

## MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 21 JUNE 2005

### 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 S. Leonhardt		North Ward
Mr K. L. Byers	Chief Executive Officer	
Miss C. Emanuel		Secretary

#### Apologies

Cr J. D. Alexander	North Ward
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### 3. PUBLIC QUESTION TIME

#### 3.1 BEVERLEY LIONS CLUB

Mr Barry Burns from the Beverley Lions Club, addressed Council about recent efforts to keep the Beverley Lions Club active. Mr Burns furnished Council with a booklet and leaflet, used for distribution to the community, explaining what the Lions Club do, in hopes of raising support for the Lions Club to remain in Beverley.

Mr Burns requested that a representative from Council attend a Lions Club meeting to be held on Thursday 7 July 2005.

### 4. CONDOLENCES

OTWAY (nee JACKSON) Dorothy 12 June 2005

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Bailey requested a Leave of Absence for the July Council meeting.









## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.2</b>
<b>DATE:</b>	<b>7 June 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED REVIEW OF ALLOWABLE HOUSING IN THE "WESTDALE ESTATE"</b>
<b>OWNER(S):</b>	<b>Numerous</b>
<b>FILE REFERENCE:</b>	<b>PL-99945</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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### Appendix 6

#### BACKGROUND

Council is in receipt of correspondence from Mr Christopher Duckett dated 3 June 2005 addressed to the Shire President which states as follows:

*"We, as the land owners of the Westdale Estate seek your support and that of the Beverley Shire for a review of the Western Australian Planning Commission ruling, which regulates us to three (3) residential dwellings on the entire estate.*

*Ref. Strata Title (Strata Plan No. 35552) Annexure D (Management Statement) Clause 28 Sub Clause 4, which states "The Estate is limited to three residential dwellings and limited in location to any three proposed Lots other than common property. The original proprietor will be responsible for the allocation of the selected Lots."*

*At present the number of land owners who are allowed to build a house on their land is limited to a maximum of three dwellings (lots). The current owners are supportive of allocations already made, but all recognize the impediment of others being restricted to "absent land owners" status. Being absent landowners raises many difficult situations and makes it exceedingly difficult to attempt to run and operate the land successfully.*

*Having the residential dwelling restriction removed would overwhelmingly enhance both the land use and productivity, and our potential for involvement in the Shire.*

*Some examples of benefits would be:*

- Better fire, weed and vermin control for the benefit of all landowners, including neighbouring properties;*
- Improved diversity of developments within the Shire;*
- Better ability to help repair and maintain the condition of the natural creeks;*

- *To enable us to take an active role in the Beverley Shire by supporting local business and participating in community support groups (e.g. volunteer fire brigade); and*
- *Increase the viability, general appearance and value of the properties.*

*We are not attempting to make these properties our sole source of income. The properties are mainly lifestyle blocks in which we are engaged in various agricultural ventures. Since the Westdale Strata Subdivision was initiated we have seen continuing development of similar small landholdings on neighbouring properties.*

*As the initial restrictions which were placed on the subdivision by the WAPC limit the development of land for the benefit and satisfaction of the owners and the Shire, we seek to have the restriction on residential dwellings lifted to allow all landowners to be able to live on their property or spend extended period of time in appropriate accommodation.*

*The topic of "residential dwelling restrictions" was discussed at the last AGM of the Strata Company and ALL current landowners were in agreement that the removal of this restriction would be a good outcome for the Shire of Beverley and the individual owners.*

*Following are the signatories of all the current landowners in the Westdale Estate.*

*We would appreciate the thoughts and advice of the Shire of Beverley on this matter.*

*Thanking you and Kind Regards*

*Chris Duckett  
(on behalf of all land owners of the Westdale Estate)."*

## **COMMENT**

All the landowners have signed the letter requesting removal of the three dwelling restriction for the estate.

However, Council should be mindful that at its meeting of 21 July 1998 Council resolved to advise Mr Crouch that it supports the Hon. Minister for Planning in his Appeal decision dated the 29<sup>th</sup> May 1997, in which he stated that development including the construction of houses and the siting of caravans etc be prohibited on all but three (3) of the proposed lots.

