

## MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 21 FEBRUARY 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

Mr. Frank Buise, Environmental Health Officer/Building Surveyor, entered the Council Chambers at 11.00am.

### 3. PUBLIC QUESTION TIME

#### 3.1 NOISE POLLUTION PROCEDURE

Mrs Joanne Lawlor asked Council for correspondence verifying if noise control was the responsibility of the Shire or Police.

**Council advised Mrs Lawlor that Mr Frank Buise, Environmental Health Officer / Building Surveyor is the Officer to whom noise control matters should reported, and that if he was unavailable, the Police should be contacted as an alternative.**

Isobel reported to Council and the Environmental Health Officer / Building Surveyor that on the weekend of 18 and 19 February 2006 there was constant and excessive noise emanating from neighbours in Smith Street.

On behalf of Mr & Mrs Simpson, a neighbour in Smith Street, Isobel requested a reply to a letter that had been sent by them to the Shire, complaining about noise and unsightly mess by a neighbour.

### 3.2 WESTNET RAIL

Mr Walter McMillan reported to Council that South African Thornbush, growing rampant along the railway lines, needs some attention. Mr McMillan advised he had contacted Westnet Rail, without resolution and would like the Shire of Beverley to contact other Shires within the region to enquire as to whether this weed is a common problem, and should this be the case, combine their efforts to approach Westnet Rail to have the weed eradicated.

**Cr Schilling advised Mr McMillan that the issue of weeds spreading along railway reserves would be raised at the next meeting of the Central Country Zone of Councils.**

### 3.3 DOG CONTROL

Mr Landgis reported his concern over the large number of dogs seen roaming Beverley streets, one of which had attacked a relative.

**Cr Schilling requested that the dog attack be reported to Shire staff that will then report the incident to Ranger Services.**

### 3.4 DRAINAGE IN RAILWAY AND FORREST STREETS

Mr Trevor Boyle addressed Council with ongoing concerns over drains not coping with water and overflowing into his properties on Railway and Forrest Streets. Mr Boyle voiced his dissatisfaction with efforts made by the Shire of Beverley to rectify the longstanding problem and requested an immediate resolution.

**Cr Schilling advised Mr Boyle that the Shire of Beverley have been making efforts to divert the excess water to drains in Forrest and Railway Streets. It was explained that during recent heavy rains inspections were carried out in the area but it was considered that the build up of water was no worse than other catchments in the townsite. Councillor Schilling further advised that the Shire had employed the services of an Engineer to survey and report on drainage issues in Forrest Street. Mr Boyle was told that the Shire would forward a copy of the Engineer's report to him when it was received.**

Mr Fred Randall requested a copy of the Engineer's report for himself and Mr Bob Thompson of the Department of Local Government and Regional Development.

Mr Steve Vincent, Works Supervisor, entered Council Chambers at 11.22am.

Mr Vincent reported to Council that Forrest Street had been recently surveyed and the Engineer's report was initially expected to be available for presentation at this Council Meeting, however in contacting the Engineer, Mr Steve Vincent was told the report would not be forwarded until the end of February.

Mr Steve Vincent, Works Supervisor, left Council Chambers at 11.25am.

### **3.5 MOSQUITO FOGGING**

Mrs Gaynor Carter requested an update on the fogging of mosquitoes by the Shire of Beverley.

**Mrs Carter was advised that due to a record amount of rain during summer, conditions have been ideal for mosquitoes and that it was a problem all over the shire. Council is undertaking mosquito fogging in an attempt to restrict the mosquito numbers.**

### **3.6 SEA CONTAINER – LOT 801 YORK-WILLIAMS ROAD**

Mr Barry Warner has applied for permission to place a sea container on his property on York-Williams Road, covered in agenda item 7.1.5. Mr Warner requested that Council allow permission for him to place a shipping container on his property with consideration to his property being; 40km from the town centre and the container being located 140meters from the York-Williams Road.

### **3.7 AVON VALLEY LOW COST FOOD CENTRE**

Councillors were presented with a statement from Mrs Wendy Gilbert and Mr Laurie Barker, being representatives of the Avon Valley Low Cost Food Centre, outlining their dissatisfaction with action taken against them regarding the hygiene, labelling and transporting of food sold at the Avon Valley Low Cost Food Centre, claiming that they had been victimised by Council's Environmental Health Officer / Building Surveyor and have had no written communication from the Shire of Beverley.

Mrs Gilbert stated that:

1. The Avon Valley Low Cost Food Centre has been operating for three years, bringing a service to community.
2. During an inspection by Council's Environmental Health Officer / Building Surveyor in October 2005, he purchased an unlabelled meat package and action taken soon after'.

Mr Laurie Barker interjected saying that he had admitted selling unlabelled meat.

3. Unfair scrutiny had been placed on the receipt slip that was issued when food samples were purchased, as it had an imprint of St Vincent De Paul Society/Frederick House shown on the receipt. Avon Valley Low Cost Food Centre cannot see why this was an issue as it is expensive to have the name changed on an insignificant receipt.
4. No notice was given that Council's Environmental Health Officer / Building Surveyor would be contacting St Vincent De Paul Society to question them on the Avon Valley Low Cost Food Centre alleged 'affiliation', and that as a result of this St Vincent De Paul had stopped Avon Valley Low Cost Food Centre purchasing from them. Further to this, the Department of Health issued a work order for meat labelling after getting the impression that the Shire of Beverley was closing down Avon Valley Low Cost Food Centre. Mrs Gilbert feels that the actions of the Environmental Health Officer / Building Surveyor has harmed the service that Avon Valley Low Cost Food Centre is bringing to the Beverley community, with money made from the sale of food only being used to purchase more food for the store.
5. Mr Laurie Barker is not a member of the Avon Valley Low Cost Food Centre's Board and works as a volunteer, receiving no monetary gain for his efforts in travelling to and from Perth to pick up food that is purchased there.
6. It was unfortunate that at the time of an inspection carried out on the food van by Council Environmental Health Officer / Building Society, that was driven by Mr Laurie Barker, that the magnetic signs usually displayed had blown off and on return to Perth only one sign was found and this has happened on more than one occasion. For this, Avon Valley Low Cost Food Centre feels they are being victimised as reports have been collated on the movements of other food in unmarked vans by other businesses including the transporting of hampers for the Shire, in an unmarked vehicle also used to take loads to the tip.

7. There has been no written communication from the Shire of Beverley, and Council's Environmental Health Officer / Building Surveyor has given directions and approvals verbally, then acted in a manner contrary to what has been said.
8. Posters of St Vincent De Paul Society, displayed in Avon Valley Low Cost Food Centre were only put up as a thank you to the group and did not mean that the centre was affiliated with them.
9. Although people, attending public question time at this Council Meeting, had commented on bread being mouldy or milk being off, there had been no complaints made to Avon Valley Low Cost Food Centre.

Mr Laurie Barker stated that he had purchased bread with fewer preservatives that may have gone mouldy. Mr Barker also assured Council that meat and milk products are now transported in eskies and ice.

