

MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 27 JUNE 2006

1. COMMENCEMENT

The President declared the meeting open at 11.00am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

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

Apologies

Nil

Leave of Absence

Nil

Mr. Warwick Carter, Town Planner, entered the Council Chamber at 11.00am.

3. PUBLIC QUESTION TIME

3.1 RECREATIONAL FLYING SCHOOL

Mr Harry Jones asked if any application had been received from Kitty Hawk Farm to establish a recreational flying school as plans for such appear on their website.

The Town Planner advised Mr Jones that no planning application has been received for a recreational flying school in the York-Williams/Springhill Roads area and until an application has been

received and approved by the Council the proposal to proceed with the development will not take place.

3.2 MOTORCROSS & MOTORCYCLE RIDING – LOT 802 SPRINGHILL ROAD

Mrs Clare Thomas advised Council of her concerns regarding the use of motorcycles on lot 802 Springhill Road, in particular the noise and dust created by these machines. Council was asked if the use of motorcycles was allowable under the Town Planning Scheme.

The Town Planner advised that the use of motorcycles on rural zoned private property is permitted, however if the land is being used as a public sporting venue, Council approval may be required.

3.3 STANDPIPES

Mr Robert and Mrs Shirley Casbolt, residents of Kokeby, advised Council that they are dependent on potable water and are concerned that standpipes within the Shire have been closed to the public.

Cr Schilling advised that the issue of standpipes will be discussed during the meeting, however the purpose of standpipes is predominately for fire fighting and watering of stock during drought. Further it is the responsibility of residents and indeed a building requirement to have a sufficient supply of potable water for residents of houses.

Mr Kim Bird raised the following questions regarding the standpipes:

1. How much water from standpipes was not accounted for?
2. Were the police notified of water that had been taken from standpipes but not recorded?
3. What are the legal requirements of Licensed Water Carters?

Mr Bird also notified Council that he had lodged a complaint with Trade Practices and the Equal Opportunity Board.

Mr Glassby voiced his concerns that carting of water by contractors would be both costly and inefficient for small quantities.

3.4 RATE NOTICE

Mr Hutson, resident of Grigson Street questioned why a rates notice he had received indicated a fee for late payment.

Cr Schilling advised Mr Hutson that the outstanding amount on his rates would be investigated by the administration and he will be advised of the outcome.

3.5 GRIGSON ROAD

Mr Hutson commented on the letter he had received from the Shire stating that it had no legal obligation to construct a road. He advised that Main Roads Western Australia had written to him stating that roads were the responsibility of the Shire.

Cr Schilling advised that although the letter from Main Roads Western Australia states that the Shire of Beverley is responsible for roads within the Shire, this did not mean that they had any obligation for their construction.

3.6 EDISON MILL ROAD

Mr Wally Wright asked Council if there were any future plans for bituminising Edison Mill Road.

Cr Schilling advised that there were no such plans to bituminise Edison Mill Road.

3.7 YORK-WILLIAMS ROAD

Mr Harry Jones asked if future works were proposed to upgrade the York-Williams Road due to its increased use as a heavy haulage route.

Cr Schilling advised Mr Jones that York-Williams Road has been put forward to be included on the 2025 road strategy. There are plans to seal sections of the road, including the intersection at Westdale Road in the near future.

3.8 COUNCIL MEETINGS

Mr K Bird requested that Council consider holding its meetings during the evenings, when it would be more convenient for the public to be present.

Cr Schilling advised Mr Bird that Council had previously experimented with evening meetings but reverted back to the present situation, as it had proved inconvenient for visitors that attend the Meetings.

Mr Warwick Carter, Town Planner, left Council Chambers at 11.45am

4. CONDOLENCES

JAMES	Jenny	2 June 2006
SHERVINGTON	Karen Lynette	4 June 2006
MUSSO	Joe	20 June 2006

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Tony Bailey requested a Leave of Absence for the July 2006 Council Meeting.

**M1/0606 Moved Cr Roberts Seconded Cr Szczecinski
That Council grant Leave of Absence to Cr Bailey for the July 2006 Council Meeting.**

CARRIED 8-0

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON TUESDAY 23 MAY 2006

**M2/0606 Moved Cr Foster Seconded Cr Bailey
That the Minutes of the Ordinary Meeting of Council held in Council Chambers on Tuesday 23 May 2006, be confirmed.**

CARRIED 9-0

BUSINESS ARISING

6.1.1 STATION GALLERY

Cr J Schilling reported on the success of the opening of the Station Gallery.

**M3/0606 Moved Cr Alexander Seconded Cr Foster
That Council meet with the Art Gallery Committee to set guidelines, opening times and the Artist in Residence Program.**

CARRIED 9-0

Mr Steve Vincent, Works Supervisor, entered Council Chambers at 11.53am

**6.2 MINUTES OF THE PLANT AND WORKS COMMITTEE MEETING
HELD IN COUNCIL CHAMBERS ON FRIDAY 9 JUNE 2006**

Appendix 1

**M4/0606 Moved Cr Szczecinski Seconded Cr Roberts
That the Minutes of the Plant and Works Committee Meeting held
in Council Chambers on Friday 9 June 2006, be received.
CARRIED 9-0**

BUSINESS ARISING

6.2.1 PLANT REPORT – NEW ISUZU SIDE TIPPER TRUCK

The Works Supervisor reported that the damage sustained by bolts coming out of the Isuzu side tipper truck resulted in minimum damage to the truck.

