application will create a substantial number of small unserviced lots.
8. The proposal will result in the intensification of residential development within a highly flammable proposed land use.
9. The cumulative effect of the proposed development will adversely affect the character and amenity of the area.
10. The application is inconsistent with orderly and proper planning for the area.

**8.1.1 TOWN PLANNING ITEMS**  
**ITEM 8.1.1.7**  
**RECONSIDERATION OF SUBDIVISION APPLICATION**  
**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50**  
**WESTDALE ROAD, WESTDALE**  
**(Continued)**

Conditions: -

1. The dwellings and any other structures proposed to be retained are to be compliant with the requirements and provisions of the Shire of Beverley's Town Planning Scheme No. 2.
2. Prior to commencement of site works, a detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the local government.
3. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows: -  
*"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."*
4. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that the use and management of the land outside the building envelope is restricted to approved tree cropping under provisions of the local government's Town Planning Scheme unless otherwise approved by the local government.
5. The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal system(s).

## 8.1.1 TOWN PLANNING ITEMS

### ITEM 8.1.1.7

#### RECONSIDERATION OF SUBDIVISION APPLICATION

#### - LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50 WESTDALE ROAD, WESTDALE

(Continued)

6. A Notification, pursuant to section 165 of the Planning and Development Act is to be placed on the Certificates of Title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows: -  
*"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot."*
7. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water for residential development in compliance with the Shire of Beverley's Town Planning Scheme.
8. The applicant obtaining development approval for the development of a tree crop plantation on the approved lots.
9. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.
10. Arrangements being made with the local government for the upgrading and/or construction at the applicant's cost of the proposed road between Jones Road and Dale Bin North Road, as shown on the proposed plan of subdivision.
11. Arrangements being made with the local government for the upgrading and/or construction of Jones Road.



**8.1.1 TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

12. The truck turn-around areas being designed and constructed to the satisfaction of the local government.
13. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority.
14. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that all landowners must comply with the Fire Management Plan that has been prepared and implemented for the area.
15. Measures being taken to ensure the identification, mapping and protection of any vegetation on the site, worthy of retention prior to commencement of site works.
16. Suitable arrangements being made for the revegetation of the watercourse denoted on the appended approved subdivision plan with appropriate native species.
17. The subdivider providing a written undertaking to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land.

Advice Note: -

1. The Commission's approval to the subdivision should not be construed as an approval to development on any of the lots proposed.

**COUNCIL RESOLUTION**

**M14/1010**

**Moved Cr Roberts**

**Seconded Cr Egberts**

**That Council consider the original proposal acceptable and resolve to recommend to the Western Australian Planning Commission that application WAPC No. 142724 for the subdivision of Lots 12, 22, 24 and 19022 Jones Road & Lot 50 Westdale Road, Westdale, be approved subject to the following conditions and advice note: -**

**8.1.1 TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

**- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

**Conditions: -**

- 1. The dwellings and any other structures proposed to be retained are to be compliant with the requirements and provisions of the Shire of Beverley's Town Planning Scheme No. 2.**
- 2. Prior to commencement of site works, a detailed plan identifying building envelopes on all lots on the approved plan of subdivision is to be prepared in consultation with the local government.**
- 3. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows: -  
*"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."***
- 4. Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that the use and management of the land outside the building envelope is restricted to approved tree cropping under provisions of the local government's Town Planning Scheme unless otherwise approved by the local government.**
- 5. The applicant/owner of the land shall make arrangements to ensure that prospective purchasers of the proposed lots are advised in writing that provision of a reticulated sewerage service will not be available to the lot and that all future dwellings on the lot will need to be connected to on-site effluent disposal system(s).**

**8.1.1 TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

- **LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

6. **A Notification, pursuant to section 165 of the Planning and Development Act is to be placed on the Certificates of Title of the proposed lots advising of the existence of a hazard or other factor. Notice of this notification to be included on the Deposited Plan. The notification to state as follows: -  
*"Reticulated sewerage connection is not available to the lots, and a suitable on-site effluent disposal system complying with the specifications of the Health Department designed for long term use will be required to service any new development on each lot."***
7. **Notification in the form of a section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that no reticulated water supply can be provided to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water for residential development in compliance with the Shire of Beverley's Town Planning Scheme.**
8. **The applicant obtaining development approval for the development of a tree crop plantation on the approved lots.**
9. **Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.**
10. **Arrangements being made with the local government for the upgrading and/or construction at the applicant's cost of the proposed road between Jones Road and Dale Bin North Road, as shown on the proposed plan of subdivision.**
11. **Arrangements being made with the local government for the upgrading and/or construction of Jones Road.**

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.7**

**RECONSIDERATION OF SUBDIVISION APPLICATION**

- LOTS 12, 22, 24, 19022 JONES ROAD AND LOT 50  
WESTDALE ROAD, WESTDALE**

**(Continued)**

- 12. The truck turn-around areas being designed and constructed to the satisfaction of the local government.**
- 13. A Fire Management Plan being prepared and implemented to the specifications of the local government and the Fire and Emergency Services Authority.**
- 14. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lots advising that all landowners must comply with the Fire Management Plan that has been prepared and implemented for the area.**
- 15. Measures being taken to ensure the identification, mapping and protection of any vegetation, on the site worthy of retention prior to commencement of site works.**
- 16. Suitable arrangements being made for the revegetation of the watercourse denoted on the appended approved subdivision plan with appropriate native species.**
- 17. The subdivider providing a written undertaking to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land.**

**Advice Note: -**

- 1. The Commission's approval to the subdivision should not be construed as an approval to development on any of the lots proposed.**

**CARRIED 6-3**

Cr Ridgway requested that her name be recorded as having voted against the motion.

## **PRESENTATION – HEART DEFIBRILLATORS**

At 11:11am Mr Peter Jenkin and Mr John Lane St John Ambulance Officers entered the Chambers and gave a presentation on how to use Heart Defibrillators and advised that Defibrillators had been placed at the following locations throughout Beverley: -

- Amenities Building
- Beverley Bowling Club
- Beverley IGA
- Freemasons Tavern
- Hotel Beverley
- Shire Administration Centre

At 11:30am Mr Jenkin and Mr Lane left the Chambers.

### **8.1.1 TOWN PLANNING ITEMS**

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.8</b>
<b>REPORT DATE:</b>	<b>19 October 2010</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – INTENSIVE AGRICULTURE &amp; FOUR GROUPED DWELLINGS – 405 (LOT 1) SHEAHAN ROAD, DALE</b>
<b>APPLICANTS:</b>	<b>PJM Contractors</b>
<b>FILE REFERENCE:</b>	<b>SHE 51158</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 10

#### **BACKGROUND**

An application has been received to conduct intensive agriculture at 405 (Lot 1) Sheahan Road, Dale. The application includes the construction of four Grouped Dwellings to be used for workers accommodation.

The intensive agriculture proposed is the planting of 80ha of cleared land with Ziziphus Jujube (Chinese Red Date) trees. The trees are to be in rows 5 metres apart and irrigated.

To maintain the plantation four Grouped Dwellings are proposed for workers accommodation.

The subject site is zoned Farming, approximately 177ha in area, undulating, contains a substantial amount of remnant vegetation, is traversed by a waterway and has an existing outbuilding. Access is via Sheahan Road.

**8.1.1**

**TOWN PLANNING ITEMS**

**ITEM 8.1.1.8**

**DEVELOPMENT APPLICATION**

- **INTENSIVE AGRICULTURE & FOUR GROUPED DWELLINGS**
- **405 (LOT 1) SHEAHAN ROAD, DALE**

**(Continued)**

The application may be determined under delegated authority, however it is being referred to Council due to the potentially contentious nature of the Grouped Dwellings.

**COMMENT**

It is not proposed to remove any remnant vegetation and the intensive agricultural land use is consistent with the purpose and intent of the zone. The growing of the tree crop is not anticipated to have any negative external impacts. The only contentious matter is the proposal to construct four Grouped Dwellings to house workers.

Under the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2) Table 1, Grouped Dwellings are a land use that cannot be approved in the Farming zone. An exception is allowed under Clause 3.6.2(ii) where additional dwellings may be approved where it is clearly demonstrated the dwellings are for farm management purposes. The siting of the dwellings shall be to Council's satisfaction and the total number of dwellings shall not exceed 4.

The proposed dwellings appear to satisfy the requirement of being needed for farm management purposes, although the information provided is limited. No explanation has been provided as to why the dwellings are in dispersed locations throughout the property.

The intent of the provisions relating to restrictions on Grouped Dwellings on farms is to prevent the fracturing of farm land and the use of the dwellings as a trigger for subdivision. In the absence of a suitable explanation for the dispersed nature of the dwelling locations and to meet the TPS 2's intent, it is considered preferable that the dwellings are grouped in general proximity to each other.

It is considered an area of 5 hectares should provide sufficient area for the four dwellings. An area of over 1 hectare each is anticipated to be sufficient provide privacy and protect the amenity of the workers and their families. At the same time grouping of the dwellings will prevent any trigger for future subdivision or more intensive independent development. Should Council approve the application, it will be recommended conditions of approval reflect the above discussed grouping of the dwellings and the nature of the dwellings as workers' accommodation.

**8.1.1 TOWN PLANNING ITEMS**

**ITEM 8.1.1.8**

**DEVELOPMENT APPLICATION**

- **INTENSIVE AGRICULTURE & FOUR GROUPED DWELLINGS**
- **405 (LOT 1) SHEAHAN ROAD, DALE**

**(Continued)**

An additional consideration is that by dispersing the dwellings the applicant has increased the potential fire risk associated with the development. There is a substantial amount of remnant vegetation and although the tree crop is proposed to be irrigated there is still a potential for fire. The applicant's proposed fire management consists of fuel reduction practices normally associated with horticultural crops. Having the dwellings located in one nominated building envelope allows the fire prevention measures to be commensurately concentrated.

By requiring the dwellings to be in closer proximity to each other environmental impacts and impacts on visual amenity are concentrated. Thus improving the overall amenity of the area. Additionally having the dwellings closer will allow interaction for workers and their families, which will provide improved social outcomes.

**STATUTORY ENVIRONMENT**

The application may be approved under the Shire of Beverley's Town Planning Scheme No. 2.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M15/1010 Moved Cr Pepper**

**Seconded Cr Egberts**

**That Council grant Planning Approval for Intensive Agriculture and the construction of four Grouped Dwellings at 405 (Lot 1) Sheahan 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 8.1.1.8**

**DEVELOPMENT APPLICATION**

- **INTENSIVE AGRICULTURE & FOUR GROUPED DWELLINGS**
- **405 (LOT 1) SHEAHAN ROAD, DALE**

**(Continued)**

3. **As the Water Corporation reticulated sewer is not available the dwellings are 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. The approved system is not to be used for disposal of industrial liquid waste or other non-ablution wastes (Refer to Advice Note 3).**
4. **A minimum of 120,000 litres domestic water storage tank or other approved potable water supply and storage facility is to be established per dwelling, prior to occupation.**
5. **All dwellings are to be located in a maximum 5 hectare building envelope.**
6. **Revised site plans are to be submitted and approved by the local government. (Refer to Advice Note 4.)**
7. **Should the dwelling(s) not be required for workers' accommodation, the dwelling(s) shall be removed and the land rehabilitated to the satisfaction of the local government.**
8. **A Section 70A notification is to be placed on the title of the land informing future owners of the lot of the restrictions relating to the dwellings. (Refer to Advice Note 5.)**
9. **Should a subdivision application be lodged for the lot, one (1) dwelling only shall remain on the lot. All other dwellings shall be removed.**
10. **The external walls and roof shall not be finished in zincalume or any other form of reflective material, to the satisfaction of the Shire Planner.**
11. **The applicant shall only remove those trees and/or clear native vegetation as required for the construction of the building and any associated access. (Refer to Advice Note 6.)**



**8.1.1 TOWN PLANNING ITEMS**  
**ITEM 8.1.1.8**  
**DEVELOPMENT APPLICATION**  
**- INTENSIVE AGRICULTURE & FOUR GROUPED DWELLINGS**  
**- 405 (LOT 1) SHEAHAN 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 a building licence is required prior to commencement of any building works.**
- 3. With regard to Condition 3, an application is to be submitted to the Council's Environmental Health Section in conjunction with the Building Licence application.**
- 4. With regard to Condition 6, the revised site plans are to include the location of the building envelope and all relevant details.**
- 5. With regard to Condition 8, the notification is to inform future owners that the dwellings may only be used for workers' accommodation and if no longer required must be removed.**
- 6. With regard to Condition 11, 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.**

**CARRIED 9-0**

**8.1.2 INFORMATION BULLETIN REPORT – SHIRE PLANNER**

Nil.

**8.2.1 HEALTH & BUILDING SERVICES ITEMS**

Nil

**8.2.2 INFORMATION BULLETIN REPORT – HEALTH & BUILDING SERVICES**

**8.2.2.1 GENERAL**

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

**8.2.2.2 HEALTH SERVICES REPORT – SEPTEMBER/OCTOBER 2010**

A Health Services Report for September/October 2010 was provided under separate cover.

**8.2.2.3 BUILDING LICENSES ISSUED**

Building licenses issued up to 1 October 2010 :-

Lic No:	21 09/ 10	Lic No:	22 09/ 10
No:	1529 York-Williams Rd Beverley	No:	Lot 1004 York-Williams Rd Beverley
Building:	Shed	Building:	Shed
Value:	\$15,000	Value:	\$8,000
Lic No:	23 09/ 10	Lic No:	24 09/ 10
No:	180 Dongadilling Rd Beverley	No:	Lot 127 Brooking St Beverley
Building:	Shed	Building:	Shed
Value:	\$20,000	Value:	\$14,000
Lic No:	25 09/ 10		
No:	23 Forrest Street Beverley		
Building:	Patio		
Value:	\$6,300		

**8.2.2 INFORMATION BULLETIN REPORT  
– HEALTH & BUILDING SERVICES  
(Continued)**

**8.2.2.4 REPAIRS/MAINTENANCE OFFICER'S REPORT**

A Repairs Maintenance Report was provided under separate cover.

**COUNCIL RESOLUTION**

**M16/1010 Moved Cr Roberts** **Seconded Cr Foster**  
**That the Health & Building Services Information Bulletin Reports,**  
**be received.**

**CARRIED 9-0**

**8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS**

Nil.

At 11:45am Mr Steve Vincent, Works Supervisor, entered the Chambers.

**8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR**

**8.3.2.1 GENERAL – PLANT AND WORKS**

**8.3.2.1.1 Oval**

The oval has recovered well after all the frosts over the winter. It is due to be verti drained and de-compacted on 26 October.

Subsoil drains have been laid in the south-west end. This is to drain the wet area that becomes a problem over the winter months. Over time this area will be slowly built-up with sand.

The horse event that was held on the oval has caused minimal damage to the playing surface. There were a few diverts that required filling in with sand.

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

**8.3.2.1.2 Drainage Design**

A complete survey and drainage design has been carried out for the oval grounds. This has included installing a new Ø 600mm stormwater pipe with provisions to drain low lying areas near the sheds and stormwater from the new proposed recreation building.

**8.3.2.1.3 Fire Prevention**

Fire breaks have been graded and Shire blocks slashed to reduce the risk of fires over the summer months.

**8.3.2.1.4 Railway Station**

Brick paving has been completed on the path at the northern end of the stage. The remaining earthworks have also been completed in preparation for the artificial grass, which is to be laid on 23 October.

**8.3.2.1.5 Staff Shortages**

For most of October four staff members have been off work due to illness. I am currently seeking casual staff to help fill these shortages over the next few months.

**8.3.2.1.6 Drum Muster**

A Drum Muster was held on 19 and 20 October. Over 2,000 drums were received.

**8.3.2.2 CONSTRUCTION**

**8.3.2.2.1 Kokeby East Road**

Verge clearing has been completed and gravel is now being carted to widen the shoulders from K1 Road to Kilpatrick Road. It is anticipated that this will be completed by the end of October. This section of road will then be ready for reseal in January 2011.

**8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR  
ITEM 8.3.2.2  
CONSTRUCTION  
(Continued)**

**8.3.2.2.2 Westdale Road**

The section of road from Hobbs Road, west for 2km has had the verges and drains cleared. The culverts that require widening are currently being extended. Once this is completed we will then stabilise and seal to 7metres. Some sections will require reconstruction over the full width.

**8.3.2.2.3 Plant and Works Committee Meeting**

It was agreed to hold a Plant and Works Committee Meeting at a date to be set.

**M17/1010 Moved Cr Foster** **Seconded Cr Gogol**  
**That the Works Supervisor's Information Bulletin Report, be**  
**received.**

**CARRIED 9-0**

**Council agreed to deal with Item 8.5.1.1 of the Agenda at this point in the meeting, whilst Mr Steve Vincent, Works Supervisor, was in attendance.**

#### **8.5.1 ADMINISTRATION ITEMS**

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.1</b>
<b>REPORT DATE:</b>	<b>18 October 2010</b>
<b>SUBJECT:</b>	<b>INFIL SEWERAGE RECYCLED WATER SUPPLY</b>
<b>FILE REFERENCE:</b>	<b>EM 054</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 11

#### **BACKGROUND**

In 2001/2002 portion of the Beverley Townsite was connected to infill sewerage courtesy of the Water Corporation. At the time the Council of the day advised the Corporation of its interest in making use of the recycled wastewater for reticulating the lawn oval. Agreement was reached whereby the Water Corporation provided and installed a return main which would enable the treated wastewater to be returned from the ponds near the rubbish tip to the pump station in Bartram Street, in exchange for Council providing the land for the pump station.

It was understood that it would be some time before sufficient treated wastewater would be available.

#### **COMMENT**

The Water Corporation has recently advised that the ponds adjacent to the rubbish tip are nearing capacity and it is being recommended Council enter into a Memorandum of Understanding (MOU) as detailed in the appendix to this item.

Should Council be prepared to sign the MOU their obligations are as follows: -

- a) To receive the entitlement of 24 KL/day (Annual daily mean).
- b) To take ownership of components beyond the nominated point of delivery and assume ongoing operation and maintenance of these works.
- c) Install appropriate signage and fencing.
- d) Supply the required amount of bore water to the Shire tank to mix the treated wastewater, so as to ensure the acceptable Phosphorous loading of 50 kg/ha/year is not exceeded.

**8.5.1 ADMINISTRATION ITEMS**  
**ITEM 8.5.1.1**  
**INFIL SEWERAGE RECYCLED WATER SUPPLY**  
**(Continued)**

The Corporation Infrastructure obligation are as follows: -

To construct, own and operate -

- (a) The effluent Pump Station, Chlorination module, filler facility and effluent main from the wastewater treatment plant to the Shire tank;
- (b) SCADA control system linking the Shire tank to the Corporation's Telemetry System to monitor the level in the tank; and
- (c) Dedicated pipeline from the effluent pump to the Shire tank.

The MOU will be current for a period of 10 years from the date of signing, whilst the entitlement review times will be every two years. Council's costs will be negligible and will not be required until 2011/12.

All treated wastewater must meet the necessary standards as outlined by the Department of Health and Department of Environment and Conservation.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M18/1010 Moved Cr Egberts** **Seconded Cr Murray**  
**That Council enter into a Memorandum of Understanding with the**  
**Water Corporation for the purpose of receiving recycled treated**  
**wastewater.**

**CARRIED 9-0**

At 12:15pm Mr Steve Vincent, Works Supervisor, left the meeting.

**8.4.1 FINANCE ITEMS**

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**SUBMISSION TO:** October Council Meeting 26 October 2010  
**AGENDA ITEM:** 8.4.1.1  
**REPORT DATE:** 21 October 2010  
**SUBJECT:** SCHEDULE OF ACCOUNTS  
**AUTHOR:** Deputy Chief Executive Officer – Stephen Gollan

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Appendix 12

**COMMENT**

The Schedule of Accounts for the month of September 2010 is the appendix to this item.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M19/1010** Moved Cr Roberts **Seconded Cr Foster**  
That the Schedule of Accounts for the month of September 2010,  
be received.

**CARRIED 9-0**

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**SUBMISSION TO:** October Council Meeting 26 October 2010  
**AGENDA ITEM:** 8.4.1.2  
**REPORT DATE:** 21 October 2010  
**SUBJECT:** FINANCIAL STATEMENT FOR THE PERIOD ENDED 30  
SEPTEMBER 2010  
**AUTHOR:** Deputy Chief Executive Officer – Stephen Gollan

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**COMMENT**

The Financial Statement for the period ended 30 September 2010 was provided under separate cover.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M20/1010** Moved Cr Egberts **Seconded Cr Pepper**  
That the Financial Statement for the period ended 30 September  
2010, as presented, be received.

**CARRIED 9-0**



**8.4.1 FINANCE ITEMS**

**SUBMISSION TO:** October Council Meeting 26 October 2010  
**AGENDA ITEM:** 8.4.1.3  
**REPORT DATE:** 18 October 2010  
**SUBJECT:** INVESTMENT OF SURPLUS FUNDS  
**FILE REFERENCE:** FM 008  
**AUTHOR:** Deputy Chief Executive Officer – Stephen Gollan

**BACKGROUND**

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

**COMMENT**

Listed below are surplus funds that have been invested during the month of September 2010 with the ANZ Bank.

RESERVE	INVESTMENT	TOTAL	ACCT #	TERM	RATE	EXPIRY
Building	\$ 903,736.00	\$ 903,736.00	9899-36483	5 Months	6.00%	22/12/10
Plant	\$ 295,154.00	\$ 295,154.00	9899-36301	3 Months	5.50%	22/10/10
Annual Leave	\$ 112,997.00					
Recreation Ground	\$ 265,262.00	\$ 378,259.00	9899-36459	5 Months	6.00%	22/12/10
Office Equipment	\$ 23,688.00					
Bush Fire Fighters	\$ 90,984.00					
Avon River Development	\$ 18,259.00					
Community Bus	\$ 24,144.00					
Cropping Committee	\$ 151,571.00					
Road Construction	\$ 198,109.00	\$ 506,755.00	9899-36504	5 Months	6.00%	22/12/10
	<b>\$2,083,904.00</b>	<b>\$2,083,904.00</b>				

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M21/1010 Moved Cr Alexander** **Seconded Cr Foster**  
**That the Investment Report for the month of September 2010, be received.**

**CARRIED 9-0**

### **8.5.1 ADMINISTRATION ITEMS**

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.1</b>
<b>REPORT DATE:</b>	<b>18 October 2010</b>
<b>SUBJECT:</b>	<b>INFIL SEWERAGE RECYCLED WATER SUPPLY</b>
<b>FILE REFERENCE:</b>	<b>EM 054</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Item 8.5.1.1 above was dealt with earlier in the meeting. (Refer pages 59 and 60 of these Minutes)

At 12:33pm the meeting adjourned for lunch and reconvened at 1:46pm.