**Council's Environmental Health Officer / Building Surveyor reported that he has carried out inspections and food sampling at Avon Valley Low Cost Food Centre since October 2005, and in his absence in February 2006, had requested a follow up by the acting Environmental Health Officer / Building Surveyor, who also carried out food sampling.**

**The Environmental Health Officer / Building Surveyor also stated that he had written to the St Vincent De Paul Society to check on Avon Valley Low Cost Food Centre affiliation with the group, in which he received a reply stating no St Vincent De Paul has no affiliation with this group.**

**The Environmental Health Officer / Building Surveyor continued to report that other shops in Beverley have been inspected, including vehicles used to transport food, and food samples purchased for testing. The method of transporting meat and milk in eskies and ice was supported by the Environmental Health Officer / Building Surveyor, who then outlined the reason for the action taken against Avon Valley Low Cost Food Centre was as a result of:**

- **An inspection of the vehicle used to transport perishable foods.**
- **The meat sample purchased on 1 December 2005 for being insufficiently labelled.**

**Cr Foster stated that the impression one gets from St Vincent De Paul Society posters being displayed in Avon Valley Low Cost Food Centre is that there is an affiliation with the society.**

**Cr Schilling advised that the allegation of hampers being delivered to the Shire of Beverley in an unmarked van would be followed up, and that consumers with complaints in regards to mouldy bread, off milk or other food being out of date should be addressed to Council's Environmental Officer / Building Inspector.**

**The Chief Executive Officer reported that a letter was sent to Mr Laurie Barker on 1 February 2006 informing the Avon Valley Low Cost Food Centre of the outcomes of a previous letter the Environmental Health Officer / Building Surveyor sent to the St Vincent De Paul Society.**

**Council resolved that the Environmental Health Officer / Building Surveyor:**

- 1. Write to Avon Valley Low Cost Food Centre outlining the regulations in relation to the cartage of food**
- 2. Respond to reasons for action taken against Avon Valley Low Cost Food Centre.**

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 12.10pm.

#### **4. CONDOLENCES**

REYNOLDS	Mr Ian Gordon	5 January 2006
FAHEY	Olive Muriel	12 January 2006
CARR	Kevin	18 January 2006
BOYLE	Eric	20 January 2006
JAS	Stanley	30 January 2006

#### **5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

**6.1 MINUTES OF THE COUNCIL MEETING HELD ON 20 DECEMBER 2005**

**M1/0206 Moved Cr Foster Seconded Cr Bailey**  
That the Minutes of the Ordinary Meeting of Council held on 20 December 2005, be confirmed.

**CARRIED 9-0**

**6.2 MINUTES OF THE ANNUAL ELECTORS MEETING FOR THE FINANCIAL YEAR ENDED 30 JUNE 2005 HELD IN THE LESSER HALL ON TUESDAY 7 FEBRUARY 2006**

Appendix 1

**M2/0206 Moved Cr McLean Seconded Cr Leonhardt**  
That the Minutes of the Annual Electors Meeting for the financial year ended 30 June 2005 held in the Lesser Hall on Tuesday 7 February, be received.

**CARRIED 9-0**

**BUSINESS ARISING**

**6.2.1 STREET SWEEPER**

Council resolved that a Street Sweeper be considered when formulating the 2006 / 2007 budget.

**6.2.2 TOWN STORM WATER SUMPS**

**M3/0206 Moved Cr Leonhardt Seconded Cr Foster**  
That stormwater sumps be inspected within Beverley townsite on a monthly basis.

**CARRIED 9-0**

**6.2.3 YORK-WILLIAMS ROAD BRIDGES**

**M4/0206 Moved Cr Szczecinski Seconded Cr McLean**  
That Council request Main Roads Western Australia to consider widening the single lane bridges on the York-Williams Road.

**CARRIED 9-0**

**6.2.4 RABBIT CONTROL**

**M5/0206 Moved Cr McLean Seconded Cr Foster**  
That the Works Supervisor investigates methods of rabbit control within the Beverley Townsite.

**CARRIED 9-0**

**6.2.5** **BEVERLEY POOL**

Council resolved that new screens around pool kiosk area be considered when formulating the 2006 / 2007 budget.

**6.2.6** **ABSENTEE LANDOWNERS FIRE CONTROL**

See Item 8.1.1

**6.2.7** **SPEED LIMITS**

**M6/0206** Moved Cr Leonhardt Seconded Cr McDonald  
That Council request Main Roads Western Australia to review the speed limit for vehicles utilising Hunt Road and Great Southern Highway within the townsite boundary.

**CARRIED 5-4**

Council adjourned for Lunch at 12.35pm.

Council reconvened from Lunch at 1.40pm.

**6.4** **MINUTES OF THE FINANCE/AUDIT COMMITTEE MEETING HELD ON MONDAY 20 FEBRUARY 2006.**

Appendix 2

**M7/0206** Moved Cr Szczecinski Seconded Cr Leonhardt  
That the Minutes of the Finance/Audit Committee Meeting held on Monday 20 February 2006, be received.

**CARRIED 9-0**

**BUSINESS ARISING**

**6.4.1** **DEBT COLLECTION**

**M8/0206** Moved Cr Alexander Seconded Cr Roberts  
That Council appoint Austral Mercantile to provide Council's debt collection service.

**CARRIED 9-0**

**6.4.2** **VEHICLE TRADE-IN**

**M9/0206** Moved Cr Szczecinski Seconded Cr Roberts  
That Council purchase three vehicles from Gibbons Holden at a changeover price as shown below:

Holden Statesman Sedan	\$5,584.00
Holden Commodore Station Wagon	\$7,700.00
Holden Commodore Sedan	\$8,000.00

**CARRIED 9-0**



Mr Steve Vincent, Works Supervisor, entered Council Chambers at 1.55pm.

**6.3 MINUTES OF THE PLANT AND WORKS COMMITTEE MEETING  
HELD ON WEDNESDAY 15 FEBRUARY 2006.**

Appendix 3

**M10/0206 Moved Cr Leonhardt Seconded Cr Szczecinski  
That the Minutes of the Plant and Works Committee Meeting, held  
on Wednesday 15 February 2006, be received.**

**CARRIED 9-0**

**BUSINESS ARISING**

**6.3.1 FIVE-YEAR ROAD PLAN**

**M11/0206 Moved Cr Roberts Seconded Cr Foster  
That a meeting of the Plant and Works Committee be held in  
Council Chambers on Thursday 16 March at 8.30am to discuss the  
five year road plan.**

**CARRIED 9-0**

**6.3.2 PLANT REPLACEMENT PROGRAM**

**M12/0206 Moved Cr Foster Seconded Cr Leonhardt  
That Council do not adopt motion PW1/0206 from the Plant and  
Works meeting to accept the plant replacement program.**

**CARRIED 9-0**

**6.3.3 RENAME JONES ROAD**

**M13/0206 Moved Cr Bailey Seconded Cr Szczecinski  
That Council do not rename Jones Road.**

**CARRIED 9-0**

**6.3.4 WESTDALE ROAD**

**M14/0206 Moved Cr Alexander Seconded Cr Leonhardt  
That the Chief Executive Officer advise Mr Adam Gosling of costs  
associated with works on Westdale Road and the competency of  
the Shire employees to carry out such works.**

**CARRIED 9-0**

**6.3.5** **MAITLAND ROAD**

**M15/0206** Moved Cr Leonhardt **Seconded Cr Roberts**  
That the Chief Executive Officer advises Mr John Saville-Wright that Maitland Road has been placed on the road program, as a high priority road.

**CARRIED 9-0**

**6.3.6** **UNSIGHTLY CARS**

**M16/0206** Moved Cr Foster **Seconded Cr Leonhardt**  
That the Chief Executive Officer advise Mrs Helen Schmidt that the owner of the vehicles will be notified and requested to tidy the area.

**CARRIED 9-0**

**6.3.7** **WATERHATCH ROAD**

**M17/0206** Moved Cr Alexander **Seconded Cr Leonhardt**  
That Council place a section of Waterhatch Road on the bitumen resealing program.