**M5/0606 Moved Cr Alexander Seconded Cr Szczecinski
That Council write to Gem Trucks requesting an extended
warranty on the drive train for a further twelve months beyond the
current warranty.
CARRIED 9-0**

6.2.2 PLANT REPORT – CAT LOADER

**M6/0606 Moved Cr Alexander Seconded Cr Szczecinski
That Council to write to Westrac, requesting an extended warranty
on the engine of the CAT Loader, for a further two years beyond
the current period.
CARRIED 9-0**

6.2.3 PLANT AND WORKS COMMITTEE

**M7/0606 Moved Cr Schilling Seconded Cr Bailey
That Cr McLean be included as a member on the Plant and Works
Committee.
CARRIED 9-0**

Mr Steve Vincent, Works Supervisor, left Council Chambers at 12.10pm

**6.3 MINUTES OF THE COMMUNITY DEVELOPMENT COMMITTEE
MEETING HELD IN COUNCIL CHAMBERS ON FRIDAY 9 JUNE 2006**

Appendix 2

**M8/0606 Moved Cr Foster Seconded Cr Roberts
That the Minutes of the Community Development Committee
Meeting held in Council Chambers on Friday 9 June 2006, be
received.**

CARRIED 9-0

Mr Frank Buise, Environmental Health Officer, entered Council Chambers at 12.23pm

BUSINESS ARISING

6.3.1 STAFF HOUSING

Council considered the costs of erecting two transportable homes as staff housing in Beverley.

**M9/0606 Moved Cr Schilling Seconded Cr Foster
That Council purchase a single bathroom, three bedroom home
(Heritage) and single bathroom, two bedroom (Phoenix) home
from T & R Homes for the purpose of staff housing.**

CARRIED 8-1

Cr Alexander Voted Against the Motion

6.3.2 NEW TOILET BLOCK AT MEMORIAL PARK

Mr Frank Buise, Environmental Health Officer reported that a local Bricklayer would be available to start the brickwork on the new toilet block in Memorial Park.

Mr Frank Buise, Environmental Health Officer, left Council Chambers at 12.30pm

Council adjourned for Lunch at 12.30pm

Council reconvened from Lunch at 1.30pm

6.4 PRESIDENT'S REPORT

Appendix 3

M10/0606 Moved Cr Foster **Seconded Cr Roberts**
That the President's Report for the month of June, be received.
CARRIED 9-0

Mr Warwick Carter, Town Planner, entered Council Chambers at 1.48pm

7. REPORTS OF COMMITTEES AND OFFICERS

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.1
DATE:	6 June 2006
SUBJECT:	PROPOSED SUBDIVISION – 1 LOT INTO 4
OWNER:	S & K PENDER
FILE REFERENCE:	PL 131354
AUTHOR:	Shire Planner – Warwick Carter

Appendix 4

BACKGROUND

Address: Lot 188 Langsford Street, Beverley
Zoning: TPS2 - Rural Residential (RRes1)
Area: 1.679 hectares

An application for subdivision has been forwarded, by the Western Australian Planning Commission, for consideration and comment by Council.

The applicant proposes to subdivide the lot into 4 lots with sizes ranging between 4050m² and 4664m². The property currently contains a single dwelling.

COMMENT

The proposed development complies with the relevant statutory provisions with the exception of those discussed below:

Town Planning Scheme No.2	
1.	Clause 3.4(c) – The minimum lot size in the Rural Residential zone is 2 hectares, unless the
	The proposed subdivision would result in 3 lots of 4050m ² and 1 lot of 4664m ² . These lot sizes

	lot is connected to a reticulated water supply, in which case 1 hectare lots may be permitted.	are inconsistent with the provisions of the Scheme.
2.	Schedule 3 – In the Rural Residential (1) area, subdivision which will have the effect of increasing the number of lots shall not be permitted.	The subdivision would create an additional 3 lots and therefore would be contrary to Schedule 3 of the Scheme.

The proposed subdivision is more consistent with lot sizes in a lower density residential development and therefore is not supported by staff. It is believed that support for such a subdivision would create an undesirable precedent for the Rural Residential zone.

M11/0606

Moved Cr Foster

Seconded Cr Leonhardt

That Council recommend to the Western Australian Planning Commission that application 131354 for Lot 188 Langsford Street, Beverley be refused for the following reasons:

- 1. The proposed lots do not comply with the minimum lot size as stipulated in Clause 3.4(c) of the Shire of Beverley Town Planning Scheme No.2;**
- 2. Non-compliance with the requirements of Schedule 3 of the Shire of Beverley Town Planning Scheme No.2; and**
- 3. Approval of the subdivision would set an undesirable precedent for subdivision of Rural Residential lots.**

CARRIED 9-0

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.2
DATE:	14 June 2006
SUBJECT:	PROPOSED AMENDMENT NO.12 – LOT 3 SIMMONS ROAD, BEVERLEY
OWNER:	Menat Pty Ltd
FILE REFERENCE:	SIM51102
AUTHOR:	Shire Planner – Warwick Carter

Appendix 5

BACKGROUND

The Shire has received an amendment request from Gray and Lewis Planning Consultants to rezone Lot 3 Simmons Road, Beverley from 'Farming' to 'Rural Residential'. The applicant has supplied detailed documentation regarding land capability and the proposed eventual subdivision.