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.2</b>
<b>REPORT DATE:</b>	<b>21 October 2010</b>
<b>SUBJECT:</b>	<b>BEVERLEY RECREATION GROUND COMMUNITY FACILITY</b>
<b>FILE REFERENCE:</b>	<b>CP 004A</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 13

### **BACKGROUND**

For some time Council has recognised the need for the replacement of the change rooms and providing social hall / clubroom that can cater for a greater number than the existing Amenities Building. Council has included this project in the Plan for the Future.

The appointment of Mark Casserly to provide a needs and feasibility study has resulted in two public forums to progress the matter to the point of preparing a grant application to the Department of Sport and Recreation.

### **COMMENT**

The Shire President, Deputy Shire President and I met with consultant Mark Casserly and architect Brian Adcroft on 13 October 2010 to discuss progress with the proposed community facilities at the Recreation Ground.

Mark Casserly has recommended that an application for funding assistance be submitted to the Department of Sport and Recreation by the end of October 2010. To facilitate this objective he has recommended that the existing Amenities Building be modified and change rooms, kitchen, and utility room be constructed as shown on the left-hand side of the appended concept plan. In addition he believes the power upgrade and drainage be included in the application.

To enable Council to obtain the maximum funding he has suggested that the relocation of the netball courts be put forward to the Department of Sport and Recreation under their minor works funding round. His rationale is that should the netball courts be attached to the main application it will attract no additional funding as the maximum allocation for any proposal will be in the vicinity of \$400,000.00.

**8.5.1 ADMINISTRATION ITEMS**  
**ITEM 8.5.1.2**  
**BEVERLEY RECREATION GROUND COMMUNITY FACILITIES**  
**(Continued)**

It must be stressed that the application is for the concept and that upon approval (shall this be forthcoming) changes brought about from the public consultation process can still take place.

Although it might appear we are rushing the matter it must be remembered that the change rooms are in a chronic state and require urgent attention.

**OFFICER'S RECOMMENDATION**

That Council submit to the Department of Sport and Recreation an application for funding assistance to construct a community facility at the Recreation Ground, as proposed by Mark Casserly and Brian Adcroft, as shown on the appended concept plan which utilises the current Amenities Building.

**COUNCIL RESOLUTION**

**M22/1010 Moved Cr Pepper** **Seconded Cr Murray**  
**That Council receive the report produced by CCS Strategic on the**  
**Beverley Sporting Precinct Redevelopment.**  
**CARRIED 9-0**

**COUNCIL RESOLUTION**

**M23/1010 Moved Cr Pepper** **Seconded Cr Roberts**  
**That Council –**

- 1. Endorse the general intent of concept plan 001/B prepared by Adcroft Architects in February 2010 for the long term strategic development of the Beverley Sporting Precinct.**

**8.5.1**

**ADMINISTRATION ITEMS**

**ITEM 8.5.1.2**

**BEVERLEY RECREATION GROUND COMMUNITY FACILITIES**

**(Continued)**

- 2. Rationalise property boundaries and land titles within the recreation precinct by amalgamating all reserve land and adjusting the property holding of the tennis and bowls clubs to reflect the land they operate from and maintain.**
- 3 Investigate the available water supply capacity and quality with a view to allocating sufficient volume to the Pony Club to establish a grassed area within their operating area to reduce demand on the playing surface of the oval.**
- 4. Subject to demand, relocate the cricket wicket to a position more central to the grassed playing field to allow a full width boundary and a hockey field on the clubhouse (Western) side of the wicket.**
- 5. Subject to demand, remove the existing scoreboard and provide a new scoreboard in a position that accommodates the oval enlargement and realignment to accommodate two hockey fields on the main oval.**
- 6. Subject to demand, remove the existing cricket practice net and provide a new facility in a position that accommodates the oval enlargement and realignment to accommodate two hockey fields on the main oval.**
- 7. Subject to demand, upgrade the oval lighting to allow for evening competition and for training activities to be dispersed across the playing surface to manage wear and tear.**
- 8. Support the Bowling Club in their pursuit of a replacement surface for the two synthetic greens and encourage the retention of the existing grass green.**
- 9. Establish two new mutli-marked hard courts (Netball and Tennis) in close proximity to the amenities building for the oval at the earliest opportunity.**
- 10. Allow for the development of a further two hard courts adjoining the new development when demand dictates.**

**8.5.1 ADMINISTRATION ITEMS**  
**ITEM 8.5.1.2**  
**BEVERLEY RECREATION GROUND COMMUNITY FACILITIES**  
**(Continued)**

- 11. Upgrade the drainage across the site particularly along the Northern Boundary of Lot 400 running from Forrest Street to the river to prevent flooding of the area and the Agricultural Society Buildings.**
- 12. Improve the power capacity to the site to allow for the Annual Agricultural Society Show and the Easter Tennis Tournament to operate without limitation, and to accommodate new facility development on site.**
- 13. Demolish the existing Changerooms and replace with a new facility that adequately and safely services the oval and new multi-marked Hard Courts including Home and Away Changerooms, Trainers Room, Umpires Room, First Aid Room and Storage Areas.**
- 14. Improve and refurbish the existing Amenities Building to provide an increased functional space by use of a semi enclosed verandah, storage areas to allows for removal of furniture and equipment from the hall floor, a Crèche and contemporary food and beverage service areas.**
- 15. Relocate and enclose the existing playground area to provide for secure, shaded playground readily accessible and visible from the hard courts, the Amenities Building and the Crèche.**
- 16. Immediately submit a CSRFF forward planning funding application for the new Changerooms and Amenities Building upgrade inclusive of critical infrastructure improvements as a priority as shown in the facility concept plan prepared by Adcroft Architects dated September 2010. The CSRFF forward planning grant to be in the sum of \$850,000.00 representing 27.4% of the project cost.**
- 17. Subsequently submit an application for a CSRFF Annual Grant in the next available round for the provision of two fenced and lit, multi-marked acrylic hard courts as shown in the concept site plan prepared by Adcroft Architects dated September 2010.**

**8.5.1 ADMINISTRATION ITEMS**  
**ITEM 8.5.1.2**  
**BEVERLEY RECREATION GROUND COMMUNITY FACILITIES**  
**(Continued)**

*(The capital cost of the courts is estimated to be in the order of \$145,000. A successful grant application for \$46,600 will provide one third of the project cost.)*

18. Support minor equipment grant applications (especially heaters and air coolers) for use by the Youth Centre and others in the Agricultural Society Exhibition Building.

**CARRIED 9-0**

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 26 October 2010</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.3</b>
<b>REPORT DATE:</b>	<b>22 October 2010</b>
<b>SUBJECT:</b>	<b>PROPOSED AMALGAMATION - FUTURE REPRESENTATION</b>
<b>FILE REFERENCE:</b>	<b>GOV 013</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

On 7 August, 2010, the Shire of Beverley along with the Shires of Cunderdin, Quairading, Tammin and York signed a Regional Transition Group (RTG) agreement for the purpose of obtaining funds from the Department of Local Government to undertake business plans to determine the viability of forming a new amalgamated local government.

### COMMENT

As discussed at a forum on 15 October, 2010, Council was made aware of various issues that, over time, will need to be considered to form part of the various business plans. Of immediate concern is the importance of resolving the matter of ward representation on the new Council.

The Shire of Cunderdin has made their position very clear at a meeting of the RTG on 1 October, 2010, and furthermore the following motion was put and passed 4 votes to 1. Councillor representatives supported the motion to enable the subject to be debated by individual RTG members.

*“(a) For the purpose of progressing the Regional Business Plan, the representation be:*

- *Beverley 2 Representatives*
- *Cunderdin 2 Representatives*
- *Quairading 2 Representatives*
- *Tammin 1 Representative*
- *York 3 Representatives*

*(b) That part (a) be referred to each participating Member Local Government for comment and endorsement.*

*(c) That participating Member Local Governments provide written advice to the Executive Officer in relation to part (b) above, in order that this be presented at the next South East Avon Regional Transition Group Board Meeting.”*



**8.5.1 ADMINISTRATION ITEMS**  
**ITEM 8.5.1.3**  
**PROPOSED AMALGAMATION**  
**- FUTURE REPRESENTATION**  
**(Continued)**

In relation to part (c) of the above resolution, written advice is sought in relation to Council consideration of this matter, in order that it may be presented at the SEARTG Board Meeting scheduled for Thursday, 11 November 2010.

Although the Minister of Local Government has indicated he is likely to grant various concessions to RTGs for a transition period (4-8 years) representation in the longer term must be based on proportional representation. The model proposed by Cunderdin certainly does not comply.

Below are various models which might be considered. Each indicates the proportional representation variances.

<b>9 Councillor Model</b>				
<b>WARD</b>	<b>NO. OF ELECTORS</b>	<b>NO. OF COUNCILLORS</b>	<b>ELECTOR TO COUNCILLOR RATIO</b>	<b>% DEVIATION</b>
<b>BEVERLEY</b>	1294	2	1:647	- 2.9%
<b>CUNDERDIN</b>	895	1	1:895	- 42.3%
<b>QUAIRADING</b>	782	1	1:782	- 24.3%
<b>TAMMIN</b>	251	1	1:251	+ 60.0%
<b>YORK</b>	2441	4	1:610	+ 3.0%
	5663	9	1:629	

**8.5.1 ADMINISTRATION ITEMS**  
**ITEM 8.5.1.3**  
**PROPOSED AMALGAMATION**  
**- FUTURE REPRESENTATION**  
**(Continued)**

<b>10 Councillor Model</b>				
<b>WARD</b>	<b>NO. OF ELECTORS</b>	<b>NO. OF COUNCILLORS</b>	<b>ELECTOR TO COUNCILLOR RATIO</b>	<b>% DEVIATION</b>
<b>BEVERLEY</b>	1294	2	1:647	- 14.3%
<b>CUNDERDIN</b>	895	2	1:447	+ 21.0%
<b>QUAIRADING</b>	782	2	1:391	+ 31.1%
<b>TAMMIN</b>	251	1	1:251	+ 55.7%
<b>YORK</b>	2441	3	1:814	- 43.8%
	5663	10	1:566	

<b>12 Councillor Model</b>				
<b>WARD</b>	<b>NO. OF ELECTORS</b>	<b>NO. OF COUNCILLORS</b>	<b>ELECTOR TO COUNCILLOR RATIO</b>	<b>% DEVIATION</b>
<b>BEVERLEY</b>	1294	3	1:431	+ 8.9%
<b>CUNDERDIN</b>	895	2	1:447	+ 5.3%
<b>QUAIRADING</b>	782	2	1:391	+ 17.2%
<b>TAMMIN</b>	251	1	1:251	+ 46.8%
<b>YORK</b>	2441	4	1:610	- 29.2%
	5663	12	1:472	

**8.5.1 ADMINISTRATION ITEMS**  
**ITEM 8.5.1.3**  
**PROPOSED AMALGAMATION**  
**- FUTURE REPRESENTATION**  
**(Continued)**

<b>13 Councillor Model</b>				
<b>WARD</b>	<b>NO. OF ELECTORS</b>	<b>NO. OF COUNCILLORS</b>	<b>ELECTOR TO COUNCILLOR RATIO</b>	<b>% DEVIATION</b>
<b>BEVERLEY</b>	1294	3	1:431	+ 0.1%
<b>CUNDERDIN</b>	895	2	1:447	- 2.5%
<b>QUAIRADING</b>	782	2	1:391	+ 10.3%
<b>TAMMIN</b>	251	1	1:251	+ 42.4%
<b>YORK</b>	2441	5	1:488	- 11.9%
	5663	13	1:436	

The Shire of Quairading has indicated its support for the 12 Councillor model whilst the Shire of York is only prepared to give "lip service" to the 10 Councillor model to enable business plans to proceed.

It is my opinion that the 12 or 13 Councillor Model addresses the proportional representation issue more appropriately and is fairer to the Shires of Beverley and York.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M24/1010 Moved Cr Roberts** **Seconded Cr Gogol**  
That the Shire of Beverley advise the Regional Transition Group at its next meeting on the 11 November, 2010 that it supports the 12 Councillor model i.e. Beverley 3, Cunderdin 2, Quairading 2, Tammin 1 and York 4.

**CARRIED 9-0**

**COUNCIL RESOLUTION**

**M25/1010 Moved Cr Alexander** **Seconded Cr Egberts**  
That Council advises the Regional Transition Group that it strongly opposes the 10 Councillor Representation Model i.e. Beverley 2, Cunderdin 2 Quairading 2, Tammin 1 and York 3.

**CARRIED 8-1**

## **8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER**

The Chief Executive Officer had provided an Information Bulletin Report under separate cover.

### **COUNCIL RESOLUTION**

**M26/1010 Moved Cr Egberts** **Seconded Cr Alexander**  
**That the Chief Executive Officer's Information Bulletin Report, be received.**

**CARRIED 9-0**

## **9. INFORMATION BULLETIN – PARTS ONE AND TWO – GENERAL SECTIONS**

The October Information Bulletin was provided under separate cover.

### **9.1 The Perth Mint Australia - 2011 Australian Citizenship \$1.00 Coin**

Council had been provided with a copy of correspondence from The Perth Mint Australia advising that 2011 Australian Citizenship \$1.00 coins are available for purchase for presentation at next year's citizenship ceremonies.

### **COUNCIL RESOLUTION**

**M27/1010 Moved Cr Egberts** **Seconded Cr Roberts**  
**That Council purchase 10 x Australian Citizenship \$1.00 coins.**

**CARRIED 5-4**

### **COUNCIL RESOLUTION**

**M28/1010 Moved Cr Foster** **Seconded Cr Roberts**  
**That the October Information Bulletin, be received.**

**CARRIED 9-0**

## **10. TABLED CORRESPONDENCE**

- DEPARTMENT OF AGRICULTURE & FOOD and  
DEPARTMENT OF REGIONAL DEVELOPMENT & LANDS  
- RRR Network News – Spring 2010

**11. OTHER BUSINESS**

**11.1 Beverley Art Gallery Society – Restoration of Railway Carriage  
– ZJA Brakevan**

The Shire President read out and tabled a letter from the Beverley Art Gallery Society in regard to the restoration of the ZJA Brakevan.

**COUNCIL RESOLUTION**

**M29/1010 Moved Cr Foster** **Seconded Cr Roberts**  
**That Council contribute a sum of \$3,300.00 for the preparation of a**  
**Treatment Plan by Philippa Rogers for the ZJA Brakevan Carriage.**  
**CARRIED 8-1**

**12. CLOSURE**

There being no further business the meeting closed at 3:28pm.

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

Presiding Member

Date

# APPENDIX LIST

## 26 OCTOBER 2010

		Commencement Page of Appendix Item
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Appendix 2	Item 6.3 – Minutes of Development Services Committee Meeting held on 5 October 2010	3
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Appendix 6	Item 8.1.1.4 – Subdivision Application - Lots 1, 2, 10, 11, 1303, 2630 and 3959 Talbot West Road, Waterhatch Road and York-Williams Road, Beverley	15
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**MINUTES OF THE INAUGURAL MEETING OF THE TOWN ENTRY  
STATEMENT COMMITTEE HELD IN THE COUNCIL CHAMBERS ON  
TUESDAY 14<sup>TH</sup> SEPTEMBER 2010, COMMENCING AT 5:05PM**

**1. PRESENT:**

Cr L Shaw (Chairman)  
Mr B Cable  
Mr J Fregon  
Ms S Miller  
Cr C Pepper  
Mrs S Shaw  
Mr A Wardle

**2. APOLOGIES:**

Ms J Broun  
Mr V Johnson

**3. PURPOSE OF COMMITTEE:**

The Chairman advised that the purpose of the Committee was to recommend Town Entry Statement ideas for the approaches to Beverley for Council consideration. It was suggested that the Committee concentrate on the northern and southern approaches along the Great Southern Highway in the initial phase. However, thoughts relating to Waterhatch Road and the Morbining Road could form part of the task.

It is anticipated that proposals be submitted to the Council by April 2011 to allow for costings to be undertaken prior to adopting the 2011/2012 budget.

**4. GENERAL BUSINESS:**

**4.1 Vincent Street**

Comment was made that the intersection of Hunt Road and Vincent Street might receive some treatment with a view to encouraging passing traffic to enter the shopping area.

**4.2 Local Identity**

Mrs Sandy Shaw distributed some examples of Town Entry Statements which she had down loaded from various websites. Mrs Shaw emphasized that a Town Entry Statement would help preserve local identity at a time when Council was considering amalgamation.

Following discussion –

*The Committee resolved to place an advertisement in the Beverley Blarney inviting suggestions for designs of a Town Entry Statement that might be deemed unique to Beverley.*

5. **NEXT MEETING:**

The Committee agreed to hold the next meeting on Thursday the 28<sup>th</sup> October, 2010, commencing at 5:00pm.

6. **CLOSURE:**

There being no further business the Chairman declared the meeting closed at 6:00pm

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

*Presiding Member*

*Date*



**MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE MEETING  
HELD IN THE COUNCIL CHAMBERS ON TUESDAY 5<sup>TH</sup> OCTOBER 2010**

**1. MEETING COMMENCEMENT**

The Chairperson declared the meeting opened at 10:10am.

**2. ATTENDANCE AND APOLOGIES**

Attendance

Cr DJ Ridgway	Chairperson
Cr BM Foster	
Cr CJ Pepper	
Mr KL Byers	Chief Executive Officer
Mr S Vincent	Works Supervisor
Mr W Wandless	Shire Maintenance Officer

Apologies

Cr C Egberts

Observers

Nil

**3. CONFIRMATION OF PREVIOUS MINUTES – TUESDAY 1<sup>ST</sup> JUNE 2010**

*MDS01/1010 Moved Cr Pepper*

*Second Cr Foster*

*That the Minutes of the Development Services Committee Meeting held in the Council Chambers on Tuesday 1<sup>st</sup> June 2010, as printed, be confirmed.*

**CARRIED 3/0**

***BUSINESS ARISING***

**3.1 Beverley Retirement Village**

*The committee agreed that a side bench and perimeter seating be installed into the gazebo being constructed at the Retirement Village.*

4. **GENERAL BUSINESS**

4.1 **Beverley Caravan Park – Ablution Block**

A Cavalier portable ablution block was tabled and considered for use at the Caravan Park.

Various changes were suggested, including the conversion of the disabled ablution area to a laundry, the storeroom to a toilet/shower for Council employees and combining one toilet and shower in each of the male and female units so that they be made suitable for disabled persons.

*The committee resolved that Mr Wandless, be requested to investigate whether the abovementioned alterations would comply with the Caravan and Camping Regulations and that a cost for the altered ablution block be obtained.*

4.2 **Waste Disposal Dump Point**

*The committee resolved that a waste disposal dump point for caravans and mobile homes be located on the northern side of Council Drive.*

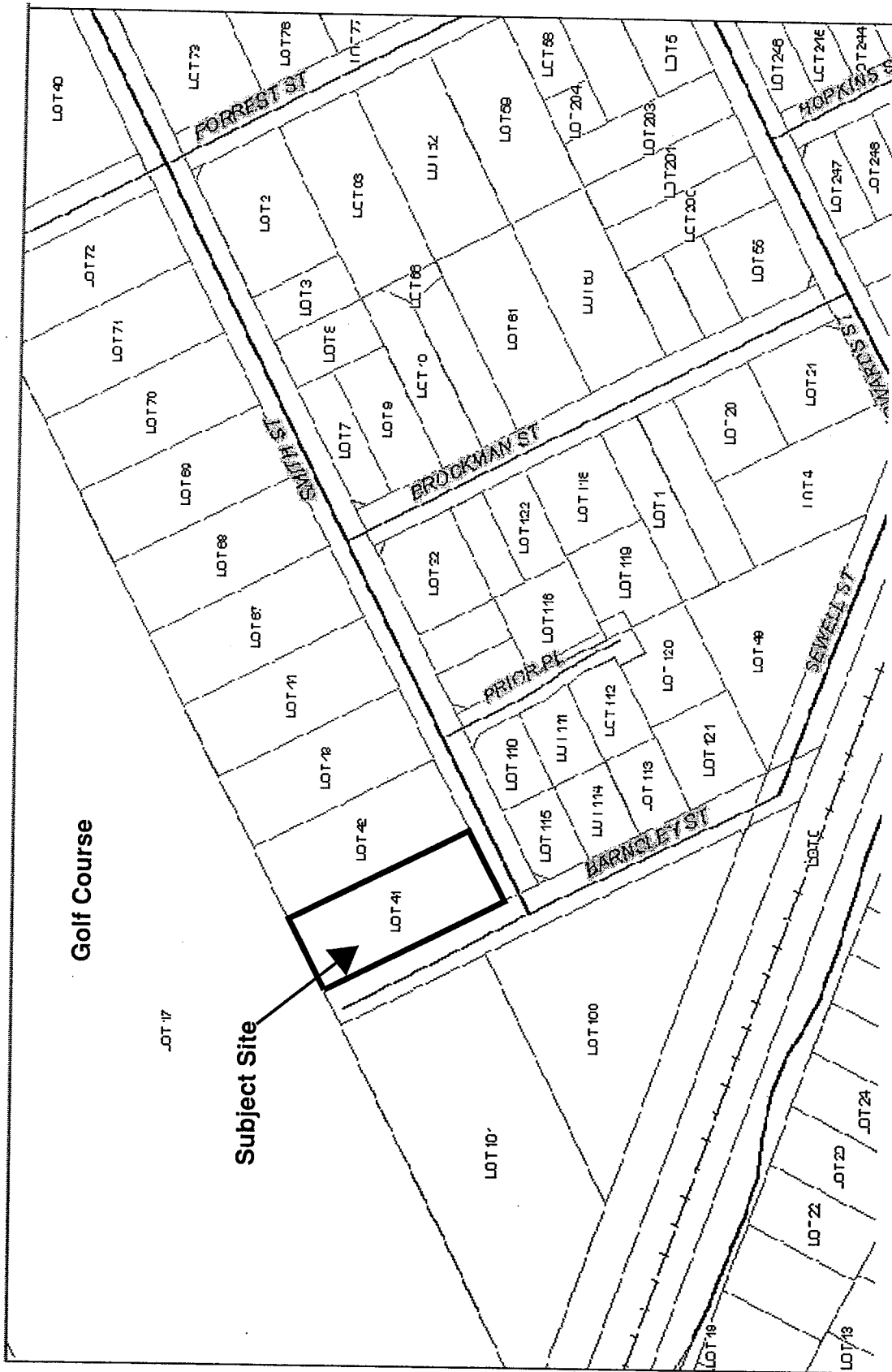
5. **CLOSURE**

There being no further business the Chairperson declared the meeting closed at 11:05am and an inspection of the Beverley Caravan Park and surrounds was undertaken.