Council most recently considered a request from Mr Crouch and Associates at its November 2000 meeting. Mr Crouch was seeking Council's approval to modify the Strata Company Management

Statement to allow for dwellings on each lot. At this time, Council deferred any approval to the alteration of the Strata Management Statement and development on the Westdale Estate to allow guidance from the Western Australian Planning Commission to be taken as to how to proceed. There is no evidence on file as to subsequent steps taken to resolve this matter.

#### Possible Conversion of lots from Strata Title to Green Title

One possible way forward would be conversion of the titles from Strata Title to Green Title. However, conversion will be complicated by a number of issues that would need to be resolved.

Widening of the access known as 'Plantation Drive' and vesting of this land as a gazetted road reserve would be required.

The current access road is included as Common Property Lot 11 in the Strata Plan. It's width is shown as 10.08 metres on the Strata Plan. To enable the access road to be converted into a gazetted road, its width will need to be increased to at least 20 metres. This will impact upon the boundaries and lot sizes of adjacent lots. As a result, it is likely some of the lots will be less than the 20ha minimum allowable under Council's Rural Strategy and Town Planning Scheme for rural lot sizes. Lots 5,6 and 7 are considerably below 20ha and would require amalgamation and/or boundary realignments. The issue of protection of existing remnant vegetation on Lot 12 would also need to be addressed.

There may also be a financial implication on the lot owners if the roadway requires upgrading to Council's standards for public roads. Once the road is gazetted, it is vested with Council at no cost. Council will then be responsible for maintenance of the road reserve.

Access to water for all lots will need to be addressed as well as drainage issues. The issue of water availability will be an important factor in any consideration for title conversion by the Western Australian Planning Commission and Council.

Possible conversion of strata lots to green titles would require a fresh subdivision application to be lodged for consideration by the WA Planning Commission and must be signed by all landowners including the Strata Company.

#### Conclusion

In summary, whilst a letter stating that all landowners want the 3 dwelling limit removed is acknowledged, this original decision was a ministerial decision and would need overturning by state powers beyond Council.

In his appeal decision letter dated 29 May 1997, the then-Minister noted that the proposed strata plan was created to allow for investment in the



cultivation of Chinese Paulownia trees as well as yabby and tee tree farming. The strata lots allowed for a variety of investors in the above uses to have security of tenure. It is doubtful that the then-Minister regarded the subdivision as allowing for any other use, including residential use, as he stipulated that the Commission would require under Section 6 of the Strata Titles Act a limit on residential development to three lots only. With this in mind, Council should regard the development as being for commercial use only and may wish to once again support the notion of limiting the ability for the lots to be used for rural lifestyle or other non-agricultural use.

Conversion of strata lots into green title by means of a fresh subdivision application may be the best “planning” way forward if Council supports lifting the three dwelling restriction, but such an approach may not lend itself to endorsement by the strata company and/or all lot owners given the necessary boundary and lot size changes and amalgamations required as well as other issues raised in this report.

As the matter is complex and a simple procedure/answer is not readily available, it is suggested that the Shire Planner write to the WA Planning Commission and seek advice as to possible ways in which to have the three dwelling limit for the “Westdale Estate” removed, including the option of green title subdivision.

**M12/0605**

**Moved Cr Foster**

**Seconded Cr Leonhardt**

**That the Shire Planner write to the WA Planning Commission and seek advice as to possible ways in which to have the three dwelling limit for the “Westdale Estate” removed, including the option of green title subdivision.**

**CARRIED 8-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.3</b>
<b>DATE:</b>	<b>10 June 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED DAM – LOCATION PT 4241 WESTDALE ROAD BEVERLEY</b>
<b>OWNER:</b>	<b>Mr Antonio Mazza</b>
<b>FILE REFERENCE:</b>	<b>WES-1264</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 7

### BACKGROUND

Council is in receipt of correspondence from Mr Allan Roe which states as follows:

*“The following page contains a proposal to build a large dam on the listed property. I have been to the block with Fred Bremner and he is aware of surrounding catchment. It is likely that the Department of Environment will be opposed to this plan as I have spoken to Bernie Kelly regarding the matter. I do however need to know if this proposal is worth pursuing. Your response to this would be greatly appreciated.”*

### COMMENT

The subject “farming” zoned property near the intersection of Westdale Road and York-Williams Road is 76.96ha in area with a 479m frontage. The land is currently owned by a Mr Antonio Mazza and may be purchased by Mr Roe.