COMMENT

The subject property is 42.294 hectares and zoned 'Farming'. Under this zoning, subdivision down to 2 ha lots would not be permitted.

The subject property is located within the BE1 policy area in the Brookton-Beverley Rural Strategy. The objective of this policy area is to *"provide for the future expansion of the Beverley Townsite"*.

The policy plan shows urban precinct covering the majority of this lot, with areas for Rural Residential and an area to be set aside for a vehicular bypass of the townsite. As land has previously not been given up for the purposes of a bypass, it is recommended that this area also be treated as if it were shown as a mixture of the urban development and rural residential policy zones.

The proposal for 'Rural Residential' lots of 2 hectares is generally consistent with the Strategy, however, with the appropriate servicing, smaller lot sizes could be considered.

Landform

The subject lot is predominantly cleared of vegetation and has historically been used for cropping. The land contains mostly gentle slopes with some steeper areas on the western edge.

There is a watercourse running through the south of the property with areas of waterlogging identified in the consultant's report. Otherwise,

the land is relatively constraint free, with small pockets of vegetation that can be retained as part of the subdivision process.

Servicing

Given that the proposed minimum lot size will be 2 hectares, there will be no requirement to provide a reticulated water source or sewerage.

In most cases, septic tanks and leach drains will suffice for effluent disposal, but with the lots close to the watercourse, alternative treatment units will be required.

These issues will be addressed in more detail, should the amendment be successful and the applicants apply for subdivision.

Lot Layout

The applicants have provided a preliminary subdivision plan. The plan shows servicing by culs-de-sac with one eventually becoming a through road. The design also relies on battleaxe configurations. These are not particularly favoured and further design may be necessary. However, the lot layout is not required to be finalised as part of the amendment process.

Further information regarding bushfire management will also be required at subdivision stage, to satisfy State Government requirements.

CONCLUSION

The amendment is consistent with the Shire's overall strategy for the Beverley Townsite and as such it is recommended that the proposed amendment be supported.

M12/0606

**Moved Cr Foster
That Council –**

Seconded Cr Roberts

A Adopt Amendment No. 12 to Town Planning Scheme No.2 pursuant to Section 72 of the Planning and Development Act 2005 (as amended) by:

- 1 Rezoning Lot 3 Simmons Road, Beverley from Farming to Rural Residential (RRes5); and**
- 2 Adding the following text to Schedule 3 of the Scheme:**

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
RRes5 Lot 3 Simmons Road, Beverley	1. Subdivision is to be generally in accordance with the Outline Development Plan certified by the Chief Executive Officer and

- approved by the Western Australian Planning Commission.
2. All lots If less than 2 hectares resulting from subdivision shall be connected to a reticulated public water supply system as a condition of subdivision approval.
 3. On lots resulting from subdivision and which are not connected to the reticulated water supply system, no dwelling shall be constructed or approved for construction unless a minimum of 92,000 litres domestic water storage tank or other approved potable water supply and storage facility is established with the dwelling.
 4. Areas for re-vegetation shown in the Outline Development Plan shall be planted with the number and species of trees and shrubs, and shall be maintained thereafter to the satisfaction of Council, after seeking advice from Agriculture Western Australia, as a condition of subdivision approval.
 5. Only one dwelling per lot shall be permitted.
 6. The subdivider shall prepare and implement a Fire Management Plan prior to clearance of subdivision that identifies and implements the construction requirements relative to strategic firebreaks, water supplies and equipment and any other fire management requirements that may be deemed necessary, to the specification and satisfaction of the Council and the Fire Emergency Services Authority.
 7. Approval for rural pursuits, including the grazing of animals shall be subject to separate application under Town Planning Scheme No.2.

- B The applicant submitting formal Scheme amendment documentation and paying the prescribed fee of \$1500, to the satisfaction of the Shire of Beverley's Shire Planner.**

- C Subject to the satisfaction of clause B above the amendment be forwarded to:**
- (i) The Environmental Protection Authority for comment, pursuant to Section 82 of the Planning and Development Act 2005 (as amended); and**
 - (ii) The WA Planning Commission for information.**
- D Subject to no objections being received in response to C (i) above, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 for a period of 42 days.**
- E The amendment being referred back to Council at the conclusion of the advertising period, together with a schedule of all submissions received.**

CARRIED 9-0

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.3
DATE:	14 June 2006
SUBJECT:	PROPOSED SHED – PT LOT 19 YORK-WILLIAMS ROAD, BEVERLEY
OWNER:	K Devereux
FILE REFERENCE:	YOR 1536
AUTHOR:	Shire Planner – Warwick Carter

Appendix 6

BACKGROUND

The Shire has received an application for a shed at Pt Lot 19 York-Williams Road, Beverley. The application proposed a machinery shed of 63m² with a reduced setback of 5m to the northern boundary.