**CARRIED 9-0**

**INFORMATION BULLETIN**

**8.3** **WORKS SUPERVISOR**

**8.3.1.3** **SHEAHAN ROAD ALIGNMENT**

**BACKGROUND**

It has been brought to the Councils attention that a section of Road on Sheahans Road is not within the road reserve. This corner will have to be realigned as soon as possible as the owners are looking at planting trees and fencing in the next few months.

**M18/0206** Moved Cr Alexander **Seconded Cr Roberts**  
That the Works Supervisor liaises with Mr Michael Campi, regarding the section of Sheahans Road not within the road reserve.

**CARRIED 9-0**

## 7.3 PLANT, WORKS, TOURISM AND RECREATION

**ITEM NUMBER:** 7.3.1  
**DATE:** 16 February 2006  
**SUBJECT:** RESEAL TENDER  
**FILE REFERENCE:**  
**AUTHOR:** Works Supervisor – Steve Vincent

### BACKGROUND

Tenders closed on the 1<sup>st</sup> February 2006 for the full contract to reseal the roads listed for Roads to Recovery funding.

### COMMENT

The following prices were received from RNR Contracting, Boral Asphalt and Pioneer Road services.  
 These prices have been adjusted as each company quoted different application rates.(10mm @1.6 litres per m<sup>2</sup> & 14mm @ 2 litres per m<sup>2</sup>)

### RNR CONTRACTING

	Total kms	Sq mts	Cost / m <sup>2</sup>	Rates quoted	Adjusted price / m <sup>2</sup>	TOTAL COST
Morbinning Road	5.6	23719	2.00	1.6	2.0	47438.00
Kokeby East Road	3.3	13916	2.00	1.6	2.0	27832.00
Bally Bally County Peak Road	0.25	1625	2.50	2	2.5	4062.50
Bally Bally Caroling Road	1.97	9582	2.50	2	2.5	23955.00
Lukin Street	0.565	3842	2.00	1.6	2.0	7684.00
Chipper street	0.33	2211	2.00	1.6	2.0	4422.00
Nicholas Street	0.26	1742	2.00	1.6	2.0	3484.00
Sewell Street	0.275	3547.5	2.00	1.6	2.0	7095.00
Ernest Street	0.205	1742.5	2.00	1.6	2.0	3485.00
Edwards Street	0.28	3864	2.00	1.6	2.0	7728.00
						\$ 137,185.50

### BORAL ASPHALT

	Total kms	Sq mts	Cost / m <sup>2</sup>	Rates quoted	Adjusted price / m <sup>2</sup>	TOTAL COST
Morbinning Road	5.6	23719	1.83	1.4	1.98	46963.62
Kokeby East Road	3.3	13916	1.83	1.4	1.98	27553.68
Bally Bally County Peak Road	0.25	1625	2.42	1.6	2.72	4420.00
Bally Bally Caroling Road	1.97	9582	2.42	1.6	2.72	26063.04
Lukin Street	0.565	3842	1.83	1.4	1.98	7607.16
Chipper street	0.33	2211	1.83	1.4	1.98	4377.78
Nicholas Street	0.26	1742	1.83	1.4	1.98	3449.16
Sewell Street	0.275	3547.5	1.83	1.4	1.98	7024.05
Ernest Street	0.205	1742.5	1.83	1.4	1.98	3450.15
Edwards Street	0.28	3864	1.83	1.4	1.98	7650.72
						\$ 138,559.36

**PIONEER ROAD SERVICES**

	Total kms	Sq mts	Cost / m <sup>2</sup>	Rates quoted	Adjusted price / m <sup>2</sup>	TOTAL COST
Morbinning Road	5.6	23719	2.38	1.4	2.52	59771.88
Kokeby East Road	3.3	13916	2.38	1.4	2.52	35068.32
Bally Bally County Peak Road	0.25	1625	2.85	2	2.85	4631.25
Bally Bally Caroling Road	1.97	9582	2.78	2	2.78	26637.96
Lukin Street	0.565	3842	2.78	1.4	2.92	11218.64
Chipper street	0.33	2211	2.78	1.4	2.92	6456.12
Nicholas Street	0.26	1742	2.78	1.4	2.92	5086.64
Sewell Street	0.275	3547.5	2.78	1.4	2.92	10358.70
Ernest Street	0.205	1742.5	2.78	1.4	2.92	5088.10
Edwards Street	0.28	3864	2.78	1.4	2.92	11282.88
						\$ 175,600.49

**M19/0206      Moved Cr Roberts                                  Seconded Cr Leonhardt**  
**That Council accept the tender from RNR Contracting for the**  
**resealing program at a cost of \$137,185.50.**

**CARRIED 9-0**

### 7.3 PLANT, WORKS, TOURISM AND RECREATION

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**ITEM NUMBER:** 7.3.2  
**DATE:** 16 February 2006  
**SUBJECT:** TRAILER FOR BOBCAT  
**FILE REFERENCE:**  
**AUTHOR:** Works Supervisor – Steve Vincent

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#### BACKGROUND

There is a provision for \$10,000.00 to be spent on a trailer to cart the Bobcat on.

#### COMMENT

There are no suitable second hand trailers available.  
Quotes have been received to build a new trailer from the following:

Prices include GST

Polmac Trailers	\$11,000.00
John Papas Trailers	\$10,047.00
DeLisle Engineering	\$10,307.00

This trailer is to be constructed from all galvanised steel and is to be fitted with multi volt LED lights. Time frame for construction is approximately four weeks.

**M20/0206 Moved Cr Alexander** **Seconded Cr Szczecinski**  
**That Council accept the quote from DeLisle Engineering for the**  
**supply of a trailer at a cost of \$10,307.00.**

**CARRIED 9-0**

Mr Steve Vincent, Works Supervisor, left Council Chambers at 2.40pm.

### 6.5 PRESIDENT'S REPORT

Appendix 4

**M21/0905 Moved Cr Schilling** **Seconded Cr Foster**  
**That the President's Report be received.**

**CARRIED 9-0**

Mr David Lodwick, Town Planner, entered Council Chambers at 2.45pm.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 2.45pm.

## 7. REPORTS OF COMMITTEES AND OFFICERS

### 7.1 TOWN PLANNING

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ITEM NUMBER:	7.1.1
DATE:	31 January 2006
SUBJECT:	RECONSIDERATION OF CONDITIONS OF PLANNING APPROVAL FOR CATTLE FEEDLOT AND ASSOCIATED INFRASTRUCTURE – AVON LOC 17972 DARKIN ROAD, WESTDALE
OWNER:	G Berrill
FILE REFERENCE:	DAR 1502
AUTHOR:	Shire Planner – David Lodwick

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Appendix 5 - Locality Plan.

#### BACKGROUND

Council previously granted planning approval at its meeting of 15 November 2005 to an application proposing establishment of a cattle feedlot and associated infrastructure on the subject land. The application was approved subject to an extensive list of conditions.