The proposed construction of a dam through “alteration of land” constitutes development as defined under the Town Planning and Development Act 1928 and therefore requires planning approval.

The proposed dam as shown on the sketch plan is approximately 200m x 400m and in relative close proximity to the Westdale Road frontage of the property.

The said property has a creek line running through it and has sloping terrain.

The subject proposal is considered deficient in detail to enable assessment. A scaled site plan and elevations have not been provided. Also, no information has been provided in relation to construction matters, proposed dam depth, land contours, vegetation protection/clearing, existing improvements on the land, likely visual impact in respect of nearest neighbouring dwelling houses, method of

drainage management and prospect for draining impacts on adjoining land.

A proposed dam of this size would normally be referred to the Department of Environment for comment (once the necessary information has been provided by the applicant) prior to Council determination.

**M13/0605 Moved Cr Foster Seconded Cr Roberts**  
**That Council advise the applicant (Mr Allan Roe) that there is currently insufficient information provided to enable assessment, and further advise the applicant that once the necessary information has been received as part of a complete planning application (including but not limited to):**

- **Submission of a scaled site plan;**
- **Proposed construction details, materials, machinery used;**
- **Proposed dam depth/wall and embankment height;**
- **Land contours;**
- **Extent of vegetation protection/clearing (aerial plan);**
- **Amenity impact (submission of elevations);**
- **Drainage Management details;**
- **Identification of existing creek lines and property improvements; the proposal would need to be referred to the Department of Environment for comment prior to Council determination.**

**CARRIED 8-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.4</b>
<b>DATE:</b>	<b>15 June 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED SINGLE HOUSE – LOT 148 BARTRAM STREET BEVERLEY</b>
<b>OWNER:</b>	<b>L Barker</b>
<b>FILE REFERENCE:</b>	<b>BAR-126</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 8

### BACKGROUND

Council is in receipt of a building application to construct a single residence on the subject land.

### COMMENT

The proposal is brought before Council for consideration as Lot 148 Bartram Street is zoned “Town Centre” under the Shire of Beverley Town Planning Scheme No.2.

In the “Town Centre” zone, a single house is an ‘AA’ use which means that approval is at the discretion of Council.

The land in the Town Centre zone is subject to the civic and design guidelines of the “Town Centre Design Control Area” for the purpose of ensuring that such development will not affect the local amenity and will enhance the character of the land in the Town Centre zone.

Clause 4.8.5 of the Scheme provides:

*“4.8.5 In considering application for planning consent for a proposed development (including additions and alterations to existing development) in the Town Centre Design Control Area Council shall have regard to the following:*

- a) *the colour and texture of external building materials;*
- b) *for all buildings fronting Vincent Street Council may require the building façade and side walls to a building depth of 3m to be constructed in masonry;*
- c) *building size, height, bulk, roof pitch;*
- d) *setback and location of the building on its lot;*
- e) *architectural style and design details of the building;*
- f) *function of the building;*
- g) *relationship to surrounding development; and*
- h) *other characteristics considered by the Council to be relevant”*

In regard to the above, the "Town Centre Design Control" criteria principally relate to commercial development along Council's main commercial hub, Vincent Street, in order to appropriately protect and maintain the architectural integrity of these existing old buildings and maintain the heritage character of such to the street.

The proposed dwelling is a standard three bedroom home with zincalume custom orb roof sheeting at 22 degree pitch complete with matching trims and capping. Corrugated steel cladding to external walls is proposed.

The currently vacant land is low lying with some scattered vegetation and located in the 1:100 year flood fringe. The site would require considerable filling to enable construction of the dwelling. The finished floor level for the dwelling would need to be determined by Council's Principal Building Surveyor upon receipt of advice from the Department of Environment and/or Water Corporation.