The shed is to be clad in off white corrugated metal, with a wheat coloured roof.

Zoning:	TPS2 - Farming
Area:	4.0469ha
Use Class:	Shed "AA"

COMMENT

The proposed development complies with the relevant statutory provisions with the exception of those discussed below:

Town Planning Scheme No.2		
1.	Clause 4.6 – Development is required to be setback a minimum of 10m from the side and rear boundaries in the farming zone.	The proposed shed is setback 65m from the rear boundary and 5m from the side boundary.
2.	Clause 4.2.2 – Despite non-compliance with a prescribed setback, Council may approve the variation if the approval is: (i) consistent with the orderly and proper planning of the area; (ii) will have no adverse effect upon the inhabitants of the locality.	Given that the lot is marginally over 4 ha in the Farming zone, it is comparatively small. The dwelling on the property is also located at a 5m setback and as such it is considered that such a development would have little impact. The applicant has advised that the 10m setback cannot be complied with due to waterlogging on the property. Given that the size of the outbuilding is minimal, public

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.4
DATE:	20 June 2006
SUBJECT:	FINAL ADOPTION AMENDMENT 11
OWNER:	T McLean
FILE REFERENCE:	AM 11
AUTHOR:	Shire Planner – Warwick Carter

Appendix 7

BACKGROUND

Council, at its meeting of 17 May 2005 resolved:

1. That Council in pursuance of section 7 of the Town Planning and Development Act 1928 initiates an Amendment to Shire of Beverley Town Planning Scheme No.2 to rezone portion of Lot 3 Langsford Street Beverley from 'Farming' to 'Rural Residential' and amending the scheme maps accordingly.
2. The owner be required to pay the planning fee of \$1500 (the amount estimated by the Local Government (fees) Regulations as the cost of Council dealing with the scheme amendment) and which is reflected in Council's adopted list of fees and charges.
3. The Shire President and Chief Executive Officer endorse amendment 11 for adoption for the purposes of advertising.
4. Following item 3 above and payment of the required administration fee, a copy of the Amendment documentation be referred to the Department of Environmental Protection for assessment, in accordance with Section 7A1 of the Town Planning and Development Act.
5. Upon receipt of advice of the level of assessment set by the Department of Environmental Protection, the amendment documents be forwarded to the Department for Planning and Infrastructure for consent to advertise the amendment for a 42 day period, in accordance with the Town Planning and Development Act 1928 (as amended).

The public comment has now concluded and the item is referred back to Council for Final Adoption.

COMMENT

The Shire has received several pro forma submissions on the development which object to procedural matters about how the amendment was handled by Shire staff and also objecting to the size of the proposed lots. Another submission was from a member of the

Beverley Soaring Association objecting to the development. Also two submissions were received from servicing authorities.

These submissions are summarised and addressed in Attachment 1 of this report. The submissions in their entirety are reproduced in the bulletin to this agenda.

From the submissions received, Staff do not believe that any variation of the original adopted amendment is warranted and recommend that the Council finally adopt the amendment.

M14/0606

Moved Cr Leonhardt

Seconded Cr Foster

That:

A Council adopt the proposed Staff responses to submitters as prepared shown in Attachment One.

B Pursuant to Section 87 of the Planning and Development Act 2005, Council submit Amendment 11 of Town Planning Scheme No.2, to rezone portion of Lot 3 Langsford Street, Beverley from 'Farming' to 'Rural Residential', and submissions made on the amendment, to the Western Australian Planning Commission and Minister for Planning and Infrastructure for determination.

CARRIED 9-0

Mr Warwick Carter, Town Planner, left Council Chambers at 2.17pm

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 2.17pm

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.1
DATE:	6 June 2006
SUBJECT:	CHANGE OF CLASSIFICATION
LOCATION:	LOT 1 VINCENT STREET, BEVERLEY
FILE REFERENCE:	VIN175
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

An application has been received from the owners of this property to convert a shed into a dwelling. The owners will need to obtain a building licence for the conversion of the interior to a habitable standard. As part of the Building Licence a structural report will be required. The exterior may be altered.

The property is currently zoned “Farming” under the Shire of Beverley Town Planning Scheme.

Section 144 of the Health Act requires Council to approve the conversion of the shed into a dwelling. Section 144 of the Health Act 1911 states;

No person shall convert into or adapt or use as a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sublease, or otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without having first obtained the consent of the local government of the district in which the building is situated, and complied (in the case conditional consent is given) with such conditions as the local government has seen fit to impose.

COMMENT

Section 144 requires Council to approve the conversion of the shed to a dwelling. Council has previously approved similar applications. The proposal will be certified by a Structural Engineer to ensure the integrity of the structure.

It would therefore be prudent for Council to approve the application.