Council is now in receipt of a letter dated 18 January 2006 from Belton-Taylforth Planning and Environmental Consultants on behalf of the landowner Gerry Berrill that states as follows:

*“The landowner has requested that two Conditions of Approval be reviewed as follows:*

#### **Condition 15**

*“All roads, work areas and feedlot base shall be constructed from compacted crushed limestone. In the event of complaints to Council from dust emissions as associated with feedlot operations, access and transport to and from the site, a water cart and water sprays shall be made available by the landowner to be used for dust suppression to the satisfaction of Council.”*

*There is no fundamental objection to this condition, however we would request that the word ‘limestone’ be replaced with ‘gravel or other suitable material.’ It is understood that this matter was raised at the Council meeting and the landowner indicated to Council that gravel would be the preferred material.*

#### **Condition 19**

*“Should Darkin Road be closed at some time in the future for trucks by CALM for management purposes and/or due to a change in classification of surrounding State Forest land, the approval of the feedlot operation shall become null and void from the date thereof and a fresh application will need to be lodged with Council for consideration of continuation of the proposed land use/development.”*

*This condition places an unreasonable burden on the landowner of the property.*

*The current wording of this condition requires operations on the site to cease should CALM decide, at some time in the future, to close or limit access to Darkin Road. This would potentially result in a situation whereby the landowner would need to cease operations until a new application is prepared, lodged and approved by the Shire-even although suitable access would still be possible via the easement. Due to the nature of the feedlot operations it may not be possible for the landowner to cease operations immediately and this would create a situation whereby, at least technically, the landowner would be operating without a suitable approval under the Scheme.*

*The landowner is currently using the existing easement to access the property, and this has now been confirmed as the preferred access route. Darkin Road is to be used only in certain circumstances when the easement is not suitably accessible. There are plans in place to upgrade the easement to 'all weather' condition over the coming months, at which time it will be unlikely any use of Darkin Road would be required.*

*We would therefore request that Condition 19 be deleted."*

#### **COMMENT**

The request to modify condition 15 and delete condition 19 is supported and reflects clarification with the owner Mr Berrill as to the nature of operations and access requirements.

**M22/0206**

**Moved Cr Schilling**

**Seconded Cr Leonhardt**

**That Council amend motion M3/1105 in respect of planning approval granted by Council at it's meeting of 15 November 2005 for Cattle Feedlot and associated infrastructure at Avon Location 17972 Darkin Road Westdale as follows:**

1. **Condition 15 is reworded so as to read:  
"All roads, work areas and feedlot base shall be constructed from compacted crushed gravel or other similar material. In the event of complaints to Council from dust emissions as associated with feedlot operations, access and transport to and from the site, a water cart and water sprays shall be made available by the landowner to be used for dust suppression to the satisfaction of Council."**
2. **Condition 19 is deleted.**

**CARRIED 9-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.2</b>
<b>DATE:</b>	<b>31 January 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED CONSTRUCTION OF PUMPING/STORAGE FOR ORGANIC OLIVE GROVE DEVELOPMENT 'BEAMING HILL' ESTATE, DALE KOKEBY ROAD, BEVERLEY</b>
<b>OWNER:</b>	<b>Beaming Hill Pty Ltd and Beaudame Pty Ltd</b>
<b>FILE REFERENCE:</b>	<b>DAL 622</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 6 : Locality and Site plans.

### BACKGROUND

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

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

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



## COMMENT

Council is now in receipt of correspondence from Michael Campi, Project Manager – Vineyards & Olives for Great Southern Olive Holdings Pty Ltd dated 16 January 2006, which states as follows: *“In accordance with our planning approval for the above development, and further to our meeting on the 4<sup>th</sup> January 2006 I would like to advise as follows:*

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

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

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

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

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

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

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

*The vegetation along the creek line where the bores and dams are to be located will be managed to ensure the trees are kept alive.*

*This will be achieved by allowing environmental flows/seepage flows to continue; and by replanting areas along the creek line with native species where appropriate.*

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

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

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

As the proposal to construct pumping/storage dams on the Estate has the potential to impact on drainage and water table depth of adjoining land, referral of the proposal to adjacent landowners for comment is recommended, prior to Council making a decision on the proposal.

**M23/0206**

**Moved Cr Leonhardt**

**Seconded Cr Foster**

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

**CARRIED 9-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.3</b>
<b>DATE:</b>	<b>7 February 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED AMALGAMATION – LOTS 1, 2 &amp; PORTION LOT 154 DEMPSTER STREET, BEVERLEY</b>
<b>OWNER:</b>	<b>Pozman &amp; Howell</b>
<b>FILE REFERENCE:</b>	<b>PL 130159</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 7: Locality plan and proposed subdivision plan.

### BACKGROUND

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

Lot 1:	736m <sup>2</sup>
Lot 2:	736m <sup>2</sup>
Lot 154:	146m <sup>2</sup>

### COMMENT

The proposal is simply to amalgamate a redundant private right of way owned by Mr Howell into the two surrounding lots owned by Mr Pozman so as to rationalise this land into a larger and complete landholding.

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

**M24/0206 Moved Cr Foster** **Seconded Cr Szczecinski**  
**That Council recommends to the Western Australian Planning Commission that the proposed amalgamation of Lots 1, 2 and Portion Lot 154 Dempster Street Beverley be approved.**

**CARRIED 9-0**

## 7.1 TOWN PLANNING

---

<b>ITEM NUMBER:</b>	<b>7.1.4</b>
<b>DATE:</b>	<b>7 February 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION –LOT 213 LUKIN STREET, BEVERLEY</b>
<b>OWNER:</b>	<b>A &amp; A Davis</b>
<b>FILE REFERENCE:</b>	<b>PL 130111</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 8: Locality plan and proposed subdivision plan.

### BACKGROUND

Council is in receipt of a referral from the WA Planning Commission proposing the subdivision of lot 213 Lukin Street into two lots.

Original Lot: 1.9065ha  
New Lots: 9039m<sup>2</sup>; 1.0026ha.

### COMMENT

The subject land is zoned R2.5 under the Shire of Beverley Town Planning Scheme No.2. Under this zoning, a minimum lot size of 4000m<sup>2</sup> is permissible under the Residential Design Codes of WA and country sewerage policy.

The subject land also has an “Additional Use” listed under Schedule 2 of the Town Planning Scheme, which states:

*“Motor vehicle and farm machinery business.*

*The Additional Use is subject to:*

- i) Council approval being obtained prior to commencement of development on the land.*
- ii) The use is personal to Mr A.M DAVIS only and will cease on his demise or when the land is sold. The Additional Use is not transferable to his family or any other person.*
- iii) No non-conforming use rights implied or otherwise being accrued.*
- iv) On-site advertising signs shall be approved by Council and shall not be illuminated.”*

The above clause relates to “development” matters and does not preclude subdivision of the land.

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

**M25/0206**      **Moved Cr Leonhardt**      **Seconded Cr Alexander**  
**That Council recommends to the Western Australian Planning**  
**Commission that the proposed subdivision of Lot 213 Lukin Street**  
**Beverley be approved.**

**CARRIED 9-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.5</b>
<b>DATE:</b>	<b>7 February 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED PLACEMENT OF A SEA CONTAINER – LOT 801 YORK-WILLIAMS ROAD, BEVERLEY</b>
<b>OWNER:</b>	<b>G &amp; J Winter</b>
<b>FILE REFERENCE:</b>	<b>YOR - 1591</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 9: Locality plan and site plan.

### BACKGROUND

Council is in receipt of correspondence from Mr Barrie Warner dated 4 February 2006, which states as follows:

*“It is my intention to place a 20 foot shipping container in my backyard as per the attached site plan. Having spoken personally to your Mr David Lodwick and Mr Frank Buise about this, I was surprised to hear that there may be some objection by Council, so have decided to advise you per this letter of such intention, and that I intend also to attend your next meeting on February 21<sup>st</sup>, in support thereof, & to be available for any queries Council may have.*

*Having moved to our new home, we have found that a shed of some sort is quite necessary to house all the odds and sods which seem to accumulate against the back wall, and which become a hazard as well as an eyesore. My original thought was to buy a kit shed and erect it, but after making further inquiries I found that it is much easier, quicker, and cheaper to purchase a sea container, which will provide instant access with no erection problems, as well as considerable monetary saving which is very important to us as we are pensioners.*

*Once installed, I will paint it to match the new house to blend in with the land around it. I can assure you that it will be used ONLY as a storage facility, to contain the likes of shovels, rake, a variety of maintenance tools and small workbench, plus my barbeque and chairs etc. As we are prone to strong winds here, it will also serve as a windbreak. It is also wind and water proof, and is quite secure and lockable.*

*As mentioned, I will attend your meeting, and am quite prepared to answer any queries you may have regarding this letter. It would be very much appreciated if you could provide sanction to proceed, as I have already lost a month.”*

## COMMENT

### History of Approval(s) on the Subject Land

A building licence issued for main residence in September 1986. No records of approval(s) of the "old cottage" located on the subject land.