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

*Presiding Member*

*Date*



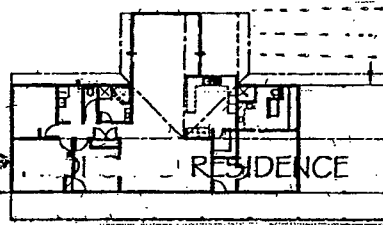
Golf Course

Subject Site

# Location Plan

lot 41

Proposed forgo  
by owner



RESIDENCE

<<< BARNESLEY STREET >>>

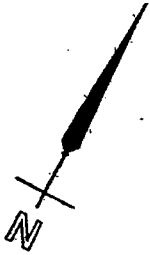
103.36m

103.36m

40.57m

<< SMITH STREET >>

Access to  
Barnesley st



AN  
0

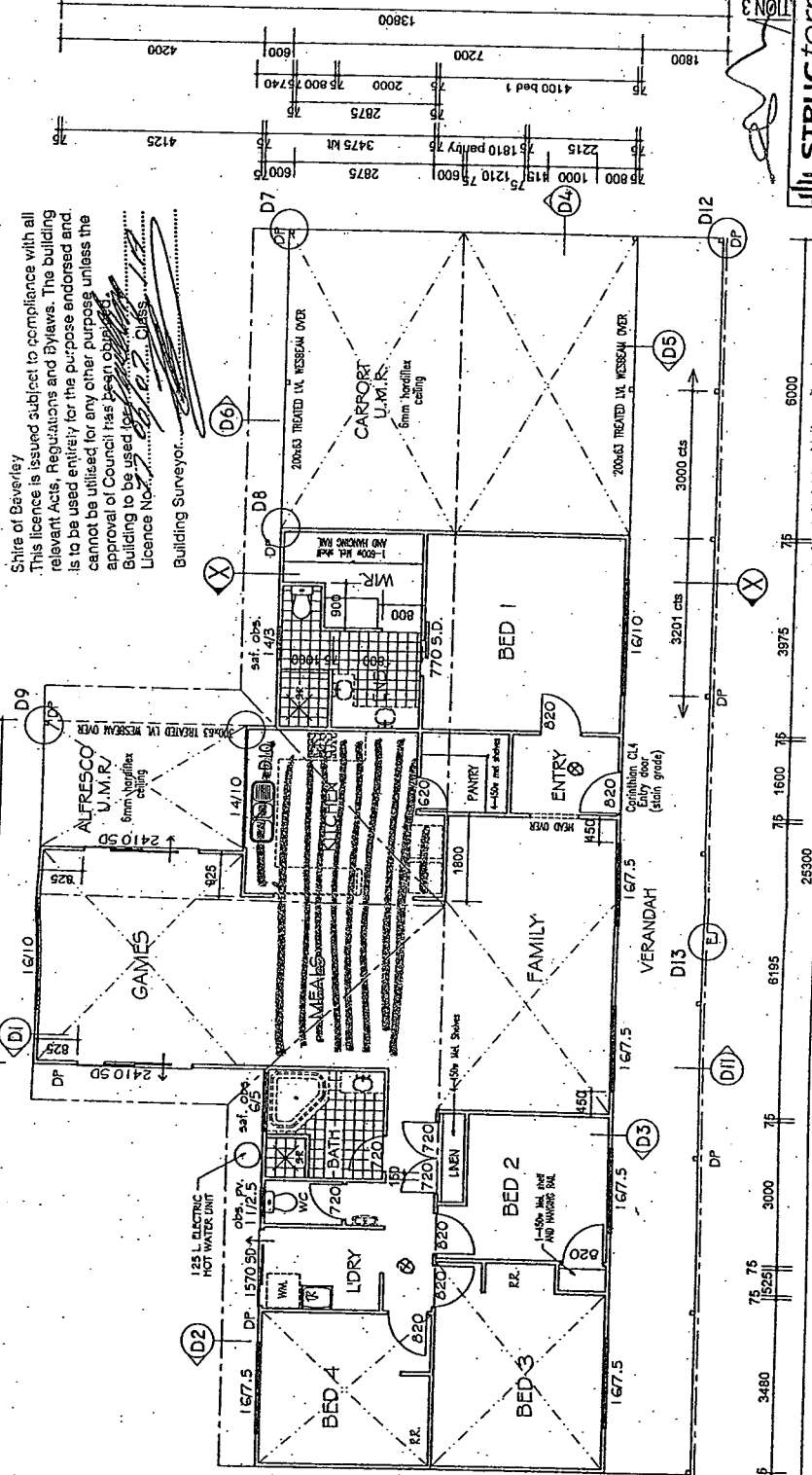
NOTE  
ALL DIMENSIONS  
TO BE CHECKED  
ON SITE !!!

**ELEVATION 4**

**GUTTER EXPANSION JOINT:**  
GUTTER EXPANSION JOINTS TO ALL GUTTER RUNS OVER 20m LONG, marked thus EJ (1)

**INSULATION NOTES:**  
1. 75mm R1.5 FIBREGLASS INSULATION TO EXTERNAL WALLS.  
2. R2.3 FIBREGLASS INSULATION TO HOUSE CEILING\$ ONLY.

Shire of Beverley  
This licence is issued subject to compliance with all relevant Acts, Regulations and Bylaws. The building is to be used entirely for the purpose endorsed and cannot be utilised for any other purpose unless the approval of Council has been obtained.  
Building to be used for RESIDENTIAL Class.  
Licence No. 3320  
Building Surveyor [Signature]

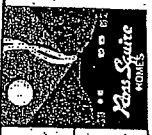


**FLOOR PLAN**  
SCALE 1:100

HOUSE FLOOR AREA	162.81 M2
VERANDAH FLOOR AREA	45.54 M2
ALFRESCO FLOOR AREA	10.71 M2
CARPORT FLOOR AREA	43.20 M2
NOTE - QUANTITIES DO NOT INCLUDE DAPS	

**CEILING BRACE FIXING TO TIMBER TRUSSES**  
CEILING BRACING TO BE 300x8 PREPUNCHED PRYDA STRAP, FASTENED TO TOP OF TRUSS BOTTOM CHORD. ENSURE NOT SAGGING BEFORE FASTENING. FIX TO EACH TRUSS BOTTOM CHORD WITH 2-30X3.15 FLAT HEAD CONNECTOR WALLS AT ENDS BEING OVER TOP PLATE & FIX WITH MIN. 6-10x16 HEX WASHER HEAD NUTS.

**ROSS SQUIRE HOMES**  
35 MELBOURNE WAY  
MIDVALE 3055 WA  
PH : (08) 9250 2434  
FAX: (08) 9250 1981



**Mr Robinson & Mrs Ferris-Robinson**  
Lot 41 SMITH STREET  
BEVERLEY

PROPOSED RESUBMIT FOR:

DATE DRAWN	08-02-07
JOB NUMBER	31365
No. IN SET	2K
CHECKED BY	31365P

DATE	AMENDMENTS	HOUSE TYPE	mod AVON B	PAGE No.	SCALES	AS SHOWN	PROPOSED RESUBMIT FOR:
							Mr Robinson & Mrs Ferris-Robinson
							Lot 41 SMITH STREET
							BEVERLEY

**STRUCUTURE**  
consulting group  
UNIT 3, 10 GIBBERD ROAD, BALCATTA  
TEL: (08) 9345 3566 FAX: (08) 9345 1084

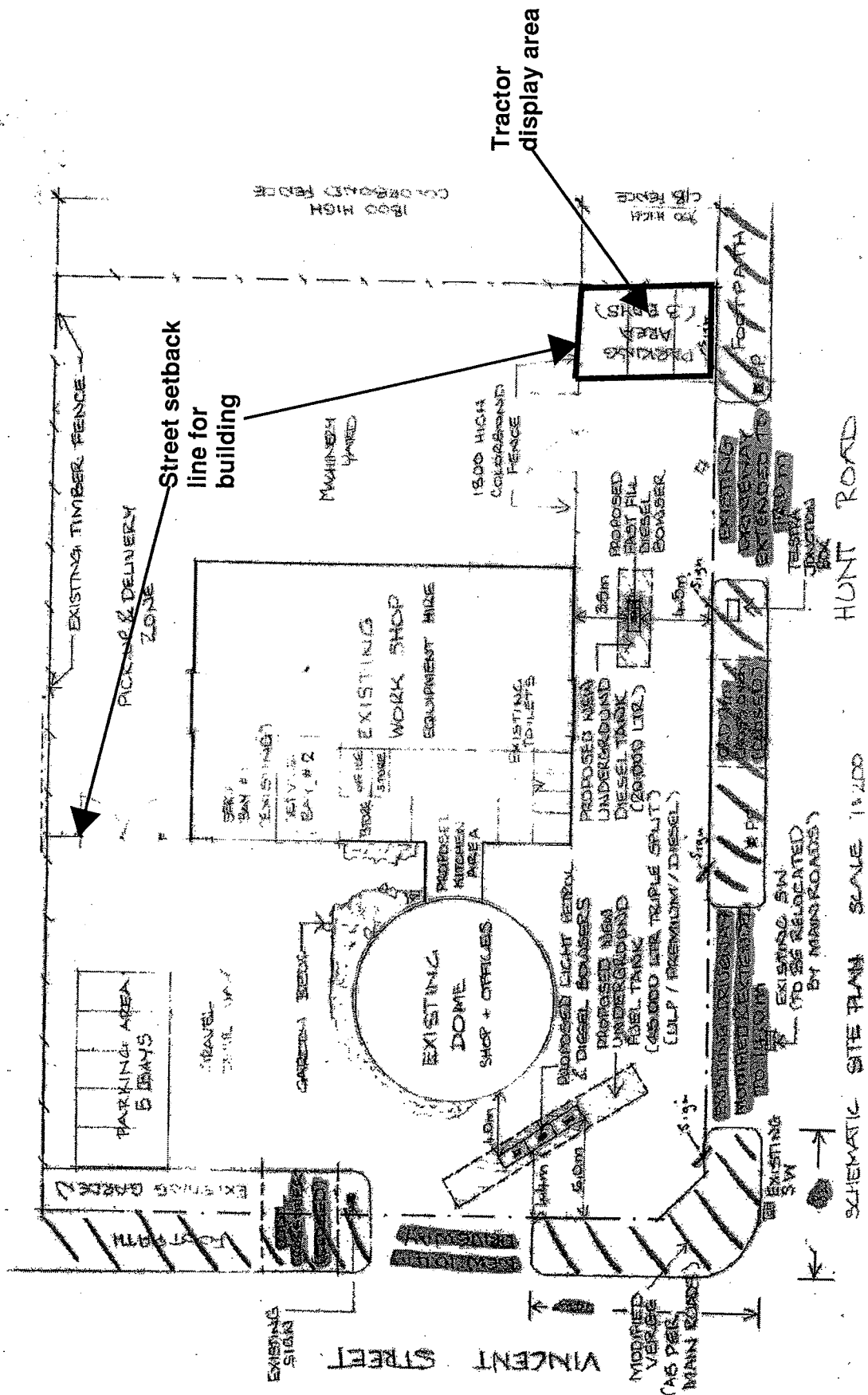
**EARTHQUAKE DESIGN CATEGORY**  
..... TO A.S. 1170.4  
SIGNED BY [Signature]

OWNER  
OWNER  
BUILDER  
WITNESS  
WITNESS  
WITNESS

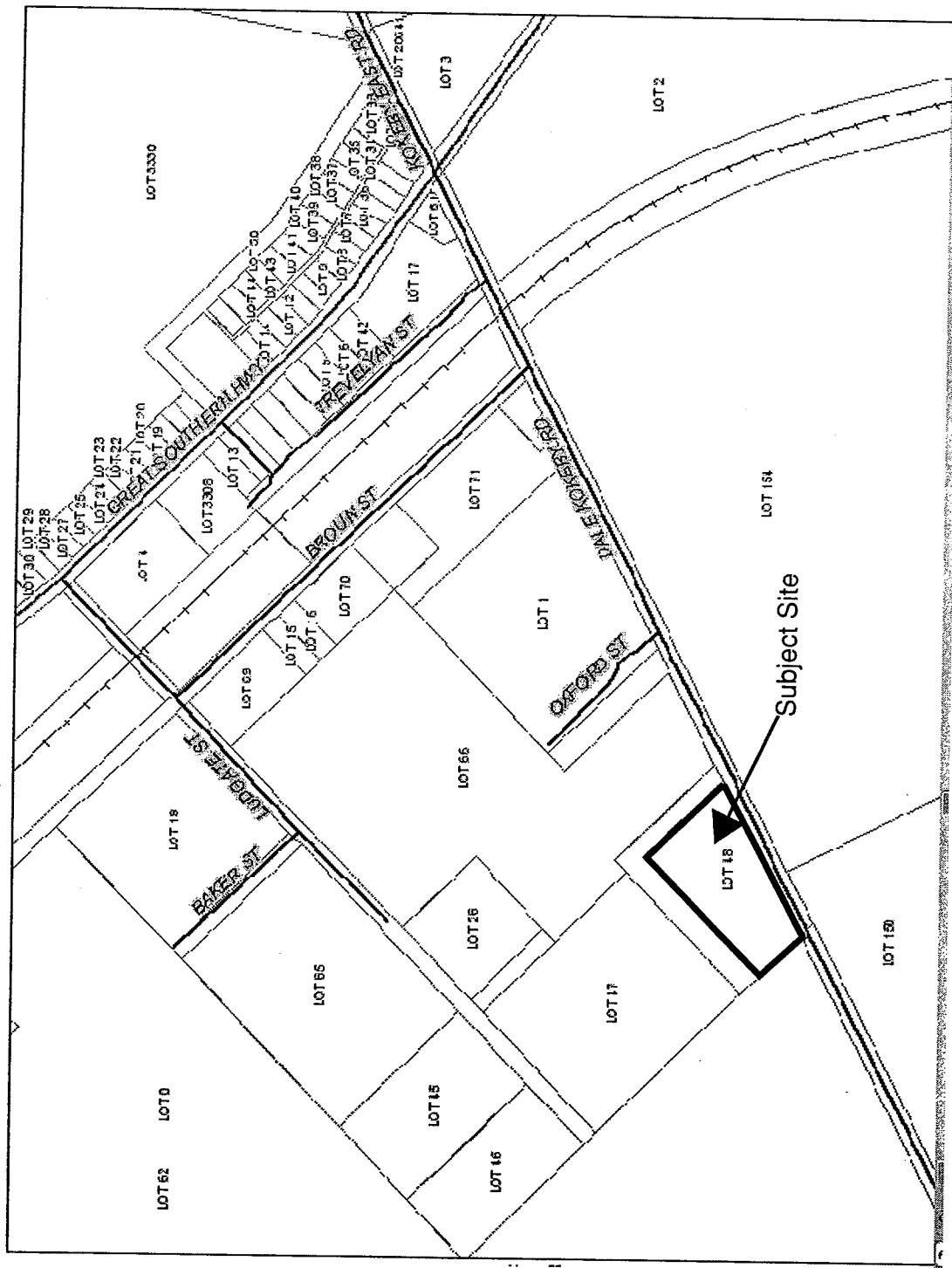


Subject Site

Location Plan 147 & 149 Vincent Street, Beverley



SCHMATIC SITE PLAN SCALE 1:100

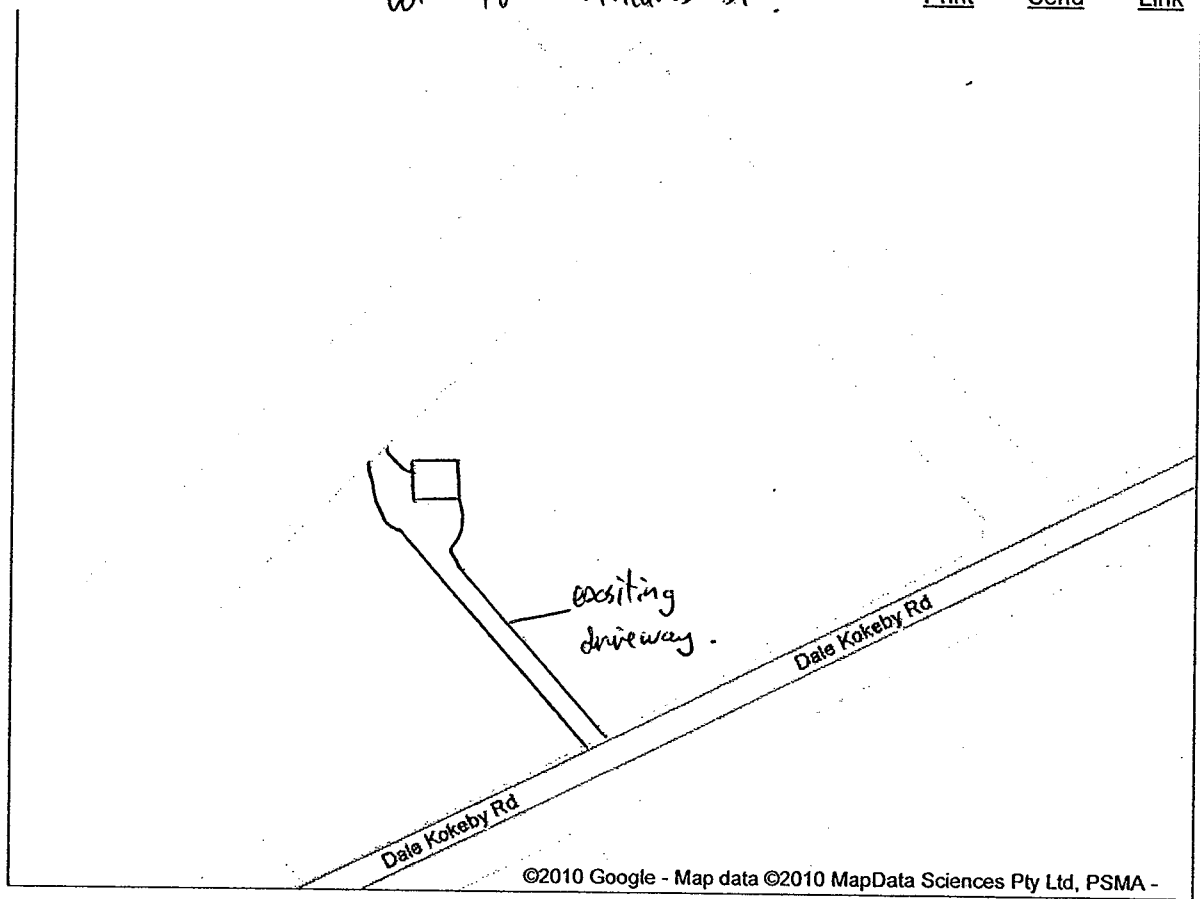


# Location Plan



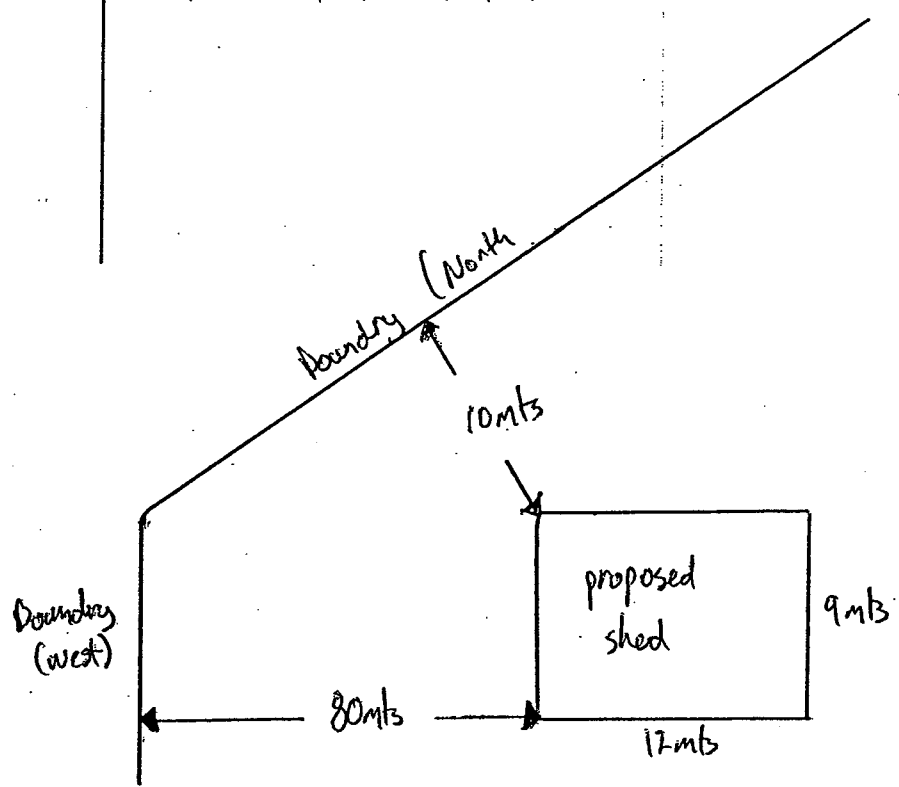
To see all the details that are visible on the screen, use the Print link next to the map.

Get Directions My Maps lot 48 Williams St. Print Send Link



10 20 30 40 50 60 70 80 90 100 mts

SHIRE OF BEVERLEY  
- 1 OCT 2010  
FILE REF: .....