STATUTORY ENVIRONMENT

Health Act 1911, Section 144

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.2
DATE:	6 June 2006
SUBJECT:	CHANGE OF CLASSIFICATION
LOCATION:	LOT 5 MAITLAND ROAD, BEVERLEY
FILE REFERENCE:	MAI 1315
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

An application has been received by the owners of this property to convert one of two sheds on their property into a dwelling. The shed is the smaller of the two, and has been subjected to a building licence which was issued on 10 June 2002. The owners will need to obtain a building licence for the conversion of the interior to a habitable standard. As part of the Building Licence a structural report will be required. The exterior may be altered.

The property is currently zoned "Farming" under the Shire of Beverley Town Planning Scheme.

Section 144 of the Health Act requires Council to approve the conversion of the shed into a dwelling. Section 144 of the Health Act 1911 states;

No person shall convert into or adapt or use as a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sublease, or otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without having first obtained the consent of the local government of the district in which the building is situated, and complied (in the case conditional consent is given) with such conditions as the local government has seen fit to impose.

COMMENT

Section 144 requires Council to approve the conversion of the shed to a dwelling. Council has previously approved similar applications. The proposal will be certified by a Structural Engineer to ensure the integrity of the structure.

It would therefore be prudent for Council to approve the application.

STATUTORY ENVIRONMENT

Health Act 1911, Section 144

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.3
DATE:	8 June 2006
SUBJECT:	RELOCATED DWELLING
LOCATION:	LOT 100 HOPE STREET
FILE REFERENCE:	HOP1 1067
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The prospective owner of this property has made application to the Council for permission to relocate a dwelling from Manjimup (Shire of Manjimup) to their property, Lot 100 Hope Street, Beverley.

The dwelling was inspected on 16 June 2005 by Margaret River Structural Engineering, at its location in Manjimup. It is a timber framed house built in the 60's or 70's. Asbestos has not been used for cladding. The engineers report indicates that it could be made to meet the requirements of the BCA

The applicant is aware of what is required should the Council approve the application. He is also aware of the \$5,000 cash bond.

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

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

In determining the application, Council may:

1. Approve the application;
2. Approve the application with conditions; or
3. Refuse the application.

Section 5.3 states;

When giving consideration to an application for planning consent, Council shall give consideration to:

The building in its relocated position being rendered visually acceptable by the use of verandahs, screening and/or landscaping; and

The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be located.

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

COMMENT

The dwelling is showing its age after sitting in the holding yard for some 4 years. It can be made to comply with the new requirements of the Building Code of Australia.

STATUTORY ENVIRONMENT

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

OFFICER'S RECOMMENDATION

That Council resolve to grant planning approval to the owner of Lot 100 Hope Street subject to the following conditions;

1. The applicant pay a \$5,000 cash bond,
2. Compliance with the Building Code of Australia,
3. That a Building Licence be issued prior to the transportable being relocated.

M17/0606

Moved Cr Schilling

Seconded Cr Foster

That Council resolve not to grant planning approval to the owner of Lot 100 Hope Street due to the poor condition of the building.

CARRIED 7-2

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.5
DATE:	9 June 2006
SUBJECT:	OVERSIZE OUTBUILDING
LOCATION:	LOT 230 LUKIN STREET, BEVERLEY
FILE REFERENCE:	LUK 710
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owner of this property has requested approval to construct a 9.00metre by 9.00metre shed with a 2.7 metre wall height. Floor area of 81.0 square metres. The shed will be used as a garage/workshop. The cladding will be colorbond.

The Shire of Beverley Town Planning Scheme Policy No.8 Table 2, only allows a maximum floor area of a single shed to be 55 square metres.

COMMENT

The applicant's property backs on to crown land. As the proposed garage is colorbond the impact from Lukin Street would be minimal. The owner has indicated that the garage would be built at a lower level than the existing house. I have indicated that the garage would have to be built on a 500mm sand pad to reduce the possibility of flooding affecting the building. It would therefore be prudent for Council to approve the application.

STATUTORY ENVIRONMENT

Shire of Beverley Town Planning Scheme Policy No.8.

M19/0606 **Moved Cr Leonhardt** **Seconded Cr Szczecinski**
That Council allow the owner of Lot 230 Lukin Street, to erect an
81.0 square metre garage subject to compliance with the Building
Code of Australia.

CARRIED 9-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.6
DATE:	20 June 2006
SUBJECT:	USE OF CARAVAN
LOCATION:	LOT 20 GREAT SOUTHERN HIGHWAY
FILE REFERENCE:	GRE2 1391
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owner of this property has made application to the Council for permission to live in his caravan on his property whilst his new shed is being completed.

The building licence was issued on 6 June 2006 for a 78 square metre steel framed garage. Building Licence No. 73 05/ 06.

The Caravan Parks and Camping Grounds Regulations 1999, Section 11 (2) (a) states:

- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any 12 month;
- (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months or
- (c) despite paragraph (b), by the local government of the district where the land is situated –
 - (1) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
 - (2) if any person owns or has a legal right to occupy the land and is to camp in the caravan on the land while a building licence issued to that person in respect of the land is in force.

COMMENT

The Caravan Parks and Camping Grounds Regulations 1999, gives a person the right to camp on his land whilst he has obtained a building licence, subject to that person applying in writing to the Council. The applicant has written seeking approval from the Council. The regulations do not distinguish what the building licence is for. The applicant states that he will build a house on the block once his other property in town has been sold.