Council at it's meeting of March 2005 granted approval for a third residence on the property, classified as a 'managers residence.'

At Council's meeting of May 2005 following a request for reconsideration from the owner(s), it was resolved to reword Condition No.3 of the approval of the manager's residence so as to read as follows:

*"The 'old cottage' being reclassified and converted to a storage shed, including the processing of alpaca fleece and alpaca husbandry, and further, that this shed not be used for habitation. This is to be undertaken prior to occupation of the replacement manager's residence."*

### Current Application

There is currently no Council Policy, which addresses the land use issue of sea containers in the 'Farming' zone.

Currently under the Town Planning Scheme, and in absence of an adopted Policy, Council must consider such a proposal on it's individual merits, in particular Clause 3.5 of the Scheme which provides that land use proposals in the Farming Zone be determined in relation to impact on rural character and amenity.

A site inspection confirms that the location of the sea container will be over 100m from York-Williams Road and located directly adjacent to the new manager's residence. Therefore, there will be no adverse impact on surrounding land and the sea container will not be prominent when viewed from the road. As such, approval is duly recommended.

**M26/0206**

**Moved Cr Szczecinski**

**Seconded Cr Alexander**

**That Council grant approval to Mr Warner to place a sea container at Lot 801 York-Williams Road Beverley in accordance with submitted site plan and details provided in fax dated 4 February 2006 subject to the following conditions:**

- 1. Domestic storage only;**
- 2. Sea container to be painted in colours to match new adjacent residence and blend in with surrounding landscape to satisfaction of Council.**

**CARRIED 9-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.6</b>
<b>DATE:</b>	<b>14 February 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION –LOT 228 HARPER STREET, BEVERLEY</b>
<b>OWNER:</b>	<b>Hayman</b>
<b>FILE REFERENCE:</b>	<b>PL 130436</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 10: Locality plan and proposed subdivision plan.

### **BACKGROUND**

Council is in receipt of a referral from the WA Planning Commission to subdivide Lot 228 Harper Street Beverley into three lots.

Original Lot: 1.2141ha

New Lots: 7317m<sup>2</sup>; 2412m<sup>2</sup>; 2412m<sup>2</sup>

### **COMMENT**

Under the prevailing Residential 10 zoning over the subject land and country sewerage policy the creation of lots down to 2000m<sup>2</sup> are permissible.

As the subject land is a corner block, all the blocks will have suitable road frontage.

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

**M27/0206 Moved Cr Alexander** **Seconded Cr Roberts**  
**That Council recommends to the Western Australian Planning Commission that the proposed subdivision of Lot 228 Harper Street Beverley be approved.**

**CARRIED 8-1**



Mr Stephen Gollan, Deputy Chief Executive Officer and Mr Keith Byers, Chief Executive Officer declared an interest in the following agenda item and left Council Chambers at 3.00pm.

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.7</b>
<b>DATE:</b>	<b>21 February 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED CHANGE OF USE FROM 'CIVIC/CULTURAL' TO 'PRIVATE RECREATION'</b>
<b>OWNER:</b>	<b>Fire and Emergency Services</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 11: Letter dated 15 February 2006.

### **BACKGROUND**

Council is in receipt of a letter from Lyn Kay and Julie Weekes who seek permission to change the use of the Fire Station at Lot 27 Vincent Street to that of a Gym.

### **COMMENT**

The subject land is zoned "Town Centre."

The zoning is appropriate for such proposed land use.

There is sufficient on street parking adjacent to the building to cater for proposed gym patrons.

It is understood that the subject land is owned by FESA. As such, FESA will need to sign the application form granting consent to the proposed change of use.

No objection on planning grounds is offered. The building will need to be upgraded to comply with the Building Code of Australia including the Public Building Regulations.

- M28/0206 Moved Cr Szczecinski Seconded Cr Roberts**  
**That Council grant approval to Lyn Kay and Julie Weekes to change the use of the fire Station at Lot 27 Vincent Street from "Civic/Cultural" to "Private Recreation" in accordance with letter dated 15 February 2006 and subject to the following conditions:**
- 1. Completion and submission of requisite Planning Application form and \$100 application fee;**
  - 2. Compliance with Building Code of Australia;**
  - 3. Compliance with the (Public Building) Regulations 1992;**
  - 4. No external alterations to existing development;**

5. Hours of operation to be in accordance with application letter;
6. No objection from owner(s) of the subject land.

**CARRIED 9-0**

**M29/0206      Moved Cr Alexander                                  Seconded Cr Roberts**  
**That Council advise Lyn Kay and Julie Weekes to liaise with the**  
**Environmental Health Officer / Building Surveyor and Cr Schilling**  
**regarding building applications and building regulations required for**  
**the change of use of the old Fire Station.**

**CARRIED 9-0**

Mr Stephen Gollan, Deputy Chief Executive Officer and Mr Keith Byers, Chief Executive Officer entered Council Chambers at 3.17pm.

## 7.2 HEALTH AND BUILDING

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<b>ITEM NUMBER:</b>	<b>7.2.1</b>
<b>DATE:</b>	<b>1 February 2006</b>
<b>SUBJECT:</b>	<b>HOUSE UNFIT ORDER</b>
<b>LOCATION:</b>	<b>Lot 348 Forrest Street, Beverley</b>
<b>FILE REFERENCE:</b>	<b>FOR 538</b>
<b>AUTHOR:</b>	<b>Environmental Health Officer/Building Surveyor – Frank Buise</b>

---

### BACKGROUND

I received a verbal complaint from the tenant of the dwelling on 6 January 2006 and subsequently inspected the property on that day.

The dwelling is an old timber framed construction with brick clad cladding. The property is rundown, and the dwelling is considered to be unfit for human habitation. The extension to the rear (enclosed patio) is also questionable.

Section 135 states;

135 (1) Any local government may, of its own motion, and shall, when required by order of the Executive Director, public Health by notice in writing, declare that any house, be inhabited or any specified part thereof, is unfit for human habitation.

(2) The notice may direct that such house or part thereof shall not, after a time to be specified in the notice, be inhabited or occupied by any person.

(3) The notice shall be affixed to some conspicuous part of the house, and a copy of such notice shall be served upon the owner or occupier thereof.

Section 136 states;

136 Any person who, after the expiration of the specified time, inhabits or occupies, or suffers to be inhabited or occupied, such house or part thereof, commits an offence.