Building setbacks in the "Town Centre" zone is nil from the Street and at Council's discretion for rear and side boundaries. The application complies with these requirements.

The dwelling is well setback from boundaries and is not dissimilar to other existing developments and residences along this end of Bartram Street.

Conditional approval is therefore recommended accordingly.

**M14/0605**

**Moved Cr Foster**

**Seconded Cr Szczecinski**

**That Council grant planning approval to Mr L Barker for proposed single house in accordance with the submitted building application dated 13 June 2005 and accompanying plans and subject to the following conditions:**

- 1. A building license to be obtained;**
- 2. Finished floor level for the proposed single dwelling to be determined by Council's Principal Building Surveyor upon advice from the Department of Environment and/or Water Corporation;**
- 3. Connection to reticulated sewer.**

**CARRIED 8-0**



- 2. The structure to comply with the provisions of the Building Code of Australia, and the Health Act,**
- 3. The previous building licence (47 04/05) be cancelled prior to the issue of any subsequent building licence for a dwelling**

**CARRIED 8-0**

## 7.2 HEALTH AND BUILDING

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<b>ITEM NUMBER:</b>	<b>7.2.2</b>
<b>DATE:</b>	<b>21 June 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED PROSECUTION</b>
<b>LOCATION</b>	<b>Lot 150 York-Williams Road</b>
<b>FILE REFERENCE:</b>	<b>YOR1 1492</b>
<b>PROPONENT:</b>	<b>Heritage Outdoor Leisure Centre</b>
<b>AUTHOR:</b>	<b>Environmental Health Officer / Building Surveyor– Frank Buise</b>

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### BACKGROUND

The owners of the property made application for a building licence (No 43 02/03) on 26 May 2003 to erect a steel framed habitable room on the property. The builder was to be Heritage Outdoor Leisure Centre of 25 Davison Street, Maddington.

My first approach to the builders was on 19.05.2003 requesting drawings appropriate to the proposed works (drawing to show me what was to be built).

No response was forthcoming so the building licence was issued with the following conditions;

#### Habitable Room

1. Steel construction to comply to AS 3623 and AS/NZ 4600
2. Roof sheeting to comply to AS 1562 Installation of roof sheeting
3. Provide smoke detection in accordance with BCA 3.7.2.3
4. Compaction certification required for sand pad
5. details of proposed wet area required
6. details of effluent disposal required
7. Termite treatment required to AS 3660
8. Certification required that the room complies with AS 1170 Earthquake code.

#### Generally

1. Provide house numbering to front of property
2. Provide sign at front boundary stating name of builder, Lot number, owner builder, for the duration of the construction
3. Advise Council's Building Surveyor on completion of construction work

I wrote to Heritage Outdoor Leisure Centre on 28 October 2003 stating that 5 items on the building licence conditions had not been complied with. I wrote again on 5 January 2004 requesting the outstanding works to be completed within 30 days. A subsequent phone call on 13 January 2004, confirmed that the outstanding items would be resolved by 26 May 2004.



A further letter was sent on 21 June 2004 with no response. A subsequent phone call confirmed that a structural engineer would inspect the structure by end July 2004.

An inspection of the habitable room, and an interview with the owner on 16 June 2005, confirmed that no further work had been done by the builder.

Section 16 states;

16. (1) Where a licence is issued under these regulations for the construction of a building that building shall be completed within 24 months of the date of the issue of the licence, or such other time as approved by local government.

Section 17 states;

17. No variation from or alteration of approved plans, drawings and specifications shall be made by any builder without the consent of the building surveyor in writing having been first obtained, and any alteration or departure from the approved plans, drawings and specifications shall, on the consent of the building surveyor therefore being notified, be drawn, described, and endorsed on and in the plans, drawings and specifications.

## COMMENT

The builder has for whatever reason refused to rectify the situation. The building licence with its attached conditions clearly states that certain matters must be addressed during the construction phase of the habitable room. The builder has not complied with the conditions.