Approval is only for a twelve-month period.

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.7
DATE:	20 June 2006
SUBJECT:	CHANGE OF CLASSIFICATION
LOCATION:	LOT 11 RICKEY'S SIDING ROAD, BEVERLEY
FILE REFERENCE:	RIC3 1239
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

An application has been received by the owner of this property to convert a shed into a dwelling. The owner will need to obtain a building licence for the conversion of the interior to a habitable standard. As part of the Building Licence a structural report will be required. The exterior may be altered.

The property is currently zoned "Farming" under the Shire of Beverley Town Planning Scheme.

Section 144 of the Health Act requires Council to approve the conversion of the shed into a dwelling. Section 144 of the Health Act 1911 states;

No person shall convert into or adapt or use as a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sublease, or otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without having first obtained the consent of the local government of the district in which the building is situated, and complied (in the case conditional consent is given) with such conditions as the local government has seen fit to impose.

COMMENT

Section 144 requires Council to approve the conversion of the shed to a dwelling. Council has previously approved similar applications. The proposal will be certified by a Structural Engineer to ensure the integrity of the structure.

It would therefore be prudent for Council to approve the application.

STATUTORY ENVIRONMENT

Health Act 1911, Section 144

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.8
DATE:	20 June 2006
SUBJECT:	PROPOSED PROSECUTION
LOCATION:	LOT 83 BUTCHERS ROAD, BEVERLEY
FILE REFERENCE:	BUT 51004
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

I undertook a site inspection of the property and noted that a second hand transportable office building had been located on the property and was being installed in its permanent position. A septic tank has also been installed.

A building application had been lodged on or about 27 March 2006 for a relocated dwelling.

A club spokesman has advised me that all work has ceased.

A retrospective building license cannot be issued.

Section 13 of the Building Regulations 1989 states;

13 (1) A builder shall not commence to construct, alter, add to or underpin any building and shall not commence any earthworks, necessary for, or incidental to, that construction, alteration, addition or underpinning until-

- (a) the plans, drawings and specifications have been approved;
- (b) the building surveyor has stamped the plans, drawings and specifications with the official stamp showing the number of the approval and the date of approval;
- (c) the builder has paid the appropriate fee prescribed in the Table to regulation 24; and
- (d) a license has been issued in the form of Form 4 or 5.

The penalty for the offence is a fine not exceeding \$5,000.

COMMENT

The owners of the property purchased a second hand transportable office and have relocated it to their property without the necessary approvals. The office can be made to comply with the BCA. An

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.9
DATE:	20 June 2006
SUBJECT:	CHANGE OF CLASSIFICATION
LOCATION:	LOT 83 BUTCHERS ROAD, BEVERLEY
FILE REFERENCE:	BUT 51004
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

To pre-empt an application from the club to convert a shed into a dwelling, I submit this report for Council consideration. Normally, the owners will need to obtain a building licence for the conversion of the interior to a habitable standard. As the owners may be prosecuted for illegal building works, there is a different procedure to use.

As part of the 'Certificate of determination' a structural report will be required, as will plans of the proposed dwelling.

The property is currently zoned "Farming" under the Shire of Beverley Town Planning Scheme.

Section 144 of the Health Act requires Council to approve the conversion of the shed into a dwelling. Section 144 of the Health Act 1911 states;

No person shall convert into or adapt or use as a dwelling any building not originally constructed or erected as a dwelling-house, and no person shall let, or lease, or sublet, or sublease, or otherwise permit, whether for any consideration or gratuitously, the use of, the building as a dwelling, without having first obtained the consent of the local government of the district in which the building is situated, and complied (in the case conditional consent is given) with such conditions as the local government has seen fit to impose.

COMMENT

The circumstances of this matter are unusual, as first legal action will need to proceed and then the owner can proceed to have a Certificate of Determination issued, accepting all the works that are done to be in accordance with the Building Code of Australia.

Section 144 requires Council to approve the conversion of the office to a dwelling. The proposal will be certified by a Structural Engineer to ensure the integrity of the structure.

It would therefore be prudent for Council to approve the application.

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.10
DATE:	20 June 2006
SUBJECT:	RELOCATED BUILDING
LOCATION:	LOT 83 BUTCHERS ROAD, BEVERLEY
FILE REFERENCE:	BUT 51004
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

Again to pre-empt an application from the owners for Council approval, I submit this report for Council consideration.

A relocated office building has been positioned on this property, albeit illegally.

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

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

In determining the application, Council may:

1. Approve the application;
2. Approve the application with conditions; or
3. Refuse the application.

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

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

COMMENT

The office has been relocated and the building can be made to comply with the Building Code of Australia.

STATUTORY ENVIRONMENT

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

M24/0606 Moved Cr McLean Seconded Cr Leonhardt
That Council grant planning approval subject to the following
conditions;

- 1. The applicant pay the \$5,000.00 cash bond,**
- 2. Compliance with the Building Code of Australia, and**
- 3. That a Certificate of determination be issued upon**
completion of all the works associated with the relocated
transportable dwelling.