The following is a list of the remedial works required to bring the dwelling up to standard;

LOUNGE- Repair sagging ceiling and seal gaps and joints  
Windows to operate freely

DINING ROOM- Windows to operate freely

KITCHEN- Seal holes in walls  
Repair vinyl floor covering

Replace electric stove with proper functioning stove  
Repair cracks in walls  
Windows to operate freely  
Repair cupboard doors

REAR VERANDAH- Repair concrete pathway

REAR ROOM- Windows and door to operate freely  
Waterproof joint between house and verandah

LAUNDRY- Repair holes in floor

BEDROOM 1- Repair holes in walls  
Door to close properly

BEDROOM 2- Window to operate freely  
Door to open and close freely and provide door handle

BEDROOM 3- Windows to operate freely

BATHROOM- Replace shower base  
Replace shower screen  
Replace leaking cistern  
Repair holes in floor  
Provide 150mm flume vented through the roof

EXTERIOR- Repair/replace broken/missing wall cladding  
Replace broken/missing architraves/barge boards, fascias, and eaves linings where necessary  
Repair/replace boundary fences  
Stormwater to be directed away from the footings/building  
Replace/repair broken/missing roof tiles  
Repair sagging roof  
Clean away rubbish from underneath of dwelling  
Fit catches/closers to all windows where necessary  
Fit handles/locks to doors where necessary  
Remove all overgrown vegetation to reduce fire risk  
Repair roof leaks where necessary  
All stormwater to be discharged away from footings/stumps

GENERALLY- All electrical wiring to comply with Western Power requirements  
Remove all flaking and peeling paint and repaint interior and exterior  
Fumigate interior of dwelling

### **COMMENT**

The property is a rental property. The tenants have indicated that they are to move out in two weeks as they have purchased their own property. The owner has been advised of the repairs, and has stated

that she will not do any works until the tenants have vacated the property.

The shower base in the bathroom has a piece missing from it. There is no floor underneath it, and a child could easily have his foot caught in the gaps. Further, the oven does not work properly. There are also gaps in the floor to the laundry. The dwelling is infested with cockroaches. These are sufficient reasons to declare the house unfit, as well as the other items.

Council must also stipulate a time from when the dwelling must be vacated.

The owner has the right of appeal.

### **STATUTORY ENVIRONMENT**

Health Act 1911 (as amended) section 135

**M30/0206      Moved Cr Leonhardt                                      Seconded Cr McLean**  
**That Council resolve to issue an order under section 135 of the Health Act 1911 (as amended), on the owner of Lot 348 Forrest Street, Beverley, declaring the dwelling Unfit for Human Habitation, and further, shall not be inhabited after 28 February 2006.**

**CARRIED 9-0**

## 7.2 HEALTH AND BUILDING

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<b>ITEM NUMBER:</b>	<b>7.2.2</b>
<b>DATE:</b>	<b>1 February 2006</b>
<b>SUBJECT:</b>	<b>UNCOMPLETED BUILDING</b>
<b>LOCATION:</b>	<b>28868 Rigoll Road, Beverley</b>
<b>FILE REFERENCE:</b>	<b>RIG 1009</b>
<b>AUTHOR:</b>	<b>Environmental Health Officer/Building Surveyor – Frank Buise</b>

---

### BACKGROUND

Council at its meeting on 15 November 2005 resolved to instruct me to contact the owner, and find out what he intends to do with the structures on the property.

I wrote to the owner on 22 November 2005 and to date have received no response.

The original agenda item with changes is as follows;

Following a query from the DCEO concerning bond monies being held for the relocation of a transportable dwelling, I inspected the property concerned at Loc 28868 Rigoll Road on 29 August 2005.

The dwelling is a relocated timber framed dwelling and not a transportable as such. It is clad with "Brick Clad" cladding, which was originally made from asbestos cement sheeting. The roof is a clay-tiled roof. (Refer to photos).

The garage is a fibro cement sheet clad walls with clay-tiled roof.

A building license was issued on 14 February 1994 (24 93/ 94). The building license was valid for 12 months. The Building Surveyor of the day wrote to the property owner on 15 August 1995, requesting information as to when the project was to be completed. There is no record of a response to the letter.

The dwelling and garage, are in a dilapidated state and there is serious doubt as to the structural integrity of the roof of the dwelling, as it is support by an acrow prop.

Section 409A Uncompleted buildings states;

- (1) Where the erection of a building has been commenced but not completed within the time prescribed by the local laws, if any, made under section 433 (39), that are applicable to the building, the local government may, by notice served on the owner of the building, requiring him to show cause, within 60

days of the service of the notice, why the building should not be demolished and removed.

- (2) Where an owner on whom a notice has been served pursuant to subsection (1) fails, within 60 days of the service of the notice, or within such further time as the local government allows for the purpose, to satisfy the local government that there are good and sufficient reasons for the failure to complete the erection of the building within the time referred to in subsection (1) the local government may-
  - (a) By order served on the owner require him to have the building demolished and removed within such reasonable time as the local government specifies in the order; and
  - (b) Subject to subsection (3), where the owner fails to comply with the terms of the order referred to in paragraph (a), demolish and remove the building, and recover the costs incurred on account of the demolition and removal as a debt due to it.
- (3) An owner on whom an order is served pursuant to subsection (2)(a) may, within 15 days of the service upon him of the order, by causing notice in writing setting out his grounds to be served upon the Minister, appeal against the making of the order.
- (4) The Minister shall consider the appeal and confirm or set aside the making of the order, and may in confirming the order, if he thinks fit, extend the time specified in the order for compliance with the order, and the provisions of subsection (2)(b) apply in relation to the order as so confirmed or as so confirmed and varied, as the case requires.

The owner has the right of appeal.

### **COMMENT**

The dwelling and garage are dilapidated, and in my opinion beyond economical repair (it would have to comply with current BCA 2006 standards).

In this case it would be prudent for Council to issue an order under section 409A

### **STATUTORY ENVIRONMENT**

Local Government (Miscellaneous Provisions) Act 1960

**M31/0206      Moved Cr Leonhardt                      Seconded Cr Roberts**  
**That Council resolve to issue an order under Section 409A (1) on the owner of Loc 28868 Rigoll Road, requiring him to show cause within 60 days as why the dwelling and garage should not be**

**demolished and removed, further, issue an order under section 409A (2a) to demolish and remove the dwelling and garage within 60 days if the order under section 409A (1) is not satisfied.**

**CARRIED 9-0**



Cr McDonald declared an interest in the following agenda item and left Council Chambers at 3.40pm.

## **7.2 HEALTH AND BUILDING**

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**ITEM NUMBER:** 7.2.3  
**DATE:** 21 February 2006  
**SUBJECT:** PROPOSED PICKET FENCE  
**LOCATION:** 45 HUNT RD, BEVERLEY  
**OWNER:** MR W & MRS A MCDONALD  
**FILE REFERENCE:** HUN914  
**AUTHOR:** Environmental Health Officer/Building Surveyor – Frank Buise

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### **BACKGROUND**

A letter was received from Mr & Mrs McDonald, owners of a property at 45 Hunt Road, Beverley requesting permission to erect a 1.2m picket fence.

Council's Local Laws relating to fencing section 3.1 states that no front fence within the 7.5 metres setback shall be higher than 1 metre.

Section 12.1 allows Council to alter any height requirement.

### **COMMENT**

The owner of the property has made application to erect a front fence using timber pickets at the height of 1.2 metres. Council has the power to vary section 3.1 of the Local Law relating to fencing.

**M32/0206**    **Moved Cr Alexander**                                 **Seconded Cr Szczecinski**  
**That Council grant Mr & Mrs McDonald permission to erect a 1.2m picket fence at 45 Hunt Road, Beverley.**

**CARRIED 8-0**



## 7.2 HEALTH AND BUILDING

---

<b>ITEM NUMBER:</b>	<b>7.2.5</b>
<b>DATE:</b>	<b>21 February 2006</b>
<b>SUBJECT:</b>	<b>BARBED WIRE FENCE</b>
<b>LOCATION:</b>	<b>HUNT ROAD, BEVERLEY</b>
<b>OWNER:</b>	<b>MR B &amp; MRS K FERGUSON</b>
<b>FILE REFERENCE:</b>	<b>DAW 1483</b>
<b>AUTHOR:</b>	<b>Environmental Health Officer/Building Surveyor – Frank Buise</b>

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### BACKGROUND

The owner of the property has written to Council seeking permission to use barbed wire along the top of the dividing fence with the property at 20 Hunt Road.