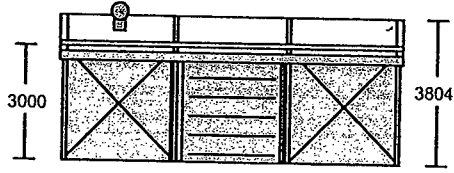


APPROVED BY

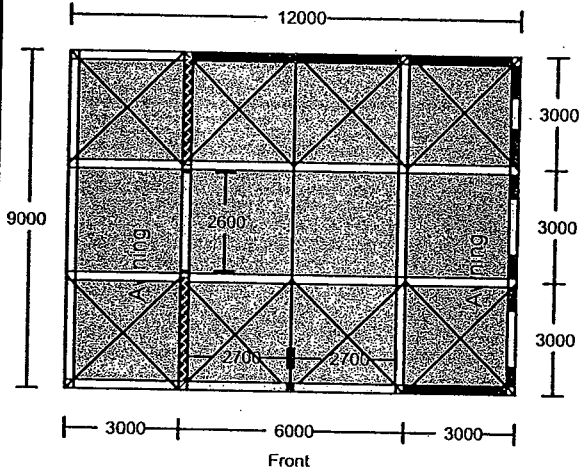
**NICOLAS B ROULANT**  
B.ENG (CIVIL), MIE AUST 157390

RPEQ 6888 (QLD); 11619ES (NT); CC4590B (TAS); EC25307 (VIC)

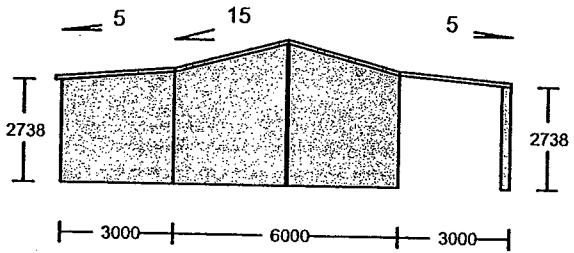
Left View



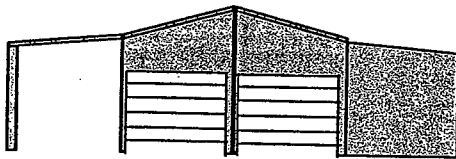
Plan View



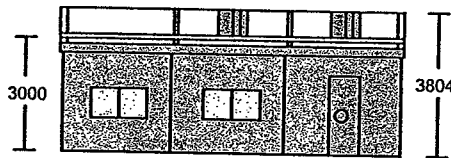
Rear View



Front View



Right View



TG & DT Edwards T/as THE Shed Company York

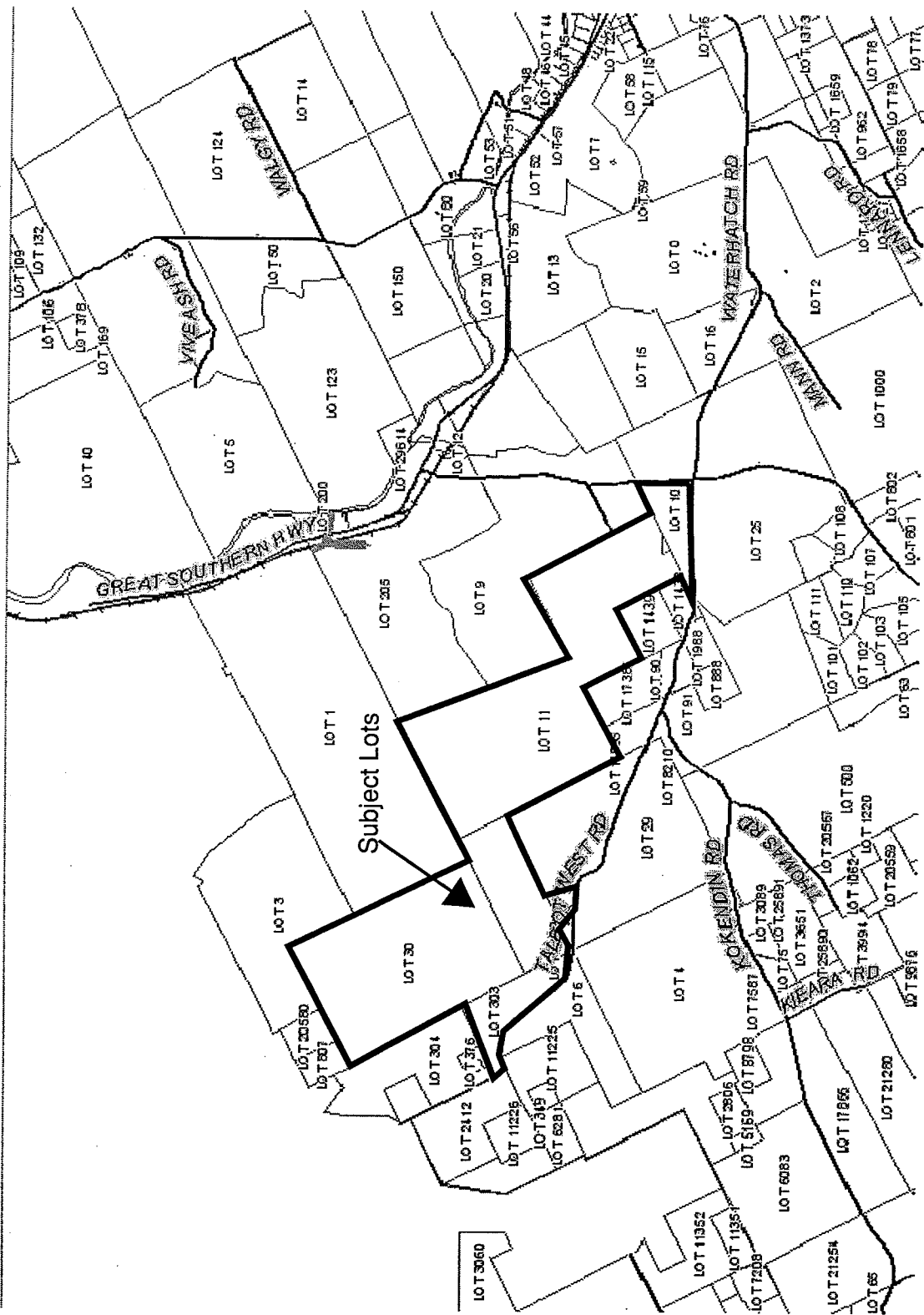


Unit 1/18 Forrest St  
York WA  
Phone: (08) 9641 2526  
Fax: (08) 9641 2553

Client - LAMONT Tony  
Site Address - Lot 48 Williams Street  
Kokeby WA 6304  
Quote Number - LAM-RS318

Date - 21/09/2010  
By - Rob Reed  
Wind Region - A  
Wind Speed - 39 m/s

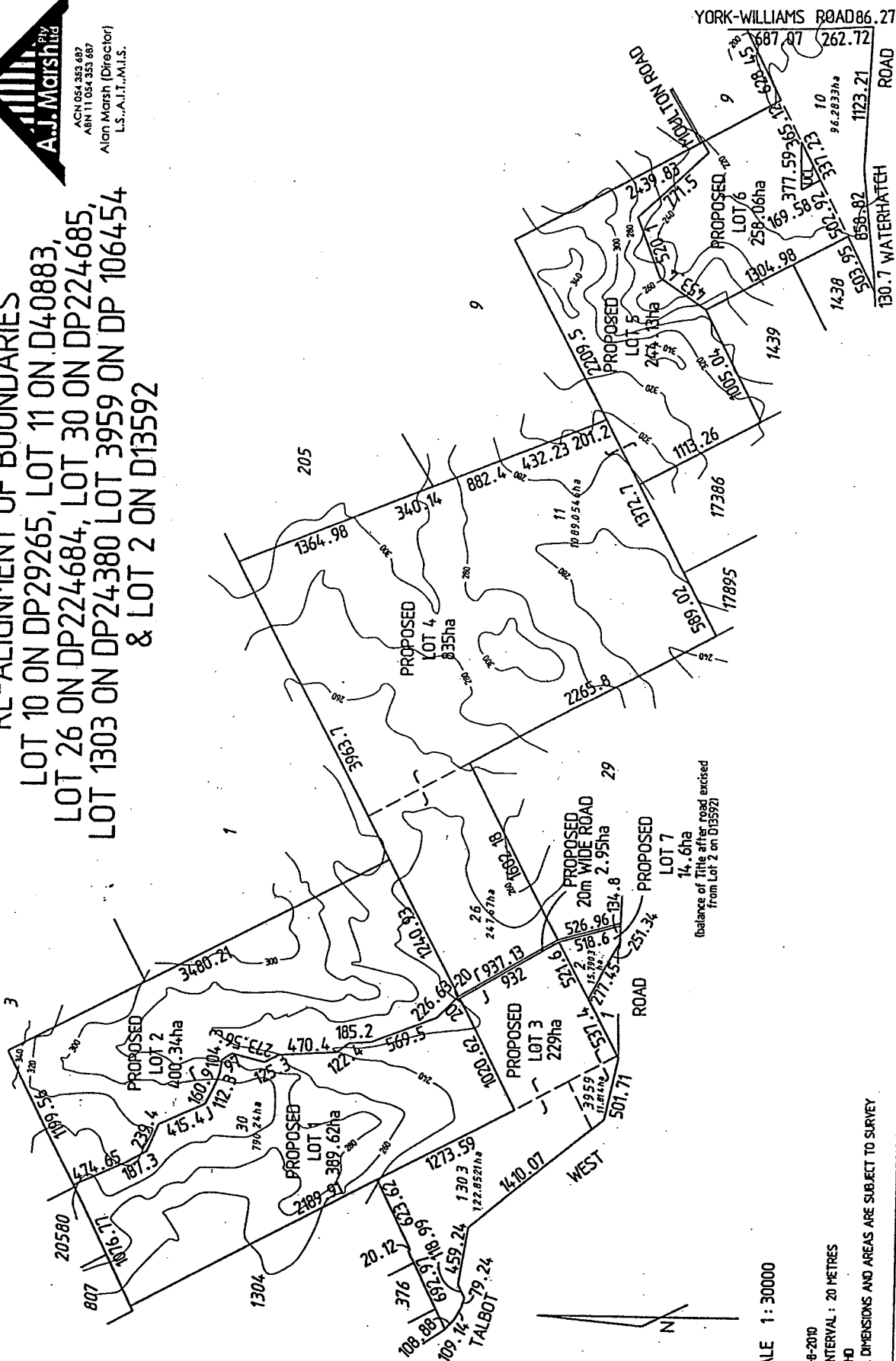
Sheet No - 1/1



# Location Plan



**RE-ALIGNMENT OF BOUNDARIES**  
**LOT 10 ON DP29265, LOT 11 ON D40883,**  
**LOT 26 ON DP224684, LOT 30 ON DP224685,**  
**LOT 1303 ON DP24380 LOT 3959 ON DP 106454**  
**& LOT 2 ON D13592**

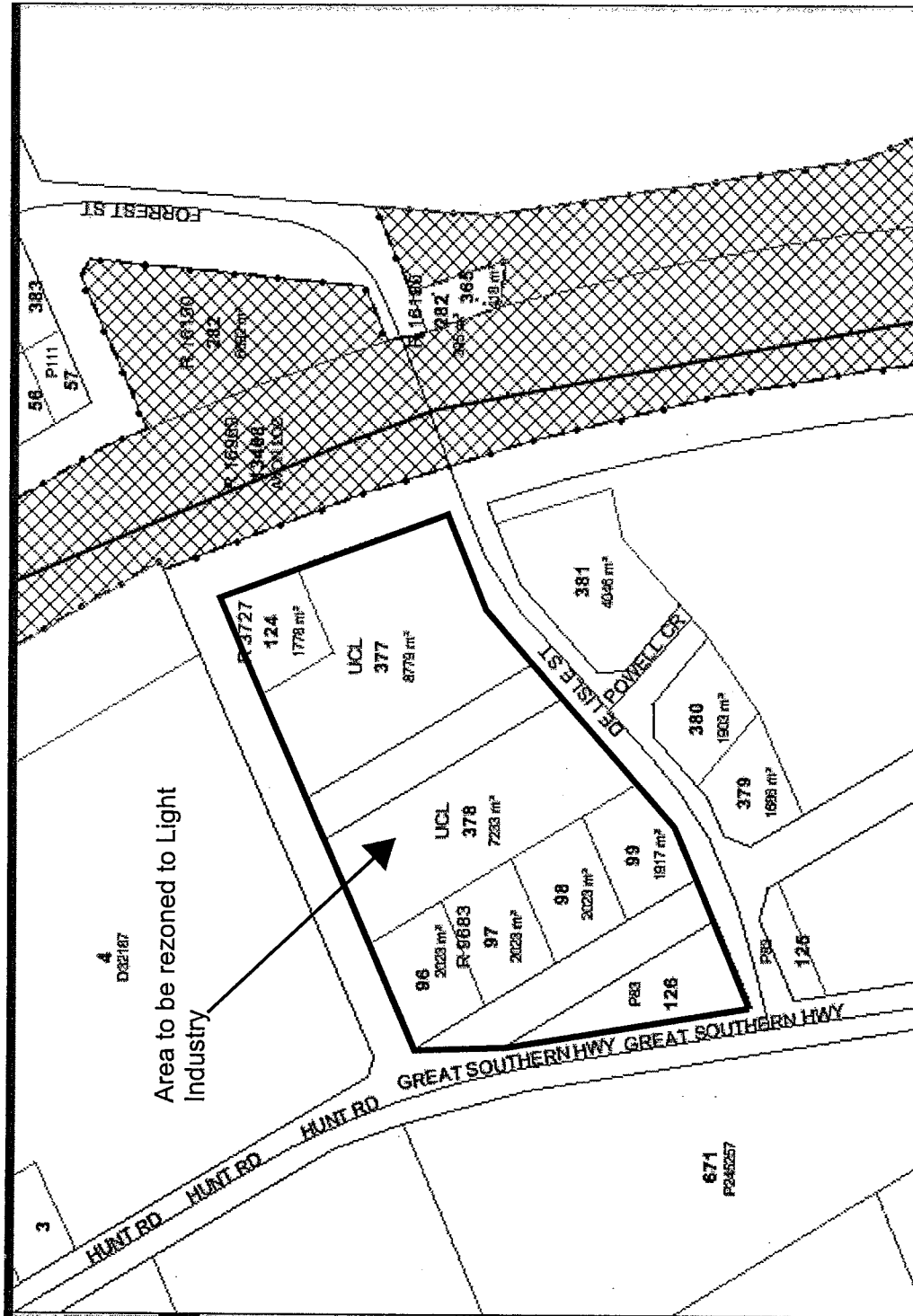


(Balance of Title after road excised  
from Lot 2 on D13592)

**SCALE 1:30000**  
**DATE: 24-8-2010**  
**CONTOUR INTERVAL: 20 METRES**  
**DATUM: AHD**  
**NOTE: ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY**

25 Wheatley Street GOSNELLS WA 6110 Post Office Box 355 GOSNELLS WA 6990  
 Mobile: 0438 582 441 A.Marsh (Residential) 9398 7881 Email: aj.marsh@westnet.com.au

da-wa ref 1008043



Shire of Beverley Amendment 18 to Town Planning Scheme No. 2 -  
 Location Plan

To The Shire of Beverley,

## PROPOSAL IN PRINCIPAL

Regarding a zoning/ land use within your shire I would like to put this proposal forward for acceptance or rejection in principal. If it is rejected then we will look else where but will appreciate your time in considering the proposal and any comments you may have regarding this so as we can refine our plan.

The plan is as follows:

- 1) A working farm
- 2) An aquaculture venture.
- 3) An (small) aged care facility
- 4) Three chalets for short term family holidays for those with a family member who needs care ( care provided) so they can holiday with family member and still see them and know they are being well looked after.
- 5) Training facility for youth at risk of being incarcerated. This would be a live in dry facility with d/a testing. The areas of training, we hope to be included would be( Some would be compulsory, but the certificates would be optional ) :
  - a) Aquaculture-cert. 111, 1V, and diploma,
  - b) Horticulture cert. 111,
  - c) O h & s cert 111
  - d) Aged care cert. 111
  - e) Hospitality Cert 111
  - f) Driving car and light rigid
  - g) Basic mechanics
  - h) Animal handling,
  - i) Animal health and welfare
  - j) Basic first aid
  - k) Basic maths and english
  - l) Self care, self esteem and general life skills and self control
  - m) Aboriginal culture
  - n) Horse riding
  - o) Forklift
  - p) If the shire wanted to come on board then also other machinery/plant/equipment/ admin could be included.

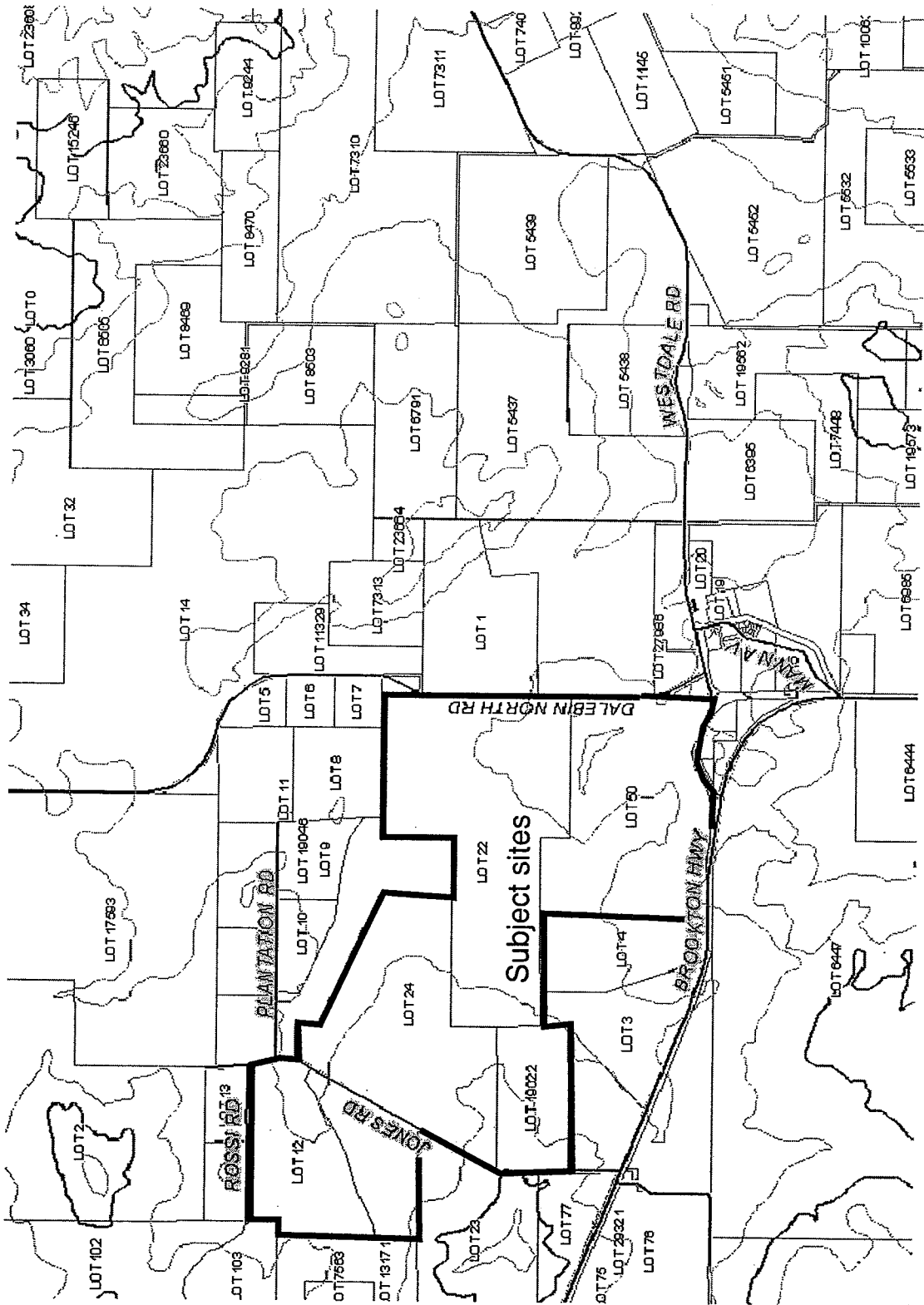
To provide these services and products there would need to be an increase in the usual buildings on a working farm. Some of these uses may not have been on a farm previously.

We would like to implement as many environmentally friendly aspects as we could. This would include providing a lot of our own power through solar energy. A sewer recycling plant for the aged care facility would also be incorporated into our plan. Also if possible we would prefer to use alternative building materials.

The idea would be to keep the aged care places for locals particularly people who want space, peace and quiet as well as socializing and of course care. We would like this to be based on the "Eden Principle"

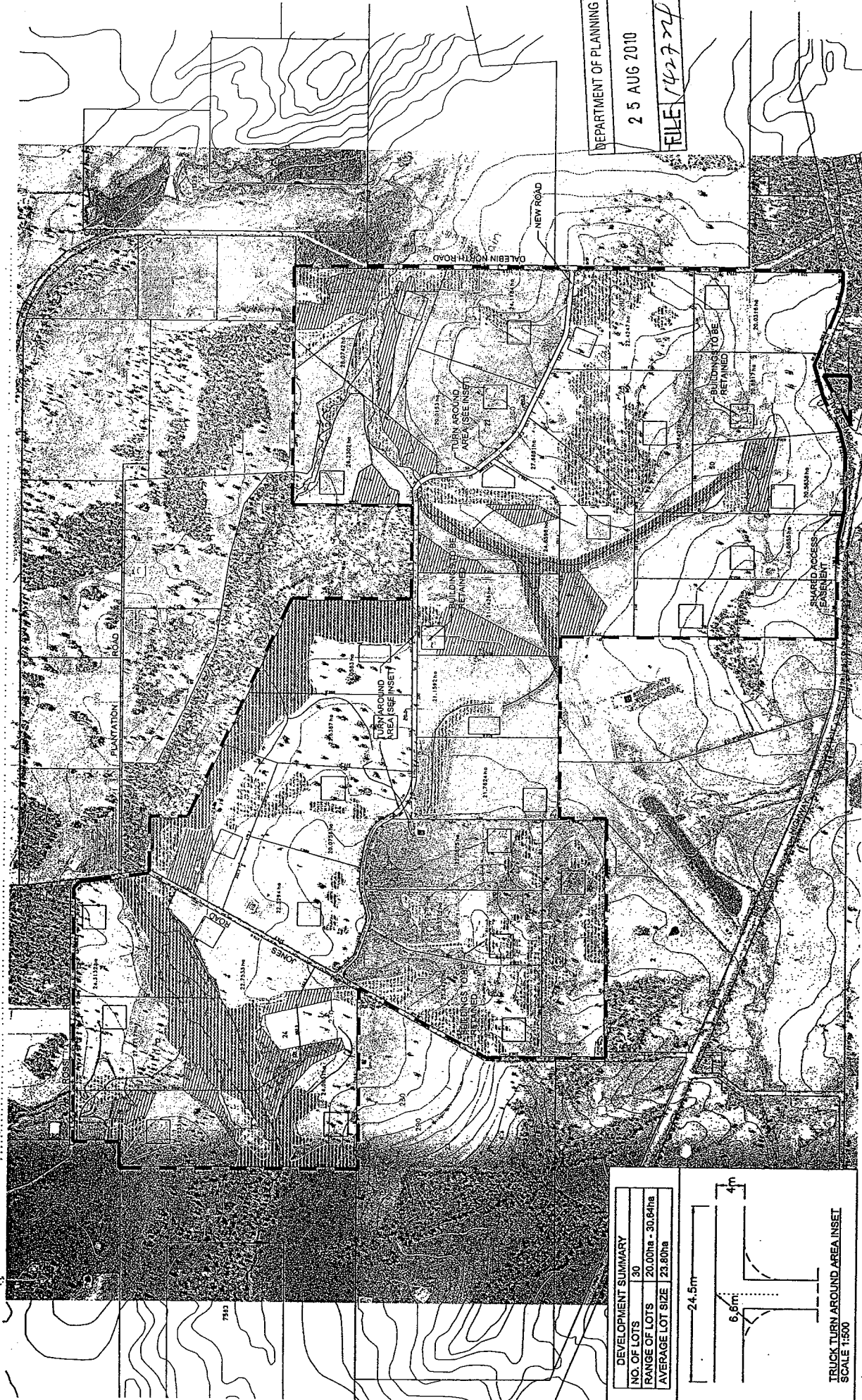
The size of the aged care facility we envisage would only be small however as I am sure the shire has done some research on this so maybe we could collaborate on that.