CARRIED 9-0

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council
Chambers at 2.50pm

7.3 PLANT, WORKS, TOURISM AND RECREATION

Nil

7.4 FINANCE

ITEM NUMBER: 7.4.1
DATE: 21 June 2006
SUBJECT: SCHEDULE OF ACCOUNTS
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

Appendix 8

M25/0606 Moved Cr McLean **Seconded Cr Roberts**
That the Schedule of Accounts for the month of May 2006 be received.

CARRIED 9-0

7.4 FINANCE

ITEM NUMBER: 7.4.2
DATE: 21 June 2006
SUBJECT: FINANCIAL REPORT FOR THE PERIOD ENDING
31 MAY 2006
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

M26/0606 Moved Cr McDonald **Seconded Cr Roberts**
That the Financial Report for the month ending 31 May 2006, as presented, be received subject to reported changes.

CARRIED 9-0

7.4 FINANCE

ITEM:	7.4.3
DATE:	20 June 2006
SUBJECT:	INVESTMENT OF SURPLUS FUNDS
FILE REFERENCE:	FM008
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

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

COMMENT

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

▪ Office Equipment Reserve	\$ 17,727.00
▪ Annual Leave Reserve	\$ 89,369.00
▪ Building Reserve	\$ 340,480.00
▪ Leave and Gratuity Reserve	\$ 17,215.00
▪ Plant Reserve	\$ 485,007.00
▪ Recreation Ground Reserve	\$ 209,810.00
▪ Bush Fire Fighters Reserve	\$ 56,463.00
▪ Avon River Development Reserve	\$ 23,684.00
▪ Community Bus Reserve	\$ 17,051.00
▪ Cropping Committee Reserve	\$ 63,910.00
▪ Municipal Account	\$ 300,000.00

The Investment terms are as follows:

Investment#	Term	Interest Rate	Amount	Expires
1137527010	42 Days	5.63%	\$1,320,716.00	23/06/06
1137321015	46 Days	5.63%	\$ 300,000.00	23/06/06

M27/0606 Moved Cr Foster **Seconded Cr Roberts**
That the investment report for the month of May 2005 be received.
CARRIED 9-0

Mr Keith Byers declared an interest in the following item and withdrew from Council Chambers at 3.15pm

Mr Stephen Gollan declared an interest in the following item and withdrew from Council Chambers at 3.15pm

Miss Christine Emanuel declared an interest in the following item and withdrew from Council Chambers at 3.15pm

7.4 FINANCE

ITEM:	7.4.4
DATE:	20 June 2006
SUBJECT:	CHIEF EXECUTIVE OFFICER - SALARY
FILE REFERENCE:	FM008
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

A request is made to have my salary reviewed. The last such review was conducted on the 15th June 2004.

COMMENT

The CPI for the March quarter 2005 and 2006 has totalled 7.7% over the two years.

Moved Cr McLean **Seconded Cr Szczecinski**
That Council agree to increase the Chief Executive Officer salary by 7.7%.

LOST 4-5

Moved Cr Leonhardt **Seconded Cr Foster**
That Council agree to increase the Chief Executive Officer salary by 4.3%, then a further 3.4% increase subject to the Chief Executive Officer meeting the Key Performance Indicators set out in his Performance Appraisal, and this be reviewed in October 2006.

LOST 4-5

Moved Cr Alexander **Seconded Cr McDonald**
That Council agree to increase the Chief Executive Officer salary by 4%, then a further 4% increase in 4 months, subject to the Chief Executive Officer meeting the Key Performance Indicators set out in his Performance Appraisal.

LOST 4-5

M28/0606 Moved Cr Schilling Seconded Cr Foster
That Council agree to increase the Chief Executive Officer salary by 5%, then a further 3% increase in 6 months, subject to the Chief Executive Officer meeting the Key Performance Indicators set out in his Performance Appraisal.

CARRIED 8-1

7.4 FINANCE

ITEM:	7.4.5
DATE:	20 June 2006
SUBJECT:	DEPUTY CHIEF EXECUTIVE OFFICER - SALARY
FILE REFERENCE:	PERSONNEL FILE 2
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

A request is made to have my salary reviewed. The last such review was conducted on the 15th June 2004.

COMMENT

The CPI has increased by a total of 7.7% for the March quarters of 2005 and 2006.

M29/0606 Moved Cr Schilling Seconded Cr Foster
That Council agree to increase the Deputy Chief Executive Officer salary by 5% and recommend to the Chief Executive Officer, that a further 3% increase be granted in 6 months, subject to satisfactory performance.

CARRIED 8-1

Mr Keith Byers, Chief Executive Officer, entered Council Chambers at 4.15pm

Mr Stephen Gollan, Deputy Chief Executive Officer, entered Council Chambers at 4.15pm

Miss Christine Emanuel, Secretary, entered Council Chambers at 4.15pm

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 4.15pm

7.4 FINANCE

ITEM:	7.4.6
DATE:	21 June 2006
SUBJECT:	INSURANCE RENEWAL
FILE REFERENCE:	
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 9

BACKGROUND

Municipal Insurance Broking Services has supplied a quote for Council's 2006 / 2007 insurances.

COMMENT

Below is a summary of Council's insurance policies and their costs along with the 2005 / 2006 premiums.