The following breaches of various legislation has taken place:

1. Regulation 16 – The habitable room has not been completed as per the approved plans and specifications within the 24-month time period.
2. Regulation 17 – The habitable room has not been constructed in accordance with the approved plans.

It would therefore be prudent for Council to prosecute the builder for breaches of Regulation 16, & 17 of the Building regulations 1989.

## STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960  
Building Regulations 1989 Section 16 and 17

**M16/0605**

**Moved Cr McLean**

**Seconded Cr Leonhardt**

**That Council resolve to prosecute Heritage Outdoor leisure Centre for breaches of Section 16, and 17 of the Building Regulation 1989, and further, Council authorise the Principal Environmental Health Officer/Building Surveyor to instigate legal action.**

**CARRIED 8-0**

## 7.2 HEALTH AND BUILDING

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<b>ITEM NUMBER:</b>	<b>7.2.3</b>
<b>DATE:</b>	<b>21 June 2005</b>
<b>SUBJECT:</b>	<b>401 ORDERS</b>
<b>LOCATION</b>	<b>150 York – Williams Road</b>
<b>FILE REFERENCE:</b>	<b>YOR1 1492</b>
<b>PROPONENT:</b>	<b>Heritage Outdoor Leisure Centre</b>
<b>AUTHOR:</b>	<b>Environmental Health Officer / Building Surveyor– Frank Buise</b>

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### BACKGROUND

Council at this meeting will decide on legal action against Heritage Outdoor Leisure Centre for breaches of the Building Regulations 1989.

Council will now need to decide if an order under Section 401 of the Local Government (Miscellaneous Provisions) Act 1960 will need to be issued to satisfy the conditions of the building licence issued on 26 May 2003.

Section 401 states;

#### Notice of Required Alteration

- (1) A local government may, during or after the erection of a building in its district, give the builder or owner of the building, written notice of anything, in the construction of the building -
- (a) Which tends to render the building unsafe or prejudicial to the public interest;
  - (b) Which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act; or
  - (c) Which, where permission of the local government is required for carrying it out, has been carried out without that permission;

And requiring him to pull down or so alter the building as to remove the cause of the objection and on being served with the notice the builder or owner shall comply with the requisition, unless he has a right of appeal against the requisition, he exercises the right with due diligence, and the referees mentioned in Division 19 or the Minister, as the case may be, quash the requisition on appeal.

- (2) Where a person is given notice under this section to pull down or alter a building, in order to remove the ground of objection, mentioned in subsection (1) (a), he may within 35 days of the



- 1. Provide a certificate from a Practising Structural Engineer, that the structure complies with AS 1170.4 (Earthquake Code),**
- 2. Provide a hard wired smoke detector in accordance with BCA 3.7.2.2,**
- 3. Provide a compaction certificate for the sand pad from a practising Structural Engineer,**
- 4. Provide termite treatment in accordance with AS 3660 to the sand pad and provide a certificate from a Licensed pest Control operator that the pad has been treated in accordance with BCA 3.1.3.2**

**CARRIED 8-0**

## 7.2 HEALTH AND BUILDING

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<b>ITEM NUMBER:</b>	<b>7.2.4</b>
<b>DATE:</b>	<b>21 June 2005</b>
<b>SUBJECT:</b>	<b>STOP WORK ORDER</b>
<b>LOCATION</b>	<b>Lot 501 York-Williams Road</b>
<b>FILE REFERENCE:</b>	<b>YOR1 1537</b>
<b>PROPONENT:</b>	<b>Maureen Semese</b>
<b>AUTHOR:</b>	<b>Environmental Health Officer / Building Surveyor– Frank Buise</b>

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### BACKGROUND

This property changed hands in March 2005. The previous owner has located next to the creek a sea container, which had been fitted out for habitable purposes as well as a toilet out side the unit. The owner was contacted and told to remove all the structures and sliding aluminium windows attached to the sea container. The owner basically refused to remove the container.

Whilst driving past the property last week I noticed a lean to had been erected along side of the container. There is no building application for the structure.

A caravan is now located on the property as well.

I issued a section 401A (stop work order) on the new owner under delegated authority. This was posted to her last known address.