Yours truly,  
Kelsey Bell



# Location Plan





DEPARTMENT OF PLANNING  
25 AUG 2010  
FILE 142727

GREG GROWE & ASSOCIATES  
PLANNING & DEVELOPMENT

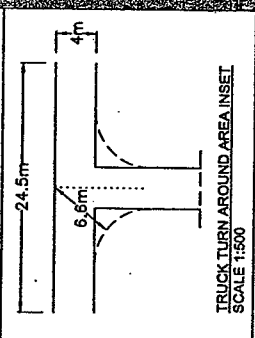
revision concept plan  
lots 12, 24, 28 & 1022 Jones road and  
lots 50 Wendle road, Wendle  
road / south west of  
lot 1022 Jones road  
plans of 1022 Jones road

date: 20 August 2010  
author: A Lehman  
project no: P110000  
sheet: 04/022

scale: 1:15000 @ A3  
date: 04/022

web: www.growe.com

DEVELOPMENT SUMMARY	
NO. OF LOTS	30
RANGE OF LOTS	20.00ha - 30.64ha
AVERAGE LOT SIZE	23.80ha



TRUCK TURN AROUND AREA INSET  
SCALE 1:500

- Legend
- SUBJECT SITE
  - WATER COURSES
  - DMWS
  - VEGETATION (COVENANT)
  - HYPOTHETICAL BUILDING ENVELOPES
  - CONTOURS
  - EXISTING LOT BOUNDARIES
- ZONES:
- M/S V BRUSHWOOD (47.08ha)
  - P, D & V REVEGETATION (170.69ha)
  - M/S V SANDALWOOD (466.29ha)
- 2/3 EXISTING LOT NUMBERS
- Note: Elevation of zones see report Planlist and  
Schedule of Zones

Our Ref: 6357

5 October 2010

Chief Executive Officer  
Shire of Beverley  
PO Box 20,  
Beverley WA 6304

Attention: Mr Peter Wright

Dear Sir

**Additional Information**

Subdivision Lots 12, 22, 24, 19022 Jones Road and Lot 50 Westdale Road Westdale

Thank you for the opportunity to provide additional information in relation to the above mentioned subdivision.

As you are aware the Application was not supported by Council at the Ordinary Council Meeting of 28 September 2010 and advice to that affect was to be provided to the Western Australian Planning Commission (Commission). Ten reasons for not supporting the application were cited these are listed and discussed below.

I understand a similar proposal at Lot 23562 Maitland Road, Kokeby was recommended for approval by the Shire at the Ordinary Council Meeting of 28 September 2010. It is noted that the agricultural viability, fire management, residential land use and amenity issues are similar, if not the same to the subject proposal.

The Application has failed to demonstrate the land will continue to be used for viable agricultural production

It is noted that Clause 3.6.2 of the Shire's Town Planning Scheme No.2 (TPS2) that:

- (i) *The Council will in any policy area recommend subdivision and support development when any of the following circumstances apply.*

One of these circumstances listed under Clause 3.6.2, is part (d). Clause 3.6.2 (d) is as follows:

*It is proposed to create lots for intensive or other agricultural purposes and it can be demonstrated that the proposal will not adversely affect the use of the land for agricultural purposes in the area. A detailed study of the suitability and capability of the site for the proposed use will be required including information on the following matters:*

- *The availability and provision of a suitable water supply to the land*

6357\_10oct04L\_al.doc

-1-

Level 3, 325 Newcastle Street  
Northbridge, Western Australia 6003  
tel +618 9221 1988  
fax +618 9221 1910  
email [greg@greg-rowe.com](mailto:greg@greg-rowe.com)

regional offices

perth / south west  
tel +618 9582 8288 email [mandurah@greg-rowe.com](mailto:mandurah@greg-rowe.com)  
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pilbara  
tel +618 9173 4333 email [portland@greg-rowe.com](mailto:portland@greg-rowe.com)

[www.greg-rowe.com](http://www.greg-rowe.com)

Greg Rowe Pty Ltd ABN 49 093 326 515

TOWN PLANNING MASTER PLANNING URBAN DESIGN PROJECT MANAGEMENT

perth

- Provision of constructed road access and services
- Land management measures
- Environmental considerations
- Drainage catchment considerations
- Bush fire management
- Economic feasibility of the project
- Stocking levels relating to new lots created.

All of the above-mentioned criteria have been addressed in the Application for subdivision with the exception of stocking levels, as stocking of the Lots is not proposed.

In addition to the above it is intended that all the landowners in the subdivision will work cooperatively and participate in the tree cropping enterprise. Our Client has intended that this be secured by agreement and caveat on title. It also proposed that a professional plantation manager be employed to be responsible for plant propagation, plantation management, marketing and securing markets and buyers for plantation products.

Advice from Hardy Bowen Lawyers on the proposed structure for an agreement and caveat is attached for your review. As you will note this agreement is proposed to secure the tree cropping to the proposed Lots. The Hardy Bowen Lawyers advice concludes that the agreement can 'secure' the tree cropping use to the land.

The agreement detailed above is over and beyond the requirements of TPS2. There is no requirement in TPS2 for an Applicant to secure the use of the land through such an agreement. Notwithstanding this, our Client will to enter into such an agreement to ensure that the land is utilised for agricultural purposes in a sustainable and appropriate manner.

Individual lots are not agriculturally viable

The Planfarm report prepared to support the Application concludes in relation to economic sustainability that:

*The options of developing a sandalwood plantation under management should development a gross margin of above \$20,000, per Lot (and possibly above). These returns are well in excess of broadacre returns, and where the Sandalwood productions systems are an option, along with the required management and expertise to achieve sound results, we can expect this type of use to become more prevalent within the region.*

The Planfarm Economic Sustainability Report as detailed above clearly indicates that the agricultural viability of the landholding will not be lost. As Council may be aware broadacre farming is becoming decreasingly unviable for the landowner, and for other landowners within the region.

The Planfarm Economic Sustainability Report clearly articulates that the proposed lots will be agricultural viable. The report comments on page '8' under the heading of, *will the proposal result in rural land being lost as a resource:*

*If the property remains farmed under a commercial arrangement (e.g. lease) for broadacre agriculture, the land will still be contributing at a similar level to current. It is likely that the property if allocated to sandalwood*

production under the proposed management regime will result in a substantial improvement over broadacre returns.

It was noted in Correing Pty Ltd and the Western Australian Planning Commission (2007) WASAT 288 at paragraph '108' that a minimum lot size of 20 ha for the establishment of commercial sandalwood plantation on farmland in the Wheatbelt Region is appropriate. All lots proposed by the subdivision are equal to or greater than 20 ha.

**Intensification of green titled residential development is inappropriate in the Farming Zone.**

It is noted that the primary purpose of the Application is to 'unlock' the capital potential of the landholding to facilitate the tree cropping enterprise. It is anticipated that not all landowners will chose to construct a residential dwelling on the subject site, rather use the landholding as an 'investment property'. It is not intended to create a rural-residential lifestyle subdivision. Market research undertaken by the Elders Real Estate Pty Ltd for the project anticipates an approximate 50% 'take up' of the Lots for owner occupiers wishing to participate in the tree cropping. The remaining 50% will be investors.

In accordance with TPS2 a 'Single House' is an 'AA' use in the farming zone. This means it is at Council's discretion to approve the development of a residential dwelling on any of the lots created as part of the subdivision. Given, this Council can restrict residential development of the proposed Lots.

It is noted that the size of the proposed lots, 20 ha plus, is not suitable for residential lifestyle purposes. Rural-residential lifestyle lots are generally up to 4 ha in area, and above this size are unattractive to lifestyle purchasers. Lots of 20ha plus are not attractive to persons seeking a rural-residential lifestyle due to the level of ongoing property management associated with such a large property.

The proposed lot sizes are below the recommended minimum lot size of 40 hectares

Clause 3.6.2 of TPS2 provides that in Policy Area BE4, to which the subject sites are contained, that subdivision to a minimum lot size of 20 hectares may be recommended by Council if it can be demonstrated that the proposed will not adversely affect the use of land for agricultural purpose in the area.

As described previously the proposed Lots will be retain an agricultural use, being tree cropping. This use will not affect the use of other land for agricultural purposes in the area.

**Approval of the application will set an undesirable precedent**

I note in Correing Pty Ltd and the Western Australian Planning Commission (2007) WASAT 288 that many of the issues raised by Council such as economic viability, adverse affect on the use of land for agricultural purposes, creation of lifestyle lots, consistency with TPS2 and undesirable precedent were considered by the State Administrative Tribunal (SAT).

In relation to undesirable precedence it has been determined on many occasions that precedent is not a stand alone reason for refusal of a particular application. Precedent is not considered an issue for the application currently under consideration as the type of subdivision proposed is specifically provided for in TPS2. The application only contemplates subdivision in accordance with TPS2 requirements and as such no precedence will be set.

The proposed lots sizes are non consistent with the prevailing green titled lot size for the area

There are numerous examples of lots in the immediate vicinity of the subject site that are below the current 20 ha minimum, with Lots down to 12ha in area.

The predominant type of land tenure for lots below the minimum lot size is strata title. The minimum lot size provisions in TPS2 do not distinguish between tenure i.e. strata titled or green titled. On this basis it is considered that the proposed lots sizes are appropriate and larger than existing lots in the immediate locality used for farming purposes.

Approval of the application will create a substantial number of small unserviced lots

McDowell Affleck Consulting Engineers have provided advice that all lots can be serviced with reticulated power and telecommunications services.

As there is no reticulated sewer available within the location all lots will utilise on site effluent disposal and potable water will be provided by rainwater tank with the potential for bore use to supplement water supply. The service arrangements are typical and accepted in a rural environment and are consistent with the Western Australian Planning Commission DC3.4 Subdivision of Rural Land.

The proposal will result in the intensification of residential development within a highly flammable proposed land use

In respect to the above it is noted that a Fire Management Plan (FMP) for the proposal has been prepared in accordance with Planning for Bushfire Protection. The FMP confirms that if implemented the risk of fire threat to persons and property within the subdivision is significantly reduced, i.e. within acceptable levels.

It is anticipated that as a condition of approval, the normal practice of the Commission, that the FMP will be required to be approved by the Shire and the Fire and Emergency Services Authority.

#### Conclusion

It is considered that the type of subdivision proposed is expressly permitted in accordance with Clause 3.6.2 of TPS2.

It is understood that concerns have been raised regarding the on-going use of the land for tree cropping (agricultural purpose), and a suitable mechanism to ensure the use of the land for agricultural purposes needs to be put in place in Council's view.

It is noted that TPS2 does not require a mechanism to be put in place to secure the land for agricultural purposes but notwithstanding this our Client wishes to do so to secure the land for agricultural purposes and to ensure the proper management of the lots. Our Client also intends to retain the existing farmstead on a separate lot and participate in the tree cropping proposal. As such it is in our Client's best interest to ensure the proper management of the tree cropping proposal.

I understand a similar proposal at Lot 23562 Maitland Road, Kokeby was recommended for approval by the Shire. It is noted that the agricultural viability, fire management, residential land use and amenity

issues are similar, if not the same to the subject proposal. I am of the view that consideration of the matters raised in both applications should be treated in a consistent and equitable manner.

Should you require any further information or clarification in relation to this matter, please contact Aaron Lohman on 9221 1991.

Yours faithfully

GREG ROWE AND ASSOCIATES



AARON LOHMAN  
Perth Office

TOWN PLANNING MASTER PLANNING URBAN DESIGN PROJECT MANAGEMENT

HARDY ♦ BOWEN  
LAWYERS

Our Ref: MJH:ICR:100211  
Email: irogers@hardybowen.com  
Your Ref:

6 October 2010

Mr Kim Clifton  
C/o Greg Rowe & Associates  
Level 3  
369 Newcastle Street  
NORTHBRIDGE WA 6003

Dear Mr Clifton

**Proposed subdivision: Lots 12, 22, 24 and 19022 Jones Road and Lot 50 Westdale Road, Westdale**

We refer to our discussions and your recent instructions.

It is proposed to subdivide the above lots currently largely used for broad acre farming. The land has the agricultural capacity to be developed and used for commercial tree cropping. The proposal contemplates the creation of 30 lots, ranging in size from 20 hectares to 27 hectares in area, which is consistent with the provisions of clause 3.6.2 of the Shire's *Town Planning Scheme No 2*.

We understand that an application for subdivision has been made. The Shire has considered the application and is unsupportive of it as a mechanism to regulate and maintain the utilisation of the land for the production of commercial sandalwood and brushwood tree cropping was not adequately articulated.

The indicative design for the subdivision notes:

- (a) the identification of vegetation protection zones, by way of existing memorials on title;
- (b) the identification of building envelopes;
- (c) the identification of areas to be utilised for the production of commercial sandalwood and brushwood tree cropping.

The WAPC's Development Control Policy 3.4 "*Subdivision of Rural Land*" is an important consideration. This Policy has, as its key objectives, the protection of agricultural land, the planning for rural settlement, the minimisation of land use conflict and the management of natural resources.

Level 1, 28 Ord Street, West Perth WA 6005  
PO Box 1364, West Perth WA 6872  
Tel: +61 8 9211 3600 Fax: +61 8 9211 3690

335813\_2

HARDY ♦ BOWEN  
LAWYERS

Mr Kim Clifton  
C/o Greg Rowe & Associates

6 October 2010

---

In practical terms, this most usually relates to a concern that subdivision of land utilised for viable agricultural production may cause that land to be lost to agricultural production. Most commonly, disputes associated with the interpretation and application of the Policy are concerned with the current viability of land and whether it can be put to any economic agricultural use either in its own capacity or as an addition to some other agricultural enterprise.

The argument most often finds form in circumstances where broad acre farms are proposed to be subdivided for special rural or rural residential lots. Frequently, hobby farming or cottage farming is proposed for these lots and the sustainability of economic agricultural production from lots of that nature is questionable.

To forestall such a debate in these circumstances, it is proposed that there be an integrated management system which will ensure:

- (a) the identification of arable land on each lot;
- (b) the application of co-ordinated crop management and landcare techniques;
- (c) the preservation of the greatest prospective capacity of the whole of the land for agricultural production by way of commercial sandalwood tree cropping.

As a consequence, the individual owners of the lots proposed to be created will be required to comply with the integrated arrangements contemplated, so that there can be no suggestion that one or more of the new lots will fall out of production and the land lost to rural agricultural use and production, which conflicts with the Policy.

Subject to the approval of the WAPC, it is possible to procure a 'green title' subdivision of the land with contractual obligations accepted by each purchaser and the Shirer, the ongoing efficacy of which is secured by a charge over an owner's lot in favour of the other owners and the Shire. The essence of this proposal is the assumption of a series of binding obligations by prospective lot owners to ensure the maintenance of an integrated agricultural operation on the lots and that those obligations (assumed by present proprietors) survive the subsequent transfer or sale of a lot. In the ordinary course, the principles of privity of contract would prevent personal covenants being enforced against successors in title to the original covenantor.

To address this, a charge is created over the land of a covenantor in favour of other covenantees (the balance of the owners of lots comprising the proposed subdivision) and the Shire to comply with the various undertakings (to give effect to the integrated agricultural operation on the lots) assumed at the point of sale and purchase.

To create a charge in favour of the covenantees over the land enables the covenantees and the Shire to register a caveat protecting their respective interest and compelling each lot owner to develop in accordance with management criteria and ensure that the integrity of the farming operation intended for the whole of the land the subject of the subdivision is observed.

Such a mechanism creates an arrangement which binds the prospective lot owners to farm the land in a manner which provides a comprehensive certain and integrated approach to farm management. Whilst this arrangement is not an express requirement under the Shire's Scheme, it is useful in addressing the economic feasibility of the proposal, which is one of the matters in respect of which information is required to be provided by an applicant under clause 3.6.2(i)(d) of the Scheme.



HARDY ♦ BOWEN  
LAWYERS

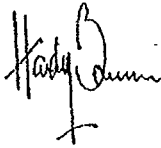
Mr Kim Clifton  
C/o Greg Rowe & Associates

6 October 2010

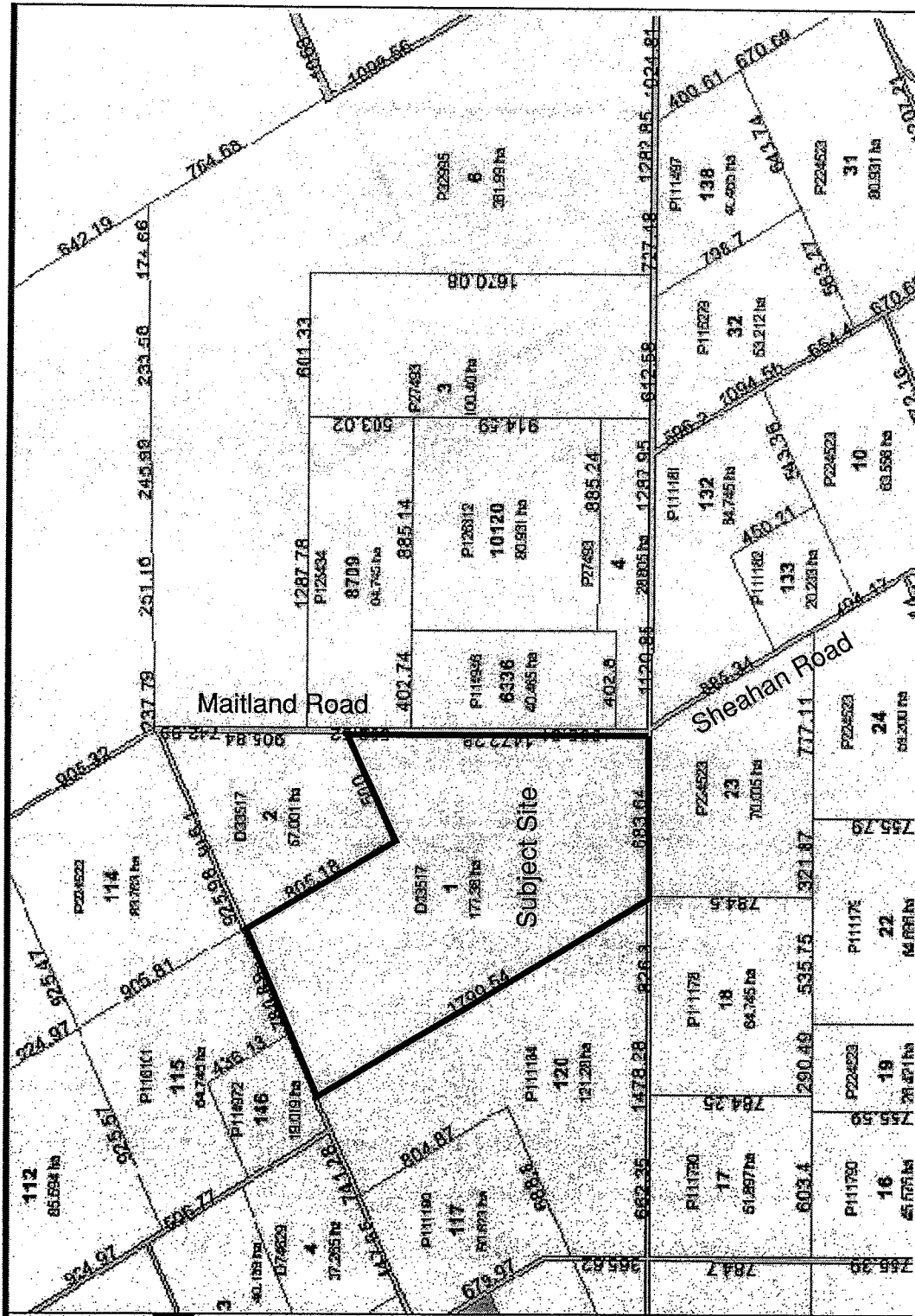
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We would be happy to discuss this advice with you if required. Please contact Ian Rogers.

Yours faithfully

A handwritten signature in cursive script, appearing to read "Hardy Bowen".