<i>Class of Insurance</i>	<i>06/07 Premium</i>	<i>05/06 Premium</i>	<i>Increase / (Decrease)</i>
Bushfire	\$ 2,500.00	\$ 17,500.00	-\$ 15,000.00
Councillor & Officers Liability	\$ 4,185.00	\$ 4,185.00	\$ -
Councillor & Officers Liability	\$ 750.00	\$ 750.00	\$ -
Fidelity Guarantee	\$ 415.04	\$ 417.07	-\$ 2.03
Journey Injury	\$ 350.00	\$ 350.00	\$ -
Motor Vehicle & Plant	\$ 28,994.97	\$ 25,363.83	\$ 3,631.14
Personal Accident & Travel	\$ 1,502.38	\$ 1,502.38	\$ -
Industrial Special Risk	\$ 14,722.76	\$ 16,236.53	-\$ 1,513.77
Electronic Equipment Breakdown	\$ 513.94	\$ 601.27	-\$ 87.33
Machinery Breakdown	\$ 2,089.11	\$ 2,331.00	-\$ 241.89
Multi Risk / General Breakdown	\$ 432.48	\$ 548.79	-\$ 116.31
Public Liability	\$ 23,370.00	\$ 24,850.00	-\$ 1,480.00
Workers Compensation	\$ 43,241.00	\$ 41,940.00	\$ 1,301.00
	\$ 123,066.68	\$ 136,575.87	-\$ 13,509.19
Salary Continuance (Quote)	\$ 4,101.64	\$ -	\$ 4,101.64
	\$ 127,168.32	\$ 136,575.87	-\$ 9,407.55

As you can see I have requested a quote-titled "Salary Continuance". This is for senior staff if they have an illness or accident and cannot resume duties for an extended period of time, Council can use this policy to replace the staff member with a temporary person.

M30/0606 **Moved Cr Leonhardt** **Seconded Cr Roberts**
That Council agree to the insurance proposal as supplied by Municipal Insurance Broking Services for 2006 / 2007 including the Salary Continuance policy.

CARRIED 9-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.11
DATE:	27 June 2006
SUBJECT:	RELOCATED DWELLING
LOCATION:	Lot 386 Railway Street
OWNER:	N. Read
FILE REFERENCE:	RAI 50033
REPORTING OFFICER:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owner of this property has made application to the Council for permission to relocate a dwelling from Brentwood to their property, Lot 386 Railway Street, Beverley.

The applicant is aware of what is required should the Council approve the application. He is also aware of the \$5,000 cash bond.

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

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

In determining the application, Council may:

- Approve the application;
- Approve the application with conditions; or
- Refuse the application.

Section 5.3 states;

When giving consideration to an application for planning consent, Council shall give consideration to:

The building in its relocated position being rendered visually acceptable by the use of verandahs, screening and/or landscaping; and

The design, scale and bulk of the proposed building being compatible with the type of buildings that exist in the locality in which it is to be located.

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

8. INFORMATION BULLETIN

8.1 CHIEF EXECUTIVE OFFICER

ITEM NUMBER:	8.1.3
DATE:	19 June 2006
SUBJECT:	DONATION
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

The Riding for Disabled Association has requested Council consider making a donation to assist the Avon Valley Therapeutic Equestrian Club with their establishment and ongoing costs.

It was agreed that when formulating the 2006/2007 budget, Council consider this request.

ITEM NUMBER:	8.1.8
DATE:	19 June 2006
SUBJECT:	BEVERLEY STANDPIPES
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

Mr Marty Brennan of Brennan's Water Carting has requested Council reconsider its decision to lock all standpipes.

Although acknowledging Council's reason for the closure, to Mr Brennan it is imperative for health concern that people have access to water, particularly should they have problems with their storage systems.

**M32/0606 Moved Cr Szczecinski Seconded Cr Roberts
That Council allow persons to access a key from standpipes within the Shire of Beverley, subject to meeting the following requirements:**

- 1. A key being obtained form the Council Office.**
- 2. A \$50.00 bond being paid for the key.**
- 3. Completion of a Standpipe Key Request form.**

Council requested that Main Roads Western Australia be requested to assess for their suitability as Heavy Haulage routes the following roads Carolling Bally Bally, Yenyening Lakes, East Beverley, Oakdale, Dongerdilling, Barrington, York-Williams, Greenhills South, Ewarts, Glencoe.

Cr Alexander requested the Chief Executive Officer, advise Extra Mass Permit Vehicle holders of the change to the permit license conditions and invite them to provide a short list of roads for inclusion on the Shire of Beverley’s Extra Mass Permit Policy, and Main Roads Western Australia be notified of roads required for Extra Mass Permit Vehicles within the Shire.

Mr Steve Vincent, Works Supervisor, left Council Chambers at 5.30pm.

10.2 2006/2007 BUDGET

M34/0606 Moved Cr Alexander Seconded Cr Roberts
That Council agree to formally adopt the 2006/2007 budget at the July 2006 Council Meeting.

CARRIED 9-0

11. CLOSURE

There being no further business the meeting closed at 5.50pm.

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

Presiding Member _____

Date _____