The adjoining property owner has complained about the use of barbed wire.

Section 4.4.3 allows barbed wire to be used in a residential area subject to Council's written approval.

### COMMENT

The neighbour has complained about the use of barbed wire, this has led to the matter being investigated and subsequently the owner of the fence is now seeking Council permission to retain the barbed wire in accordance with the provisions of the Local Law on Fencing. Section 12 of the Local Law allows Council discretion to alter the requirements of the Local laws.

**M34/0206 Moved Cr Schilling** **Seconded Cr Alexander**  
**That Council grant permission to Mr and Mrs B Ferguson to use**  
**barbwire along the top of their boundary fence.**

**CARRIED 9-0**

Mr Stephen Gollan, Deputy Chief Executive Officer declared an interest in the following agenda item and left Council Chambers at 4.08pm.

## 7.2 HEALTH AND BUILDING

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ITEM NUMBER:	7.2.6
DATE:	21 February 2006
SUBJECT:	GOLF CLUB – WORK ORDER EXTENSION
LOCATION:	SMITH STREET, BEVERLEY
FILE REFERENCE:	SMI 41
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

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### BACKGROUND

A letter was received from the Beverley Golf Club requesting an extension to a work order issued by Mr Frank Buise, Environmental Health Officer, due to a lack of funds to complete items by the due date

No work has been carried out since the order was issued on 17 January 2005. Numerous items of the schedule have to be completed before 30 June 2005. The remainder by 30 January 2006.

### COMMENT

No work has commenced to date. The facility is very much substandard and the club should not be permitted to use the facility until such time as the schedule has been completed. Basic hygiene cannot be achieved, as there is no hand washbasin.

**M35/0206 Moved Cr Alexander Seconded Cr Schilling**  
**That Council request the Environmental Health Officer / Building Surveyor, to present to Council at the March Council Meeting, a comprehensive list of items included in the work order for the Beverley Golf Club.**

**CARRIED 9-0**

Mr David Lodwick, Town Planner, left Council Chambers at 4.15pm.

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

Council adjourned at 4.15pm.

Council reconvened at 4.25pm.

Mr Stephen Gollan, Deputy Chief Executive Officer entered Council Chambers at 4.25pm.

#### 7.4 FINANCE

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<b>ITEM NUMBER:</b>	<b>7.4.1</b>
<b>DATE:</b>	<b>15 February 2006</b>
<b>SUBJECT:</b>	<b>SCHEDULE OF ACCOUNTS</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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Appendix 12 & 13

#### COMMENT

The Schedule of Accounts for the months of December 2005 and January 2006.

**M36/0206**    **Moved Cr Roberts**                                      **Seconded Cr Foster**  
**That the Schedule of Accounts for the months of December 2005**  
**and January 2006 be received.**

**CARRIED 9-0**

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<b>ITEM NUMBER:</b>	<b>7.4.2</b>
<b>DATE:</b>	<b>15 February 2006</b>
<b>SUBJECT:</b>	<b>FINANCIAL REPORTS FOR THE PERIODS ENDING 31</b> <b>DECEMBER 2005 AND 31 JANUARY 2006</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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#### COMMENT

The Financial Reports, for the period ending 31 December 2005 and 31 January 2006 are under separate cover.

**M37/0206**    **Moved Cr Leonhardt**                                      **Seconded Cr McLean**  
**That the Financial Reports for the months ending 31 December**  
**2005 and 31 January 2006, as presented, be received.**

**CARRIED 8-0**



## 7.4 FINANCE

---

<b>ITEM:</b>	<b>7.4.4</b>
<b>DATE:</b>	<b>21 February 2006</b>
<b>SUBJECT:</b>	<b>TENDER - AUDIT</b>
<b>FILE REFERENCE:</b>	<b>FM008</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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### SUMMARY

This report is to accept a tender in relation to Council engaging a company to conduct their annual audit.

### BACKGROUND

Council would be aware that UHY Haines Norton could no longer audit the financial accounts as they now prepare them. Tenders were called for companies wishing to Audit the financial accounts for the next 3 years.

### COMMENT

Four tenders were received and their prices are shown below:

<b>Company</b>	<b>30/06/06</b>	<b>30/06/07</b>	<b>30/06/08</b>
Gregory Froomes Wyllie	\$ 4,000.00	\$ 4,250.00	\$ 4,500.00
Horwath	\$ 7,720.00	\$ 8,150.00	\$ 8,580.00
Sygnum	\$11,150.00	\$11,700.00	\$12,285.00
Byfields	\$ 6,300.00	\$ 6,615.00	\$ 6,945.00

The above costs are all exclusive of GST.

Council in the 2005/2006 budget have budgeted an amount of \$9,000.00 for audit costs.

### STATUTORY ENVIRONMENT

Council has met the requirements of Part 4 of the Local Government (Function & General) regulations 1996, in relation to tenders.

### FINANCIAL IMPLICATIONS

No Financial Implications to Council as this item has been budgeted for in the 2005 / 2006 budget. Council will continue to budget further amounts in forthcoming budgets.

### VOTING REQUIREMENTS

Simple Majority

**M39/0206 Moved Cr Alexander Seconded Cr Roberts**  
**That Council engage the service of Greg Froomes Wyllie as**  
**Auditors for the Shire of Beverley for a three-year period ending**  
**30<sup>th</sup> June 2008.**

**CARRIED 9-0**



Cr Foster declared an interest in this item and left Council Chambers at 4.35pm

## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.1</b>
<b>DATE:</b>	<b>2 February 2006</b>
<b>SUBJECT:</b>	<b>RSL – Memorial Park</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Councillor – Belinda Foster</b>

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### **BACKGROUND**

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

### **COMMENT**

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

**Council decree that this agenda item is inadmissible due to Cr Foster's interest.**

Cr Foster returned to the Council Chambers at 4.47pm

## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.2</b>
<b>DATE:</b>	<b>14 February 2006</b>
<b>SUBJECT:</b>	<b>DISABLED PARKING</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

A request has been received from Ms Lynette Seddon to provide parking bays for disabled persons, in Vincent Street.

Ms Seddon has an ACROD parking certificate but is prevented from gaining easy access to shops such as the chemist, post office and food outlets. As a result she travels to York, which, allegedly has three such bays in Avon Terrace.

### COMMENT

To successfully enforce disabled parking in Beverley there will be a need to adopt local laws for parking and then employ an enforcement officer.

Should Council wish to approve Ms Seddon's request I would suggest the mesh suitable site would be the first bay in front of Pepper's shop or the Railway carpark.

**M40/0206**

**Moved Cr Schilling**

**Seconded Cr Foster**

**That the Chief Executive Officer write to Ms Seddon and advise that Council believe that it is quite rare not to be in a position to obtain parking in reasonable proximity to the shops and to have parking close to all shops would require the installation of several bays, a situation that would be difficult to justify.**

**CARRIED 8-1**

## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.3</b>
<b>DATE:</b>	<b>21 February 2006</b>
<b>SUBJECT:</b>	<b>RSL – LUNCHEON</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Councillor – Judy Schilling</b>

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### **BACKGROUND**

Mr A Deverell of the Beverley RSL advised Cr Schilling that the luncheon, previously requested to be held in Council Chambers for celebrations to mark the opening of Memorial Park, will now be held in the RSL Hall, and requested a donation from Council to help with costs associated with the luncheon.