Hardy Bowen



# Location Plan



Aerial Photo

**Lot 1 on Diagram 33517**

**Being Lot 119 & Lot 118**

**405 Sheahan Road**

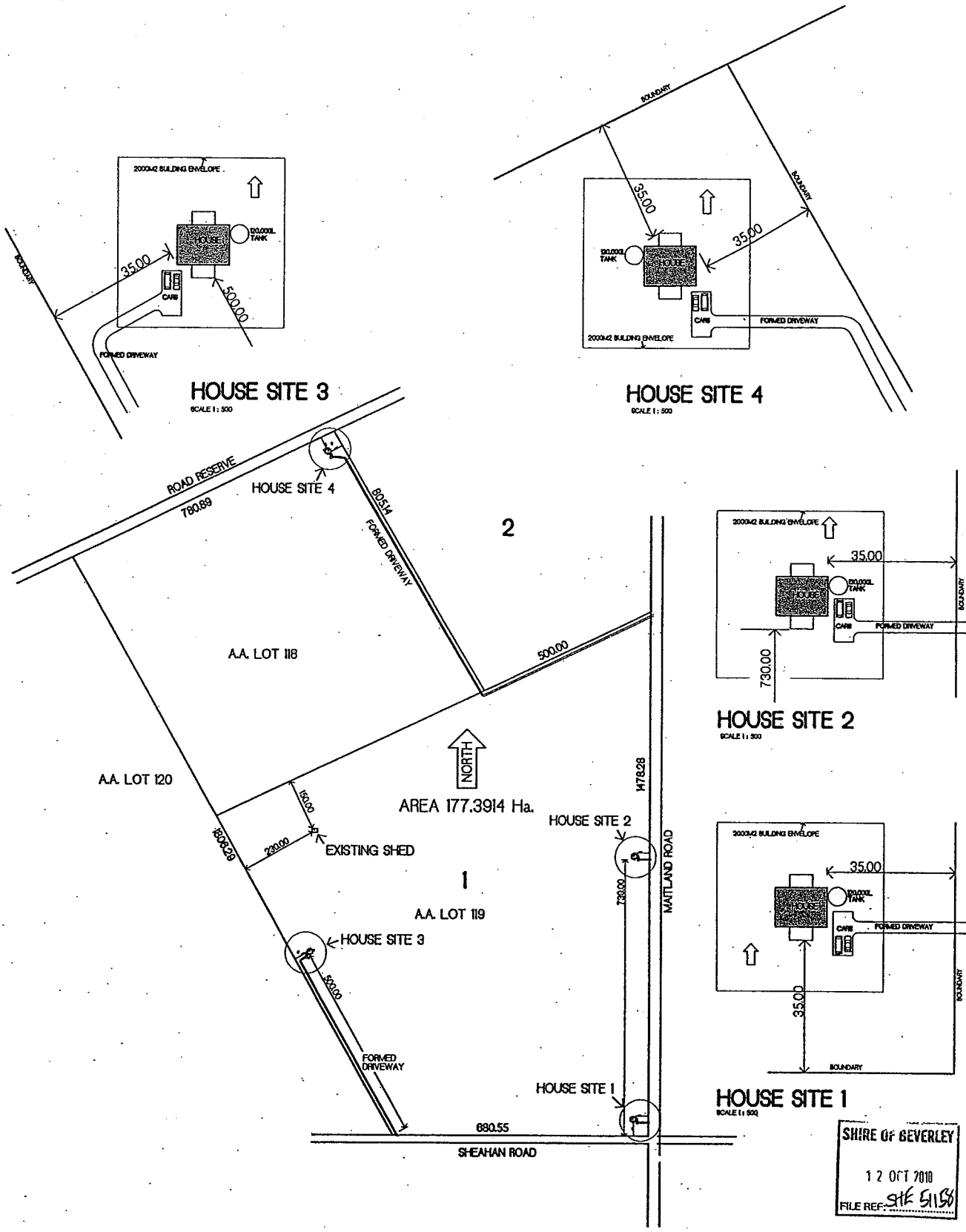
**DALE**

**Shire of Beverley**

**Note:** 80 ha of cleared land to be planted with Ziziphus Jujube (Chinese Red Date) Trees with row spacings of 5m x 5 m and are irrigated.

**Fire Management:** As this is a horticultural enterprise, management of flammable material will be controlled by fuel reduction practices normally associated with horticultural crops.

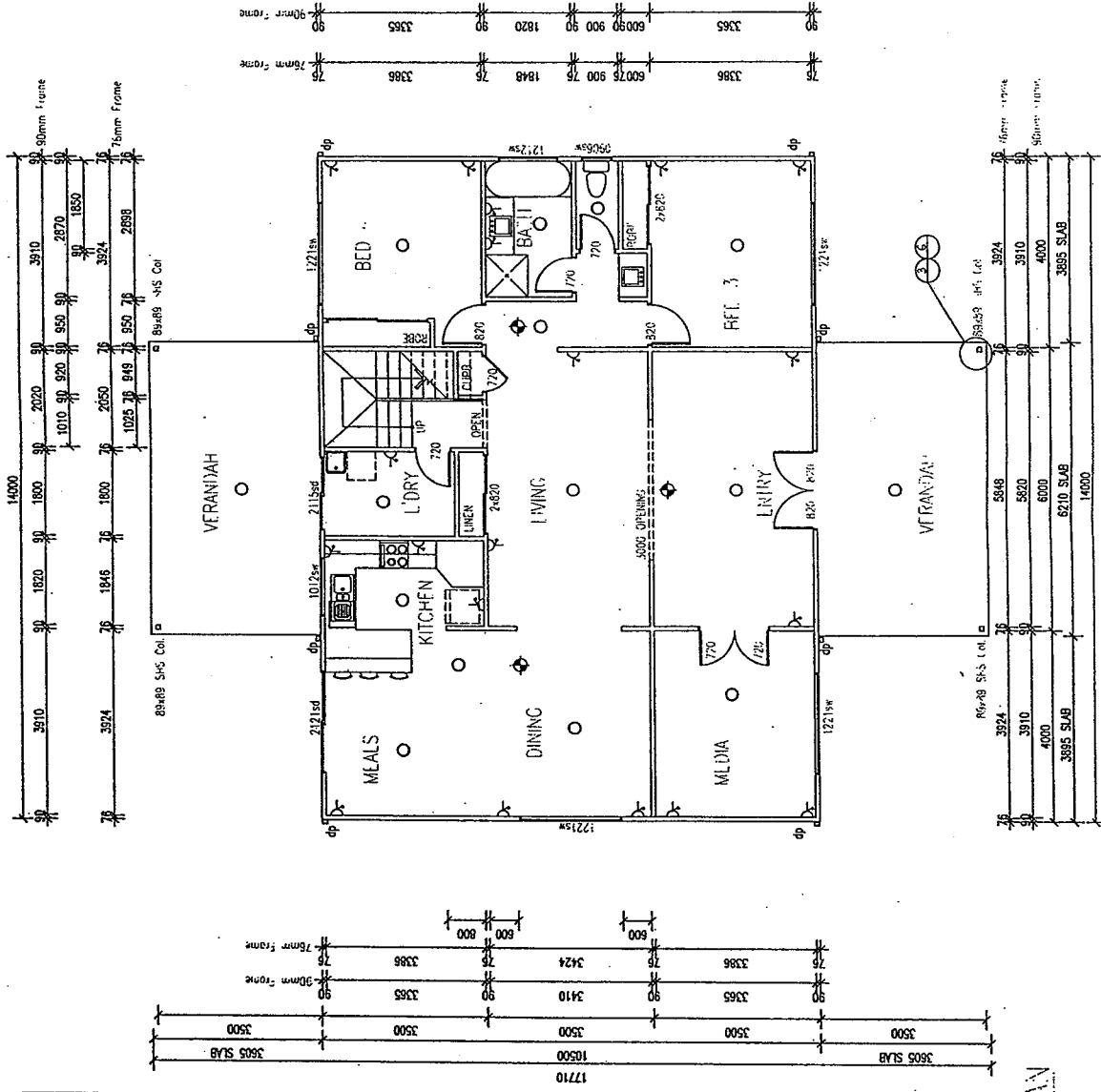
**Housing:** Four buildings will be required to accommodate worker requirements.



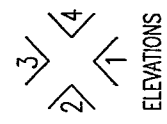
SHIRE OF BEVERLEY  
 12 OCT 2010  
 FILE REF: *SHK 51150*

**SITE PLAN 405 SHEAHAN ROAD DALE**  
 BEING LOT 119 & LOT 118 ON DIAGRAM 33517 SCALE 1: 10,000 & 1: 500

Ch-2 Floor Areas	
Lower Floor Living	147.0 sq.m
Lower Verandahs	42.0 sq.m
Mezz. Floor Living	63.0 sq.m
Balconys	42.0 sq.m
Total	294.0 sq.m
Squares	31.6
Slab	191.8 sq.m

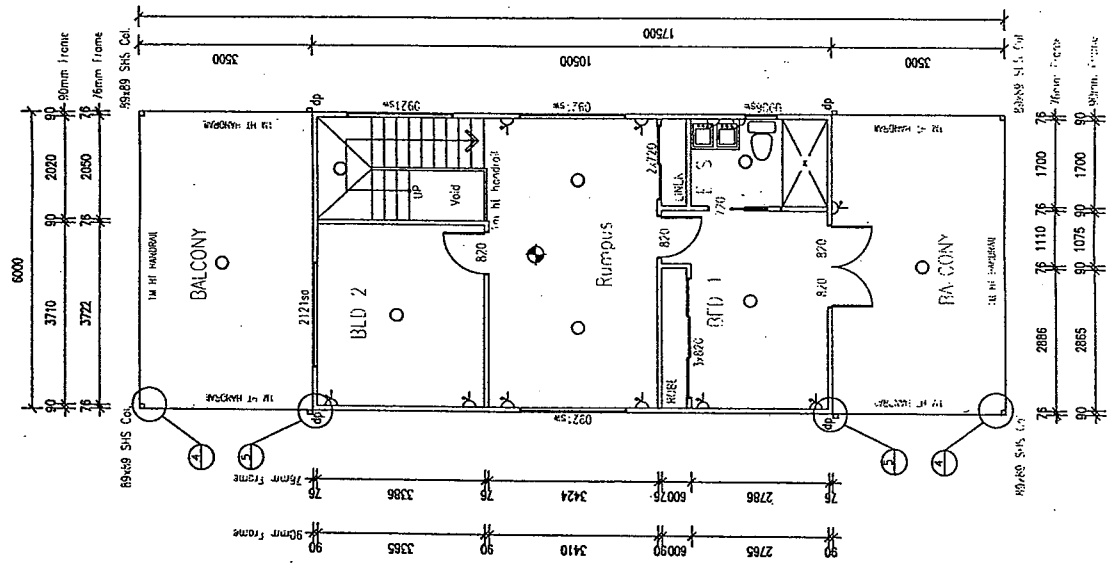


ELECTRICAL LEGEND	
○	LIGHT
⊕	POWER POINT (DOUBLE)
⊕	SMOKE ALARM



LOWER FLOOR PLAN  
1/20 A.F. 11-00 (A3)

C11-2 Floor Areas			
Lower Floor Living	147.0	sq.m	
Lower Verandaha	42.0	sq.m	
Maza, Floor Living	63.0	sq.m	
Balconys	42.0	sq.m	
Total	294.0	sq.m	
Squares	31.6	Squares	
Slab	191.6	sq.m	

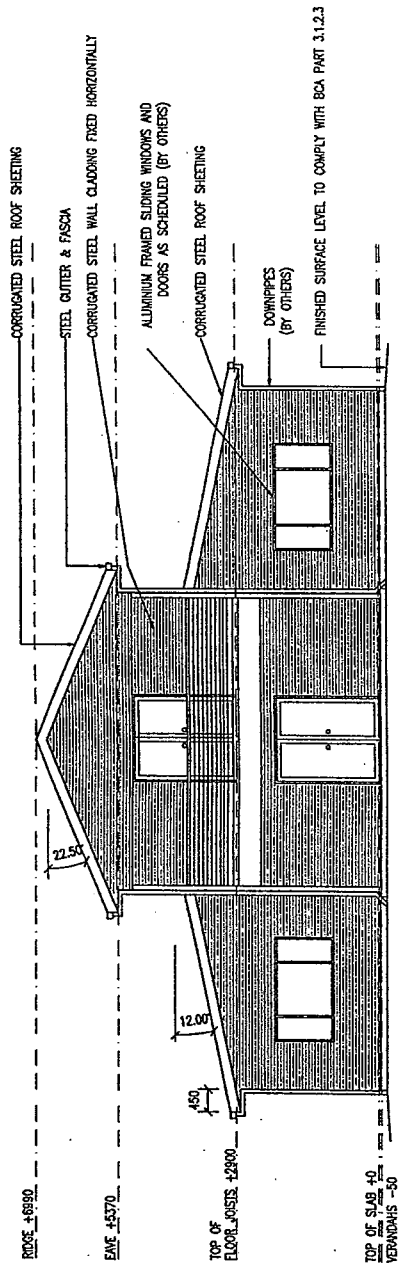


ELECTRICAL LEGEND	
	LIGHT
	POWER POINT (DOUBLE)
	SMOKE ALARM

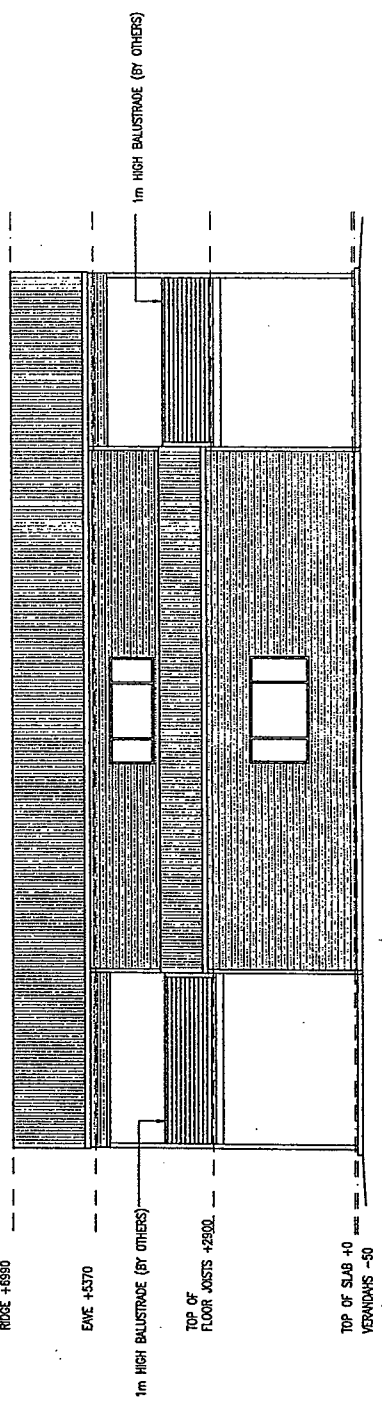


ELEVATIONS

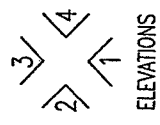
MILZANI FLOOR PLAN  
SCALE: 1:100 (A2)



ELEVATION 1  
SCALE 1:100 (A3)

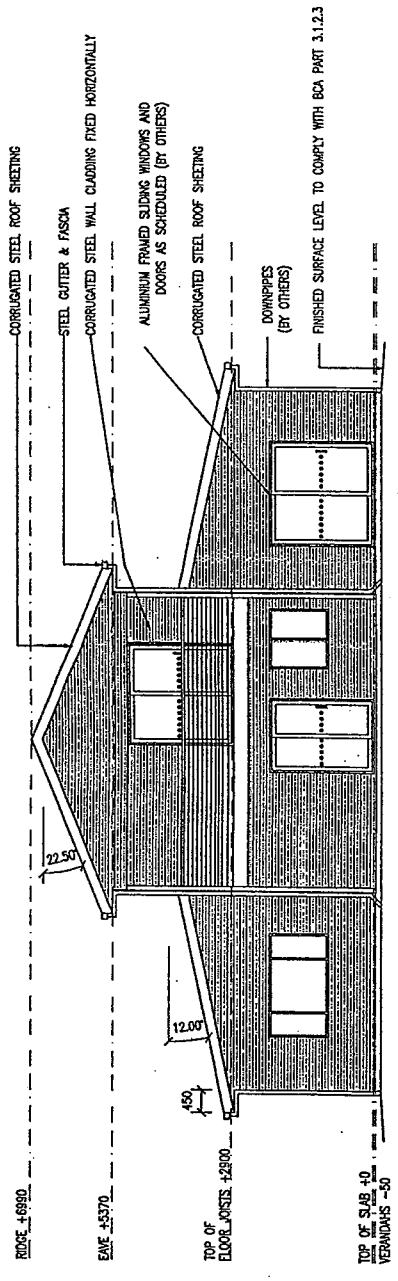


ELEVATION 2  
SCALE 1:100 (A3)

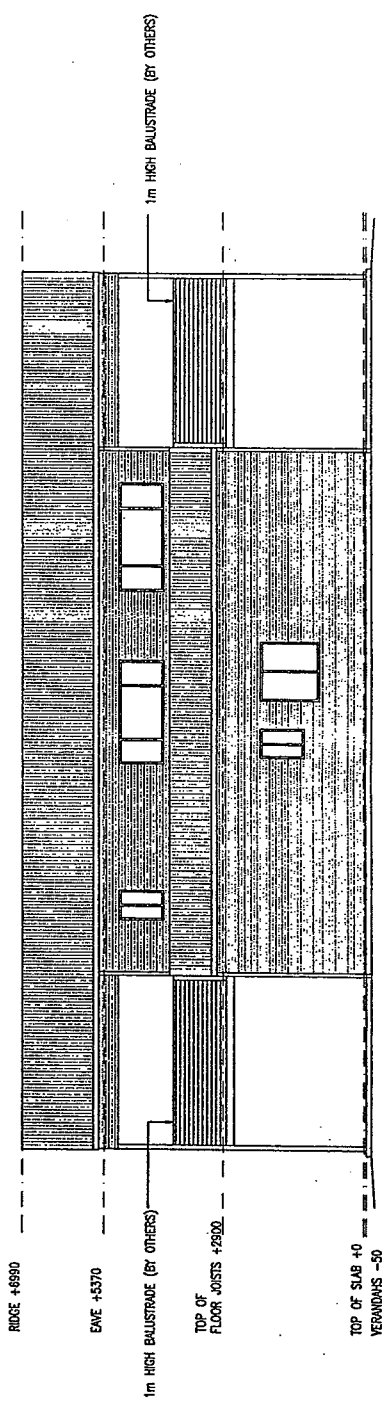


ELEVATIONS

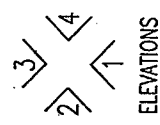




**ELEVATION 3**  
SCALE 1:100 (A3)



**ELEVATION 4**  
SCALE 1:100 (A3)



**ELEVATIONS**

# **MOU Recycled Water Supply - Shire of Beverley**

**Water Corporation**

and

**Shire of Beverley**

## This memorandum of understanding

is made on \_\_\_\_\_ between the following parties:

1. **Water Corporation**, a statutory body corporate established under the Water Corporation Act 1995, of 629 Newcastle Street, Leederville, Western Australia  
(Corporation)
2. The local government authority whose name and address are set out in Schedule 1  
(Recipient)

### Recitals

- A. The Corporation has agreed to provide Recycled Water to certain local government authorities free of charge for the overall benefit of the communities that they serve and to the environment by reducing the amount of phosphates and nitrates introduced in that environment.
- B. The Corporation's and the Recipient's further objectives include:
  - (a) the reduction in cost to the Recipient and the community that it serves by reducing the use of water from the Corporation's Scheme;
  - (b) a reduction in the use of fertilizers by the Recipient and the community that it serves; and
  - (c) the better use and conservation of Western Australia's water resources.
- C. The Corporation has agreed to provide Recycled Water to the Recipient for use in the performance of its local government functions.
- D. This Memorandum defines the roles and responsibilities of the Corporation and the Recipient with respect to the efficient and effective supply of Recycled Water.

### This deed witnesses

that in consideration of, among other things, the mutual promises contained in this deed, the Parties agree:

## 1 Definitions

In this Memorandum, unless the contrary intention appears:

**Area** means the area marked on the Plan, being an area under the Recipient's control;

**Authorisations** include:

- a) any consent, registration, filing, agreement, notarisation, certificate, licence, approval, permit, authority or exemption from, by or with a Governmental Agency;

- b) the Operating Licence; and
- c) any consent or authorisation regarded as given by a Governmental Agency due to the expiration of the period specified by a statute within which the Governmental Agency should have acted if it wished to proscribe or limit anything already lodged, registered or notified under that statute;

**Commencement Date** means the date on which the last party to sign this Memorandum signs;

**Customer Charter** means the charter from time to time in force under the Operating Licence;

**Delivery Point** means the delivery point described in Schedule 1 and as marked on the Plan;

**Entitlement** means the volume entitlement of Recycled Water (in kL) to be provided to the Recipient by the Corporation as stated in Schedule 1 which volume will be reviewed at the times specified in Schedule 1;

**Governmental Agency** means any government or any governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, government Minister, agency or entity;

**Infrastructure** means the infrastructure to be implemented with respect to the supply of Recycled Water in accordance this Memorandum as set out in Schedule 1;

**kL** means kilolitre or kilolitres as the case requires;

**Memorandum** means this memorandum of understanding as executed by the parties;

**Operating Licence** means the operating licence granted to the Corporation under the *Water Services Licensing Act 1995*;

**Plan** means the sketch plan contained in Annexure A;

**Purpose** means the specified use of Recycled Water as set out in Schedule 1;

**Quality Standards** means the standards set out in Schedule 2;

**Raw Wastewater** means wastewater collected by the Corporation and treated at the Wastewater Treatment Plant;

**Special Conditions** means the special conditions set out in Schedule 1;

**Term** means the term of this Memorandum as is set out in Schedule 1, as varied by the Corporation from time to time;

**Recycled Water** means the recycled water to be supplied by the Corporation to the Recipient in accordance with the terms of this Memorandum;

**Wastewater Treatment Plant** means the Wastewater Treatment Plant described in Schedule 1 and located at the site marked on the Plan; and

water includes a reference to Recycled Water.

---

## 2 Supply of Recycled Water

- a) Subject to clause 9, the Corporation must provide to the Recipient the Recycled Water up to its Entitlement at the Delivery Point free of charge and on the provisions of this Memorandum, including the Special Conditions.
- b) Subject to clause 8, the Recipient will take at the Delivery Point Recycled Water up to its Entitlement on the provisions of this Memorandum, including the Special Conditions.
- c) Once the Corporation has delivered the Recycled Water to the Delivery Point the Recipient is deemed to have received the Recycled Water.

---

## 3 Infrastructure

The parties:

- a) acknowledge that new or modified Infrastructure may be required to supply the Recycled Water in accordance with this Memorandum; and
- b) must promptly comply with their obligations as to the Infrastructure as set out in Schedule 1.

---

## 4 Special Conditions

The parties must comply with the Special Conditions. If in the reasonable opinion of the Corporation there is any inconsistency between the Memorandum and any of the Special Conditions, then the Special Conditions will prevail to the extent of the inconsistency.

---

## 5 Corporation's Responsibilities

- a) The Corporation will collect Raw Wastewater in the Area and deliver it to the Wastewater Treatment Plant.
- b) The Corporation will treat all of the Raw Wastewater at the Wastewater Treatment Plant to ensure that it meets the Quality Standards.
- c) The Corporation will deliver the Recycled Water up to the Entitlement, to the Delivery Point.
- d) Once the Corporation has delivered the Recycled Water to the Delivery Point it has no further obligations with respect to that Recycled Water.

---

## 6 Authorisations

- a) The parties agree that the supply of Recycled Water under this Memorandum is subject to each of them holding, and continuing to hold, all of the relevant Authorisations.
- b) The parties will, at their own cost, provide one another with reasonable assistance to obtain and continue to hold all of the relevant Authorisations.