**Council agreed to defer this item until proposed numbers and costs are available.**

**8. INFORMATION BULLETIN**

**8.1 CHIEF EXECUTIVE OFFICER**

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<b>ITEM NUMBER:</b>	<b>8.1.1</b>
<b>DATE:</b>	<b>14 February 2006</b>
<b>SUBJECT:</b>	<b>FIRE CONTROL</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 14

**BACKGROUND**

Correspondence, signed by ten persons residing in the Dale area, has been received outlining their frustration at attending fires caused by hobby farmers.

It has been suggested that Council need to implement an improved clear and concise 'fire awareness education package' for new land owners/occupiers within the community.

Concern was also expressed that Council do not appear to undertake firebreak inspections throughout the rural area. It has been recommended that owners of land adjoining lots which do not comply with Council's firebreak order, to report the non-compliance and Council take the appropriate action. A fine of \$1,000 for those who refuse to co-operate has been suggested. The penalties for non-compliance with firebreak orders are stipulated in the Bush Fire Act Regulations.

**M41/0206 Moved Cr McDonald** **Seconded Cr Szczecinski**  
**That Council forward to new landowners a letter outlining**  
**Council's requirements on fire control within the shire.**  
**CARRIED 8-0**

## 9. TABLED CORRESPONDENCE

- LGMA (Local Government Managers Australia) – *‘Statewide’ magazine – summer 2005 issue no. 127.*
- Department of the Prime Minister and Cabinet – *‘It’s an Honour – Australia celebrating Australians’ magazine – Issue No. 15 – November 2005.*
- FESA (Fire & Emergency Services Authority of Western Australia) and WALGA (Western Australian Local Government Association) – *‘Western Australian Emergency Risk Management Guide’ magazine – July 2005.*
- Avon Catchment Council – *‘Avon Regional Natural Resource Management Strategy and Avon Investment Plan Summary’ – 2005; Avon Catchment Council Investment Plan Projects 2005/06 Summary; Avon Catchment Council – Quarterly Newsletter – Vol 1, Issue 2.*
- CRC Salinity Australia / Meat & Livestock Australia / Australian Wool Innovation Limited – *‘Salt’ magazine – Issue No. 13.*
- Beverley Medical Practice – *‘Health News’ magazine – Dec-Jan 2006.*
- National Rural Health Alliance Inc – *‘Partyline’ magazine – No. 24 Dec 05.*
- Greening Australia – *‘The Greening Australian’ magazine – Issue 01 2005.*
- Community Arts Network WA (CAN WA) – *‘Artwork’ magazine – Leadership and activism – Issue 61 June 2005.*
- Community Arts Network WA (CAN WA) – *‘Cultural Planning Bulletin’ – October 2004.*
- National Heart Foundation of Australia – *2005 Heart Foundation Kellogg Local Government Awards.*
- *Central Wheatbelt Division of General Practice Inc. – December 2005 Newsletter.*
- Sustainable Energy Development Office – *‘Renewable Energy Handbook for Western Australia’ – Jan 2006.*
- Economic Regulation Authority – *‘Draft Report: Inquiry on Country Water and Wastewater Pricing in Western Australia’ – 31 Jan 2006.*  
Issues Paper: Inquiry on Country Water and Wastewater Pricing in Western Australia – 9 Dec 2005.

- Corruption and Crime Commission of Western Australia – *Annual Report 2004–2005*.
- *Australian Communications and Media Authority – Telecommunications performance Report 2004-05*.

## **10. OTHER BUSINESS**

### **10.1 TOP BEVERLEY ROAD**

#### **BACKGROUND**

Mr Peter Young attended the Council Forum to discuss the proposal for an abattoir on Top Beverley Road and his concerns regarding the movement of heavy vehicles along the road.

- M42/0206 Moved Cr Alexander Seconded Cr Roberts**  
**That the President along with the Chief Executive Officer, attend the next SEAVROC meeting requesting that Council be kept informed on the status of the proposed abattoir on Top Beverley Road, in particular to housing and road requirements.**  
**CARRIED 8-0**

### **10.2 AVONDALE DISCOVERY FARM/RESEARCH STATION – FEASIBILITY STUDY**

The Chief Executive Officer, reported to Council on a summary, produced by Mr Ray Bird, regarding the Avondale Feasibility Study. The summary outlined:

1. The Shire of Beverley wanting to retain Avondale Research station and the advantages of its commercial focus.
2. The Shire of Beverley being unable to financially maintain the facility.
3. The Department of Agriculture retaining ownership.
4. Opportunities for future partnerships

**The Chief Executive Officer advised Council of a meeting he and Cr Schilling will be attending with the Hon. Kim Chance to discuss the Avondale Discovery Farm/Research Station.**

### **10.3 WEST TALBOT ROAD PETITION**

A petition was presented to the Plant and Works Committee, whose author and contact details were not furnished. The petition was regarding an upgrade to West Talbot Road.

**Council resolved to place an advertisement in the April Blarney advising those who signed the petition that Council has agreed to consider this section of road when formulating their 2006 / 2007 Budget.**

**10.4 BEVERLEY DISTRICT HIGH SCHOOL**

A letter was received from Mr Terry McLaughlin, Principal of Beverley District High School regarding school bus access for kindy kids and signage required to reserve half the bus bay for the dropping off of kindy kids on Tuesdays and Thursdays.

**M43/0206 Moved Cr Foster Seconded Cr Leonhardt  
That the Chief Executive Officer, advise Mr Terry McLaughlin, Principal of the Beverley District High School that Council agree that bus access for kindy kids for only two days a week is likely to cause congestion and existing arrangements should prevail.  
CARRIED 9-0**

**10.5 BEVERLEY RAILWAY STATION CARETAKER**

Yvonne Holland of ArtSource has written to Cr Schilling outlining their 'Regional Residency Program' and their assistance in:

- Overseeing the selection process
- Advertising to artists
- Outcomes and benefits of having the program in Beverley.

**M44/0206 Moved Cr Foster Seconded Cr Roberts  
That Council thank Yvonne Holland, from ArtSource, for her interest in having the 'Regional Residency Program' in Beverley and invite her to the March Council Meeting.  
CARRIED 9-0**

**10.6 EXERCISE EQUIPMENT**

**M45/0206 Moved Cr Szczecinski Seconded Cr McLean  
That Council request the Works Supervisor, arrange to have the old exercise equipment removed that is located behind the amenities building.  
CARRIED 9-0**

**10.7 VINCENT STREET BANNERS**

**M46/0206 Moved Cr Schilling Seconded Cr Foster  
That Council agree to purchase 4 blank, canvas banners for use  
by the Beverley Art Gallery Committee.**

**CARRIED 9-0**

**10.8 MEMORIAL PARK TOILETS**

The plans for the new toilet block for Memorial Park has the toilets positioned in an area that will make them part of the main view from the memorial, and since this had raised concern with the old toilet block, it was suggested that it be moved.

**M47/0206 Moved Cr Leonhardt Seconded Cr Foster  
That Council relocate the sand pad for the Memorial Park Toilet  
Block closer to Railway Parade.**

**CARRIED 9-0**

**10.9 SENIOR VOLUNTEER IN THE COMMUNITY AWARD**

Council would like to congratulate Cr Mal Roberts, who is this year's recipient of The Senior Volunteer in the Community Award. The Hon. Judi Moylan will be presenting the Award to Cr Roberts.

**11. CLOSURE**

**There being no further business the meeting closed at 5.47pm.**

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

Presiding Member \_\_\_\_\_

Date \_\_\_\_\_