- c) If either party fails to hold any of the relevant Authorisations, the Corporation may, acting reasonably, suspend the supply of Recycled Water to the Recipient.
- d) The Corporation may determine, acting reasonably, to resume the supply of Recycled Water.
- e) Every year of the Term between the calendar months of October and December, each party will formally advise the other party that it holds all the relevant Authorisations and is complying with all conditions of those Authorisations.

## 7 Backflow prevention

The Recipient must from time to time:

- a) take all measures as the Corporation requires and approves, in that manner as the Corporation requires, to prevent backflow of water from the Recipient's services into the Corporation's reticulation distribution system; and
- b) at the Corporation's request, install, at the Recipient's cost, backflow prevention devices, pressure-sustaining valves, air breakers and other devices as the Corporation requires and approves.

## 8 Alternative uses of Recycled Water

If the Recipient can not take its full Entitlement the parties agree that they will work together to identify alternative uses for the Recycled Water.

## 9 Acknowledgments

The Recipient acknowledges and agrees that:

- a) the supply of Recycled Water by the Corporation will not be uniform or continuous;
- b) the Recipient will only use the Recycled Water for the Purpose and will not supply or sell the Recycled Water to a third party without the Corporation's written consent;
- c) during the Term there may be times when the Corporation is unable to supply the full Entitlement for any reason whatsoever. During those times the Corporation is not required to supply, and the Recipient is not required to take the full Entitlement but only so much of the Entitlement that the Corporation is able to provide;
- d) the Corporation's obligations with respect to the Recycled Water end when the Corporation delivers it to the Delivery Point and the Corporation is not responsible for the Recycled Water in any way beyond that time;
- e) Except in the case of negligence by the Corporation or any of its officers or employees, the Corporation will not be liable for any failure whatsoever to, or for any loss or damage of any kind suffered or incurred by the Recipient due, directly or indirectly, to:

- (1) supply of any Recycled Water to the Recipient in any quantity or not; or
  - (2) a failure to provide a continuous and uniform supply of Recycled Water to the Recipient, or to supply the Recipient with the Entitlement.
- e) any water supplied will be non-potable and it must not be used for drinking water and the Recipient must not permit or allow the water to be used for human or animal consumption; and
  - f) the Recipient must take the Recycled Water in the condition and of the quality as it is delivered to it.

## 10 Indemnity

The Recipient must indemnify and keep indemnified the Corporation and each of the Corporation's officers, employees, agents or contractors against any loss or damage paid, suffered or incurred by them, or any of them, or claim made against them, or any of them, by any person, of any nature whatsoever and howsoever, arising out of, related to or connected with this Memorandum or any supply of, or failure to supply water by the Corporation, except to the extent that any such loss, damage or claim may be partially or wholly attributable to any negligence on the part of the Corporation, or its officers, employees, agents or contractors that is established.

## 11 Insurance

The Recipient must effect and maintain throughout the Term, the following insurance, with insurers approved by the Corporation, on terms and conditions acceptable to the Corporation:

- a) Public Liability Insurance covering all claims and liabilities howsoever caused:
  - (i) in respect of:
    - (1) any injury or illness to or death of any person;
    - (2) any physical loss, damage or destruction to any property (including that of the Corporation); and/or
    - (3) the loss of use of tangible property whether it has been physically lost, destroyed or damaged or not; and
  - (ii) whether arising out of or connected with any act, matter or thing whatsoever, including, but not limited to, any sudden and accidental (or either) pollution.

## 12 Termination

- a) In addition to any other rights, powers or remedies provided by law, either party may terminate this Memorandum at any time, subject to giving the other party at least 12 months notice in writing.
- b) In addition to any other rights, powers or remedies provided by law, the Corporation may by notice in writing served on the Recipient, terminate this

Memorandum at any time with immediate effect if in the Corporation's opinion, acting reasonably, use of the Recycled Water by the Recipient or any other party, represents a threat to public health or is causing environmental damage.

- c) The Corporation will cease supplying Recycled Water to the Recipient upon that date which is the earlier of the date of termination of any Authorisation required by the parties under clause 6, the expiry of the Term, or a date determined by the Corporation under subclause (a) or (b).
- d) If this Memorandum is terminated, the Corporation will be under no obligation to supply and the Recipient will have no right or entitlement to receive any Recycled Water.
- e) The expiry or termination of this Memorandum will not affect any rights of the parties against one another in respect of any act, omission, matter, or thing occurring, or under this Memorandum prior to that expiry or termination.

---

### **13 Re-negotiation of Memorandum**

If this Memorandum is terminated as a result of the expiry of the Term, the parties may re-negotiate the terms for the continued supply of Recycled Water to the Recipient. The terms of this Memorandum do not in any way limit the substance of re-negotiation between the parties.

---

### **14 Exclusion of warranties**

So far as permitted by law, except for:

- a) the express terms and warranties set out in this Memorandum; and
- b) those implied terms or warranties that are imposed by law that are mandatory and cannot be excluded,

the Corporation gives no warranties regarding the Recycled Water, or any other goods or services supplied or to be supplied by it, whether relating to defects in quality or characteristics, or otherwise, and all other conditions, warranties, stipulations or other statements whatsoever, whether express or implied, by act of Parliament, at common law, or otherwise howsoever, are expressly excluded.

---

### **15 Assignment**

The Recipient will not, without the Corporation's prior written consent, assign, mortgage, charge or encumber this Memorandum or any part of it or any right, benefit, moneys or interest under it.

---

### **16 Severance**

If any term or part of this Memorandum is or becomes for any reason invalid or unenforceable at law, then in that event that term or part of this Memorandum will be



deemed to be severed from this Memorandum without thereby affecting the remainder of this Memorandum and the remainder of this Memorandum will continue to be valid and enforceable in all things.

---

**17 Entire agreement**

This Memorandum supersedes all previous agreements in respect of its subject matter and embodies the entire agreement between the parties.

---

**18 Limitation of liability**

Neither party will be liable to the other for any loss of business, loss of opportunity, loss of profit, loss of any contract or for any indirect or consequential loss or damage whether arising out of the breach of this Memorandum or otherwise, including without limitation, negligence.

---

**19 Binding nature of Memorandum**

This Memorandum is binding on the parties in accordance with its terms.

---

## Schedule 1 - Particulars

<b>Name of Local Government Authority</b>	Shire of Beverley
<b>Address of Local Government Authority</b>	136 Vincent Street BEVERLEY WA 6304
<b>Entitlement</b>	24 KL/day (Annual mean daily)
<b>Entitlement Review Times</b>	2 yearly from the date of execution of this MOU. Both parties agree to review this MOU within 2 years of the date of execution to ensure quality and quantity is compliant with the results of the NIMP
<b>Infrastructure</b>	
<b>Corporation's Infrastructure obligations</b>	The Water Corporation will construct, own and operate the: <ol style="list-style-type: none"><li>1. Effluent Pump Station, Chlorination module, filter facility and effluent main from the WWTP to the Shire tank.</li><li>2. SCADA control system linking the Shire tank to the Corporation's Telemetry System to monitor the level in the tank; and</li><li>3. Dedicated Pipeline from the effluent pump to the Shire tank.</li></ol>
<b>Recipient's Infrastructure obligations</b>	<ol style="list-style-type: none"><li>1. The Recipient to take ownership of components beyond the nominated point of delivery and assume ongoing operation and maintenance of these works.</li><li>2. Install appropriate signage and fencing.</li><li>3. Supply the required amount of bore water to the Shire tank to mix with the treated wastewater so as to ensure the acceptable Phosphorous loading of 50 kg/ha/year is not exceeded in accordance with the NIMP</li></ol>
<b>Term</b>	10 years with effect from the date of execution of this MOU.
<b>Delivery Point</b>	Inlet to the water storage tank at the Beverley Shire
<b>Wastewater Treatment Plant</b>	Beverley Wastewater Treatment Plant
<b>Purpose</b>	The Recycled Water is to be used for irrigation of the Shire's Oval located at Lot 400 Forrest Street, Beverly WA 6304
<b>Special Conditions of Contract</b>	<i>(the parties can agree which of these are to apply)</i>

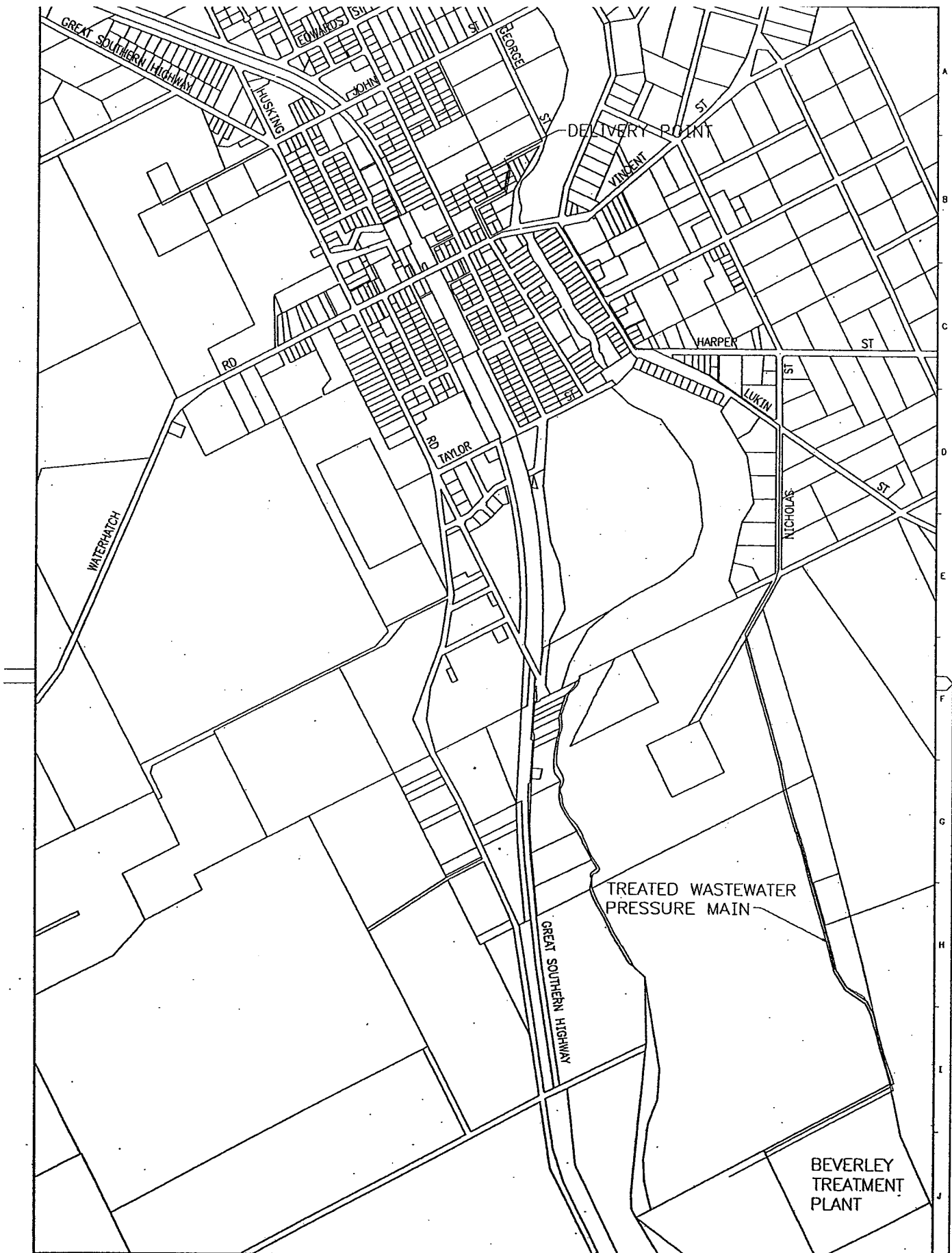
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**Schedule 2 – Quality Standards of Recycled Water**

	Unit	Range
Ph		6 - 9
Total Dissolved Solids (derived)	mg/l	<1500
Total Suspended Solids	mg/l	<20
Biochemical Oxygen Demand (BOD) filtered	mg/l	<20
Total Phosphorus	mg/l	<20
E coli	Cfu/100ml	<1000
Total Nitrogen	mg/l	<60

---

**Annexure A - Plan**



DES CALC  
DES CHD  
DRN S CALLAWAY  
D.C. CHD  
L GLASS



RECOMMENDED  
ASSET PLANNER  
APPROVED  
MANAGER ASSETS



FILE NO1 2003 00275 V01 PLAN

PROJECT C-500618

FX46-003-01-01

CAD ISSUE

ORIGINAL SHEET SIZE  
**A2**

A WF

392 © THIS DRAWING IS THE PROPERTY OF THE WATER CORPORATION. IT SHALL NOT BE COPIED WITHOUT PERMISSION. PROJECT: G:\CALLAWAY\SCHEMATA\SEWER\BEVERLEY\WW RE-USE\FX4600300201A 14:52 31/08/2010 callaway\WS19420

**Executed by the parties as an agreement:**

**Signed for**  
**Water Corporation**  
by a duly authorised officer  
in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Authorised Officer

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Name (please print)

**The common seal of**  
**Shire of Beverley**  
is affixed to this document  
in the presence of:

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Name (please print)

**CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010**

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		01/09/2010	AIT5	FUEL TAX CREDIT: JUL 10	-187.77	
EFT Pymt		01/09/2010	ATF - AUST TEMP FENCING PTY LTD	TOWN HALL: HIRE OF MESH PANEL FENCING	-474.69	
EFT Pymt		01/09/2010	AVON WASTE	2418 BIN COLLECTS ME 27 AUG 10 - @ \$1.62 GST INC & RECYLING BINS	-4,185.44	
EFT Pymt		01/09/2010	BEV COUNTRY KITCHEN	REC GROUND MEETING & BUSHFIRE TRAINING	-576.00	
EFT Pymt		01/09/2010	BEV DISTRICT HIGH SCHOOL	REFUSE SITE: PERIMETER CLEANUP	-500.00	
EFT Pymt		01/09/2010	BEV NEWS - Barry & Pauline	AUG 2010 ACCOUNT	-744.75	
EFT Pymt		01/09/2010	BUNNINGS BUILDING SUPPLIES P/L	VARIOUS HARDWARE PURCHASES	-686.23	
EFT Pymt		01/09/2010	CEMETERIES & CREMATORIA ASSOC WA	10/11 ANNUAL MEMBERSHIP	-100.00	
EFT Pymt		01/09/2010	CHEM DRY BETTA FINISH	RV UNIT 8: CARPET CLEANING	-115.00	
EFT Pymt		01/09/2010	COLONIAL FIRST STATE-MOULTON CLARE	SUPER CONTRIB: FE 01 SEP 10	-47.00	
EFT Pymt		01/09/2010	COUNTRY COPIERS NORTHAM	READING: 23 JUN - 28 JUL 10	-603.58	
EFT Pymt		01/09/2010	COURIER AUSTRALIA	FREIGHT CHARGES: 09 - 18 AUG 2010	-80.09	
EFT Pymt		01/09/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 01 SEP 10	-135.74	
EFT Pymt		01/09/2010	FESA - FIRE & EMERGENCY SERVICES AUTH	10/11 - OPT B 1st QTR	-20,352.88	
EFT Pymt		01/09/2010	HAINES NORTON	JUN & JUL 10 BAS PREPARATIONS	-880.00	
EFT Pymt		01/09/2010	HUMES WEMBLEY CEMENT	DRAINAGE PIPING:	-4,942.43	
EFT Pymt		01/09/2010	KAY LYN	YOUTH COORDINATOR: 16 - 27 AUG 2010	-900.00	
EFT Pymt		01/09/2010	LEONHARDT Karina	SEP 10 BLARNEY ISSUE	-700.00	
EFT Pymt		01/09/2010	LEWIS Alison	SEP 2010 BLARNEY ISSUES	-200.00	
EFT Pymt		01/09/2010	LGSA - LOC GOV SUPERS ASSOC	WORKS & PARKS CONFERENCE 2010: 12-13 AUGUST 2010	-698.00	
EFT Pymt		01/09/2010	LOCAL HEALTH AUTH ANALYTICAL COMMITTEE	2010/11 SUBSCRIPTION	-426.16	
EFT Pymt		01/09/2010	MIDLAND BRICK	BRICKS: RLWY STN ART GALLERY, TOWN HALL FRONTAGE	-2,259.96	
EFT Pymt		01/09/2010	PHIL DEMPSEY DESIGN & CONSTRUCTION	TOWN HALL FRONTAGE - CONCEPT DRAWINGS	-330.00	
EFT Pymt		01/09/2010	PURSLOWE TINETTI FUNERAL HOMES	REJECTED EFT FROM 17 AUG 10. TO BE REISSUED.	-897.75	

CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		01/09/2010	RIDGWAY Dee	REIMBURSE: GLASSES DRINKING	-159.60	
EFT Pymt		01/09/2010	SHIRE OF BROOKTON	2010-07 JUL: RELIEF EHO & PLANNER	-10,357.75	
EFT Pymt		01/09/2010	SHIRE OF YORK	RANGER SERVICES: DOG CONTROL - 30 JUL 10	-148.83	
EFT Pymt		01/09/2010	SNAP OSSBORNE PARK	1000 LARGE ENVELOPES - YELLOW	-660.00	
EFT Pymt		01/09/2010	STREAMLINE BRICKPAVING	TOWN HALL FRONTAGE: REMOVE OLD & LAY NEW PAVERS	-16,663.90	
EFT Pymt		01/09/2010	THE VINES RESORT & COUNTRY CLUB	WORKS & PARKS CONFERENCE: 12-13 AUG 2010	-190.00	
EFT Pymt		01/09/2010	WALGA - WA LOCAL GOVERNMENT ASSOCIATION	CEO PERFORMANCE APPRAISALS: 11 AUG 2010	-395.00	
EFT Pymt		01/09/2010	WALGSP - SUPER	SUPER CONTRIB: FE 01 SEP 10	-5,828.95	-75,427.50
Liability Chq		01/09/2010	COLONIAL FIRST STATE-MOULTON CLARE	SUPER CONTRIB: FE 01 SEP 2010	0.00	0.00
Liability Chq		01/09/2010	CSRFB - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 01 SEP 2010	0.00	0.00
Liability Chq		01/09/2010	WALGSP - SUPER	SUPER CONTRIB: FE 01 SEP 2010	0.00	0.00
Liability Chq		16/09/2010	COLONIAL FIRST STATE-MOULTON CLARE	SUPER CONTRIB: FE 15 SEP 2010	0.00	0.00
Liability Chq		16/09/2010	CSRFB - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 15 SEP 2010	0.00	0.00
Liability Chq		16/09/2010	WALGSP - SUPER	SUPER CONTRIB: FE 15 SEP 10	0.00	0.00
EFT Pymt		16/09/2010	AITS	FUEL TAX CREDIT: AUG 10	-172.81	
EFT Pymt		16/09/2010	ALLSTAMPS	REPLACEMENT INK PAD & INK	-18.75	
EFT Pymt		16/09/2010	ARROW BRONZE	PLAQUE for the LATE COLLIN SAVAGE	-153.78	
EFT Pymt		16/09/2010	ARTCRAFT P/L	VARIOUS ROAD SIGNAGE	-825.00	
EFT Pymt		16/09/2010	ATLAS GROUP P/L	TOWN HALL FRONTAGE: PAVERS	-340.58	
EFT Pymt		16/09/2010	AVON EXPRESS - STANFIELD Cobb	TOWN HALL FRONTAGE: FREIGHT TOTAL EDEN	-55.00	
EFT Pymt		16/09/2010	AVON TRADING	AUG 2010 HARDWARE SUPPLIES	-769.91	
EFT Pymt		16/09/2010	AVON WASTE	1210 BIN COLLECTS FE 10 SEP 10 - @ \$1.62, GST INC & RECYCLING BINS	-2,094.34	
EFT Pymt		16/09/2010	BDH - BEV DOME HIRE	TOWN HALL FRONTAGE & RLWY STN ART GALLERY: DINGO HIRE	-1,400.00	
EFT Pymt		16/09/2010	BEV ELECT SERVICES (SMITH K)	WORK at NETBALL COURTS; TELECENTRE BLDG & SWIMMING POOL	-3,741.10	



**CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010**

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		16/09/2010	BEV FARM SERVICES	NOXIOUS WEEDS RURAL/TOWN: GLYPHOSATE	-220.00	
EFT Pymt		16/09/2010	BEV SUPERMARKET & LIQUOR	AUG 2010 PURCHASES	-583.66	
EFT Pymt		16/09/2010	BGC QUARRIES	RLWY STN ART GALLERY: METAL DUST	-76.04	
EFT Pymt		16/09/2010	BLECHY'S TYRE & BATTERY	AUG 10 - TYRE MAINTENANCE	-1,601.00	
EFT Pymt		16/09/2010	BOC LIMITED	INDUSTRIAL GAS PURCHASES and AUG 10 RENTAL	-841.20	
EFT Pymt		16/09/2010	BOYLE Les	2010-11 DRIVERS LIC REMIB: BOYLE Les	-18.30	
EFT Pymt		16/09/2010	BUNNINGS BUILDING SUPPLIES P/L	VARIOUS HARDWARE PURCHASES	-460.85	
EFT Pymt		16/09/2010	CDA - ANGELFISH HOLDING P/L	58 JOHN ST: AIR CONDITIONING SERVICE	-5,331.00	
EFT Pymt		16/09/2010	COLONIAL FIRST STATE-MOULTON Clare	SUPER CONTRIB: FE 15 SEP 10	-47.00	
EFT Pymt		16/09/2010	COURIER AUSTRALIA	FREIGHT CHARGES: 26 AUG - 03 SEP 2010	-176.72	
EFT Pymt		16/09/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 15 SEP 10	-135.74	
EFT Pymt		16/09/2010	DCA - DOMINIC CARBONE & ASSOC	JUN - AUG 10 FINANCIALS & BUDGET PREP	-6,688.00	
EFT Pymt		16/09/2010	ELECTRICAL DISTRIBUTORS OF WA P/L	AUTO HAND DRYER & GLOBES	-749.54	
EFT Pymt		16/09/2010	FREEMASONS TAVERN - KEPAJE UNIT TRUST	ORD COUNCIL MEET: 24 AUG 10	-282.00	
EFT Pymt		16/09/2010	FUEL DISTRIBUTORS OF WA P/L	5,890 L DIESEL & O L ULP	-7,199.34	
EFT Pymt		16/09/2010	HAINES NORTON	2010/2011 SUBSCRIPTIONS	-17,424.00	
EFT Pymt		16/09/2010	HEGNEY CONSULTING ENGINEERS	IND LIVING UNITS: ELECT DESIGN & DOCUMENTATION	-2,640.00	
EFT Pymt		16/09/2010	HERSEY JR & A PTY LTD	VARIOUS MATERIALS	-808.67	
EFT Pymt		16/09/2010	HITACHI CONSTRUCTION MACHINERY (AUST) P/1 BECO01 (GRD04): PARTS	LOC GOVT WEEK: 04 - 07 AUG 10 - ACCOMMODATION & MEALS	-4,005.53	
EFT Pymt		16/09/2010	HYATT REGENCY PERTH	SERVICES, PARTS, REPAIRS	-5,974.00	
EFT Pymt		16/09/2010	JAS Richard	VARIOUS CLEANING PRODUCTS	-7,714.84	
EFT Pymt		16/09/2010	JASOL AUSTRALIA	YOUTH COORDINATOR: 30 AUG - 10 SEP 2010	-675.12	
EFT Pymt		16/09/2010	KAY Llyn	VALUATION FEES: 05 JUL to 13 AUG 10	-900.00	
EFT Pymt		16/09/2010	LANDGATE (VGO)		-202.30	

**CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010**

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		16/09/2010	LGIS PROPERTY	10/11 PROPERTY INSURANCE 2 of 2 INSTAL	-28,351.97	
EFT Pymt		16/09/2010	LOCAL AUTHORITES TRAINING & ASSESSMENT	STAFF TRAINING: 2nd SEMESTER	-776.00	
EFT Pymt		16/09/2010	LYNDON GROVER - PAINTER & DECORATOR	RLWY STN ART GALLERY: PAINTING STAGE, FACIA PANELS	-1,936.00	
EFT Pymt		16/09/2010	MSA CONSTRUCTION	2010-08 (AUG): RELIEF "BUILDING INSPECTOR"	-2,920.50	
EFT Pymt		16/09/2010	NORTHAM BEARING SALES	WATER TANK (SPLO4): PARTS	-21.64	
EFT Pymt		16/09/2010	ORICA/SPECTRUM	2010-08 AUG CHLORINE CYLINDER RENTAL (ORICA)	-38.87	
EFT Pymt		16/09/2010	SHIRE OF BROOKTON	AUG 10: PLANNER SCHEME & EHO RELIEF	-9,370.54	
EFT Pymt		16/09/2010	SHIRE OF WANDERING	2010 CENTRAL COUNTRY ZONE GOLF DAY - 17 SEP 10	-160.00	
EFT Pymt		16/09/2010	SHIRE OF YORK	RANGER SERVICES: DOG CONTROL - 20, 27 AUG 10	-461.19	
EFT Pymt		16/09/2010	SNAP OSBORNE PARK	10/11 RATES INFORMATION BOOKLETS	-2,265.00	
EFT Pymt		16/09/2010	STRATCO	CAMPERS KITCHEN: MATERIALS	-1,548.09	
EFT Pymt		16/09/2010	TOTAL EDEN	TOWN HALL FRONTAGE & SHORT ST RES: RETICULATION	-968.40	
EFT Pymt		16/09/2010	WALGA - WA LOCAL GOVERNMENT ASSOCIATION	LOC GOV WEEK; TRAINING; ADVERTISING	-10,247.84	
EFT Pymt		16/09/2010	WALGSP - SUPER	SUPER CONTRIB: FE 15 SEP 10	-5,815.78	
EFT Pymt		16/09/2010	YORK GLAZING SERVICES (HARDING)	INFANT HEALTH CLINIC: GLASS IN DOOR	-55.00	
EFT Pymt		16/09/2010	YORK LANDSCAPE SUPPLIES	TOWN HALL FRONTAGE: SAND	-112.00	-139,374.94
Liability Chq		30/09/2010	ATO - AUSTRALIAN TAX OFFICE	2010-09 (SEP) PAYG TAX	0.00	0.00
Liability Chq		30/09/2010	COLONIAL FIRST STATE-MOULTON CLARE	SUPER CONTRIB: FE 29 SEP 10	0.00	0.00
Liability Chq		30/09/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 29 SEP 10	0.00	0.00
Liability Chq		30/09/2010	LGRCEU	2010-09 (SEP) UNION FEES	0.00	0.00
Liability Chq		30/09/2010	SHIRE OF BEVERLEY	2010-09 SEP - SAL DEDUCT (RATES)	0.00	0.00
Liability Chq		30/09/2010	WALGSP - SUPER	SUPER CONTRIB: FE 29 SEP 10	0.00	0.00
EFT Pymt		30/09/2010	COLONIAL FIRST STATE-MOULTON CLARE	SUPER CONTRIB: FE 29 SEP 10	-47.00	
EFT Pymt		30/09/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 29 SEP 10	-135.74	

**CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010**

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		30/09/2010	KAY LYN	YOUTH COORDINATOR: 13 - 24 SEP 2010	-900.00	
EFT Pymt		30/09/2010	LGRCEU	SEP 10 UNION FEES	-156.60	
EFT Pymt		30/09/2010	WALGSP - SUPER	SUPER CONTRIB: FE 29 SEP 10	-5,681.02	
EFT Pymt		30/09/2010	YORK GLAZING SERVICES (HARDING)	REJECTED EFT from 16 SEP 10. TO BE REISSUED.	-55.00	-6,975.36
Direct Debit		30/09/2010	DPI - LICENSING SERVICES	AUG/SEP 10 LICENSING PAYMENTS	-56,718.65	
Direct Debit		30/09/2010	CBA - MERCHANT BANKING	AUG 2010 TRANSACTION FEES	-49.48	
Direct Debit		30/09/2010	CBA - MERCHANT BANKING	AUG 2010 ACCESS FEE	-27.72	
Direct Debit		30/09/2010	ANZ- ONLINE BANKING/BANK FEES	AUG 2010 FEES	-61.13	
Direct Debit		30/09/2010	WESTNET PTY LTD	SEP 2010 INTERNET ACCESS	-66.00	-56,922.98
Cheque #	752	01/09/2010	SHIRE OF KALAMUNDA	LGIS MUNI GOLF DAY: 10 SEP 2010	-400.00	
Cheque #	753	01/09/2010	ST JOHN AMBULANCE ASSOC - BEV SUB BRANC	VOID: DUE TO PRINTING ERROR. GLM 01 SEP 10	0.00	
Cheque #	754	01/09/2010	SYNERGY	ELECTRICITY ACCOUNTS: VARIOUS	-8,496.65	
Cheque #	755	01/09/2010	ST JOHN AMBULANCE ASSOC - BEV SUB BRANC	DONATION: HEART DEFIBRILLATORS	-2,500.00	
Cheque #	756	16/09/2010	AUST POST	AUG 2010 POSTAGE	-243.99	
Cheque #	757	16/09/2010	SYNERGY	L78 WATERHATCH RD, COUNCIL DAM and STREET LIGHTS	-1,866.35	
Cheque #	758	16/09/2010	TELSTRA	SEP 10 TELEPHONE ACCOUNTS	-1,239.78	
Cheque #	759	16/09/2010	WATER CORPORATION	SEP 10 WATER ACCOUNTS	-5,313.85	
Cheque #	761	30/09/2010	WFI - WESFARMERS GENERAL INSURANCE LTD	BALLY BALLY HALL: INS BUS LEGAL LIABILITY & CONTENTS INSURANCE	-863.00	-20,923.62
Gen Journal	1481	13/09/2010		AUG 10 * - CREDIT CARD	-2,545.21	-2,545.21
					<b>-302,169.61</b>	<b>-302,169.61</b>

**CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010**

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
<b>WAGES &amp; SALARIES</b>						
EFT Pymt		1/09/2010	WAGES & SALARIES	FE - 01 SEP 10	-35,308.85	
EFT Pymt		16/09/2010	WAGES & SALARIES	FE - 15 SEP 10	-34,796.73	
EFT Pymt		30/09/2010	WAGES & SALARIES	FE - 29 SEP 10	-33,927.07	
				<b>WAGES &amp; SALARIES</b>	<b>-104,032.65</b>	<b>-104,032.65</b>
<b>TRANSFERS TO TRUST</b>						
G J	1482	14/09/2010		ASS 789 (COLEMAN G R) TFR of CR BAL to TRUST	-100.00	
G J	1486	30/09/2010		WAGES DEDUCTS: SEP 10 ADV RATE PYMTS	-360.00	
				<b>TRANSFERS TO TRUST</b>	<b>-460.00</b>	<b>-460.00</b>
<b>UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT</b>						
Cheque #	761	30/09/2010	WFI - WESFARMERS GENERAL INSURANCE LTD	BALLY BALLY HALL: INS BUS LEGAL LIABILITY & CONTENTS INSURANCE	863.00	
EFT Pymt		30/09/2010	COLONIAL FIRST STATE-MOULTON CLARE	SUPER CONTRIB: FE 29 SEP 10	47.00	
EFT Pymt		30/09/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 29 SEP 10	135.74	
EFT Pymt		30/09/2010	KAY Lyn	YOUTH COORDINATOR: 13 - 24 SEP 2010	900.00	
EFT Pymt		30/09/2010	LGRCEU	SEP 10 UNION FEES	156.60	
EFT Pymt		30/09/2010	WALGSP - SUPER	SUPER CONTRIB: FE 29 SEP 10	5,681.02	
EFT Pymt		30/09/2010	YORK GLAZING SERVICES (HARDING)	REJECTED EFT from 16 SEP 10. TO BE REISSUED.	55.00	
				<b>UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT</b>	<b>7,838.36</b>	<b>7,838.36</b>
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>						
Cheque #				<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>	<b>0.00</b>	<b>0.00</b>

**CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010**

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
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OTHER AMENDMENTS/GENERAL JOURNALS

OTHER AMENDMENTS/GENERAL JOURNALS 0.00 0.00

INVESTMENTS

INVESTMENTS 0.00 0.00

TOTAL EXPENDITURE FOR MUNICIPAL ACCOUNT

**-398,823.90**

**TRUST ACCOUNT DETAILS**

PAYMENTS PRESENTED IN CURRENT BANK \*

EFT Pymt	NUM	DATE	NAME	DETAILS	AMT PAID
		1/09/2010	MILES Kristy	REFUND of GYM KEY DEPOSIT	-30.00
EFT Pymt	A00049:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00049 - BREMNER Fred: RATES ADV PYMT	-14.60
EFT Pymt	A00144:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00144 - HAWKSLEY Daphne: RATES ADV PYMT	-10.75
EFT Pymt	A00161:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00161 - CHAPMAN JC: RATES ADV PYMT	-825.51
EFT Pymt	A00207:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00207 - ROSE Joan: RATES ADV PYMT	-159.04
EFT Pymt	A00246:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00246 - WILLIAMSON O P: RATES ADV PYMT	-319.53
EFT Pymt	A00277:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00277 - MOYES Rick: RATES ADV PYMT	-106.61
EFT Pymt	A00322:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00322 - THOMPSON WA & GD: RATES ADV PYMT	-583.27
EFT Pymt	A00356:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00356 - BUTTERWORTH Julia: RATES ADV PYMT	-16.14
EFT Pymt	A00390:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00390 - BOYLE AIGN R: RATES ADV PYMT	-400.00
EFT Pymt	A00411:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00411 - TABER W T: RATES ADV PYMT	-229.05
EFT Pymt	A00434:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00434 - PETCHELL S & J: RATES ADV PYMT	-1,060.00

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SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt	A00438:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00438 - HILL GC & L: RATES ADV PYMT	-3883.38	
EFT Pymt	A00448:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00448 - COURTNEY M & G: RATES ADV PYMT	-604.78	
EFT Pymt	A00473:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00473 - FACEY Phyllis: RATES ADV PYMT	-648.84	
EFT Pymt	A00475:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00475 - PRIOR B & BUTLER A: RATES ADV PYMT	-541.50	
EFT Pymt	A00476:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00476 - COLEMAN Graham: RATES ADV PYMT	-608.00	
EFT Pymt	A00558:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00558 - OCHTMAN T & M: RATES ADV PYMT	-99.11	
EFT Pymt	A00645:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00645 - ERAMIHA S: RATES ADV PYMT	-321.50	
EFT Pymt	A00705:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00705 - SHEEHAN E & S: RATES ADV PYMT	-595.34	
EFT Pymt	A00721:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00721 - SMITH A B: RATES ADV PYMT	-218.96	
EFT Pymt	A00789:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00789 - COLEMAN Graham: RATES ADV PYMT	-100.00	
EFT Pymt	A00832:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00832 - KUKICH BB & MC: RATES ADV PYMT	-193.17	
EFT Pymt	A00933:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00933 - STEWART Dorothy: RATES ADV PYMT	-400.00	
EFT Pymt	A00938:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00938 - HANCOCK Collin: RATES ADV PYMT	-528.96	
EFT Pymt	A00963:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00963 - FOSTER Belinda: RATES ADV PYMT	-469.67	
EFT Pymt	A00985:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00985 - KERKHOFF M: RATES ADV PYMT	-10.75	
EFT Pymt	A00992:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A00992 - BATTY Brian: RATES ADV PYMT	-7.45	
EFT Pymt	A01048:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01048 - PRATT J & R: RATES ADV PYMT	-471.50	
EFT Pymt	A01124:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01124 - WILLEY K John: RATES ADV PYMT	-873.79	
EFT Pymt	A01133:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01133 - BOYLE Les: RATES ADV PYMT	-946.20	
EFT Pymt	A01218:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01218 - OWENS Frances Mary: RATES ADV PYMT	-600.00	
EFT Pymt	A01228:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01228 - GOULD David: RATES ADV PYMT	-42.92	
EFT Pymt	A01251:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01251 - RUGGLES James: RATES ADV PYMT	-361.20	
EFT Pymt	A01291:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01291 - COLLIS R & H: RATES ADV PYMT	-109.79	
EFT Pymt	A01317:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01317 - RANCE Greg: RATES ADV PYMT	-34.30	
EFT Pymt	A01326:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01326 - TOZER Sarah: RATES ADV PYMT	-60.00	
EFT Pymt	A01367:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01367 - AHERN P & V: RATES ADV PYMT	-100.00	
EFT Pymt	A01521:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01521 - GREENFIELD Evelyn: RATES ADV PYMT	-729.70	

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SHIRE OF BEVERLEY

**CHEQUE DETAIL - Municipal and Trust Accounts - SEPTEMBER 2010**

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt	A01523:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01523 - MACKIE BATTJ; RATES ADV PYMT	-4.23	
EFT Pymt	A01581:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A01581 - STRANGE F & D; RATES ADV PYMT	-116.40	
EFT Pymt	A50017:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A50017 - JACKSON Peter; RATES ADV PYMT	-691.57	
EFT Pymt	A51001:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51001 - GREENDHEDGE P/L; RATES ADV PYMT	-219.38	
EFT Pymt	A51120:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51120 - LEWIS Alison; RATES ADV PYMT	-400.00	
EFT Pymt	A51127:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51127 - WATTS DP & MA; RATES ADV PYMT	-39.81	
EFT Pymt	A51146:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51146 - STORER D & L; RATES ADV PYMT	-53.08	
EFT Pymt	A51165:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51165 - ADAMS S & K; RATES ADV PYMT	-170.07	
EFT Pymt	A51197:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51197 - RODORADA James W; RATES ADV PYMT	-200.00	
EFT Pymt	A51205:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51205 - TELDER D & G; RATES ADV PYMT	-60.00	
EFT Pymt	A51206:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51206 - MCCLENAGHAN B & S; RATES ADV PYMT	-410.00	
EFT Pymt	A51246:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51246 - PETCHELL & VANDENBURG; RATES ADV PYMT	-720.00	
EFT Pymt	A51248:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51248 - WESTON FAMILY CO; RATES ADV PYMT	-70.67	
EFT Pymt	A51249:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51249 - RUTTY Sheila; RATES ADV PYMT	-483.70	
EFT Pymt	A51307:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51307 - ASHWORTH N & W; RATES ADV PYMT	-850.00	
EFT Pymt	A51381:01SEP10	16/09/2010	SHIRE OF BEVERLEY	A51381 - MCCALLUM G & R; RATES ADV PYMT	-456.22	
Cheque	1412	16/09/2010	SHEEHAN S & E	A00705 - SHEEHAN E & S; PARTIAL REFUND of ADV RATES PYMTS	-300.00	
<b>PAYMENTS PRESENTED IN CURRENT BANK #</b>					<b>-19,065.44</b>	<b>-19,065.44</b>

**TOTAL EXPENDITURE for TRUST ACCOUNT**

**-19,065.44**

**TOTAL EXPENDITURE as reconciled to the SEPTEMBER 2010 BANK RECONCILIATIONS**

Municipal Account Expenditure

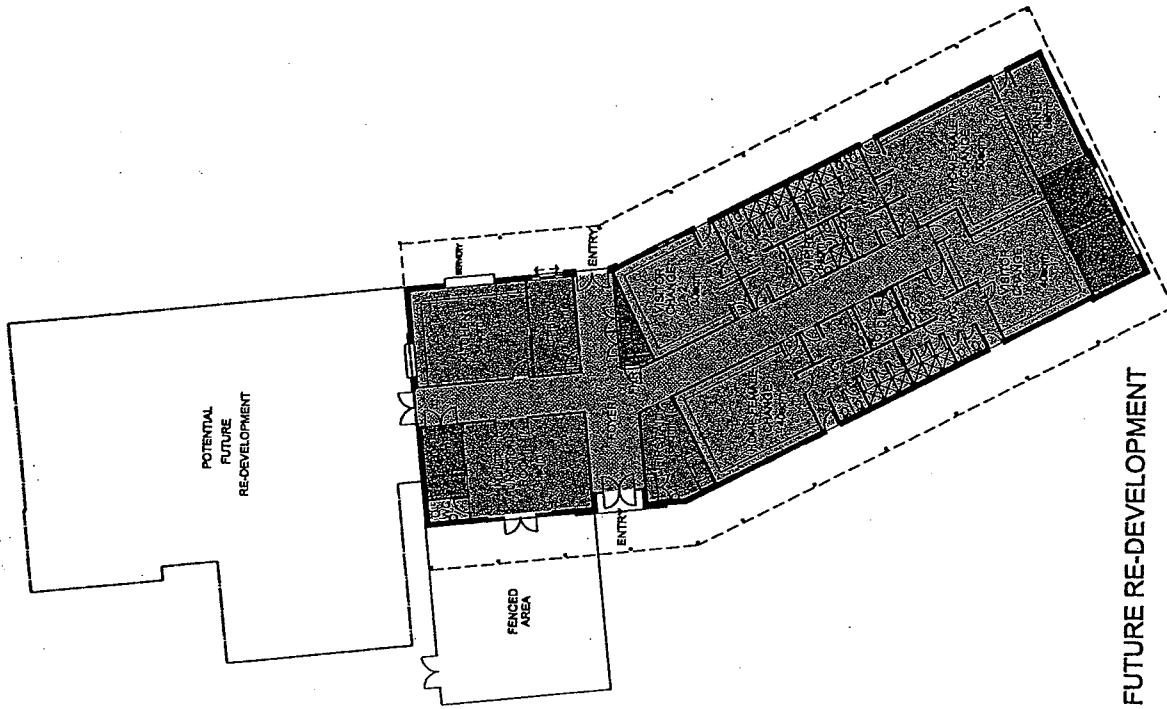
Trust Account Expenditure

**Total Expenditure for SEPTEMBER 2010**

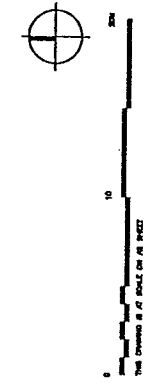
-398,823.90

-19,065.44

**-417,889.34**

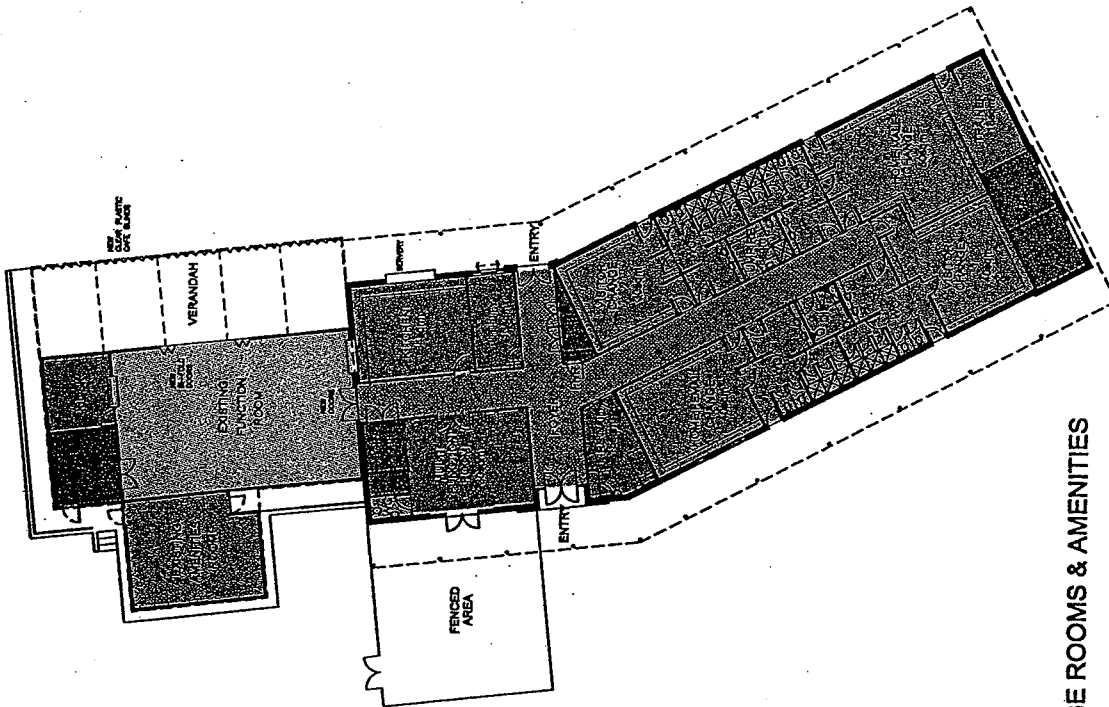


POTENTIAL FUTURE RE-DEVELOPMENT  
scale 1:200



CONCEPT PLAN DATE, SEPT 2010  
**ADCROFT ARCHITECTS**  
 544 NEWCASTLE STREET, WEST PERTH WA 6005  
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 ACN 050 218 801  
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NEW CHANGE ROOMS & AMENITIES  
scale 1:200

**PROPOSED COMMUNITY FACILITIES  
 TOWN OF BEVERLEY RECREATION AREA**