Section 401A states;

- (1) Where in contravention to this Act, a building is being constructed, adapted, amended, enlarged, added to, repaired, or taken down, the local government may, by notice in writing served on the builder, order the builder to stop all work specified in the notice as being done in contravention of this Act.

Section 401A (6) gives the owner the right to appeal to the Minister. Subsection (6) states;

- (6) A person aggrieved by a notice under this section may appeal in writing to the Minister against all or any of the matters set out in the notice, and the Minister may confirm, set aside, or vary the notice as he thinks fit.

### COMMENT

The owner must be made aware of Council's requirements in terms of camping on the property. There is evidence that someone has camped











## 7.3 FINANCE

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**ITEM NUMBER:** 7.3.3  
**DATE:** 8 June 2005  
**SUBJECT:** INVESTMENT OF SURPLUS FUNDS  
**FILE REFERENCE:** FM008  
**AUTHOR:** Deputy Chief Executive Officer – Stephen Gollan

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### 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.

▪ Municipal Account	\$ 600,000.00
▪ Office Equipment Reserve	\$ 16,971.00
▪ Annual Leave Reserve	\$ 85,558.00
▪ Building Reserve	\$ 325,960.00
▪ Leave and Gratuity Reserve	\$ 16,481.00
▪ Plant Reserve	\$ 464,268.00
▪ Recreation Ground Reserve	\$ 200,862.00
▪ Bush Fire Fighters Reserve	\$ 54,055.00
▪ Avon River Development Reserve	\$ 22,688.00
▪ Community Bus Reserve	\$ 16,285.00
▪ Cropping Committee Reserve	\$ 61,175.00

The Investment terms are as follows:

Investment#	Term	Interest Rate	Amount	Expires
1708604013	1 Month	5.52%	\$1,264,303.00	22/06/05
1708605013	1 Month	5.52%	\$ 600,000.00	22/06/05

**M22/0605 Moved Cr Foster** **Seconded Cr Leonhardt**  
**That Council receive the investments for the month of May 2005.**  
**CARRIED 7-0**

## 7.3 FINANCE

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<b>ITEM NUMBER:</b>	<b>7.3.4</b>
<b>DATE:</b>	<b>14 June 2005</b>
<b>SUBJECT:</b>	<b>BILL EXPRESS</b>
<b>FILE REFERENCE:</b>	<b>FM006</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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### BACKGROUND

*Bill* EXPRESS'S Western Australia Business Development Manager Pany Manoj visited Council to discuss the introduction of *Bill* EXPRESS as a further payment option available to the ratepayers of Beverley.

### COMMENT

*Bill* EXPRESS is WALGA's preferred supplier of bill payment services, allowing ratepayers to pay their Council rates or other payments with debit or credit card option via three payment options:

- Internet
- Telephone (Interactive Voice Recognition - IVR) plus
- Over the Counter (Through the extensive Newsagency network)

The Over the Counter *Bill* EXPRESS service is available at over 2,400 newsagents nationally. In WA there are over 325 *Bill* EXPRESS newsagents operating, with this number continually growing. One of the major benefits of the Over the Counter payment option is the flexible trading hours offered by participating retailers.

### Costs

Transaction costs are significantly lower than any other provider in the market:

- 19cents per Telephone transaction
- 17cents per Internet transaction
- Merchant Service Fee rate for this service of 0.654%
- The Over the Counter option is also very exciting with the \$1.25 transaction fee being considerably lower than alternate providers.

A standard monthly fee of \$40.00 will be payable for the service or if Council prefer a one off payment of \$1,400.00 for a three year period is available.

*Bill* EXPRESS currently has 60 other Local Governments both city and rural using their system.



## 7.3 FINANCE

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<b>ITEM NUMBER:</b>	<b>7.3.5</b>
<b>DATE:</b>	<b>14 June 2005</b>
<b>SUBJECT:</b>	<b>BAD DEBTS TO BE WRITTEN OFF</b>
<b>FILE REFERENCE:</b>	<b>FM002</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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### BACKGROUND

Council has a number of bad debts that remain outstanding despite a number of account reminders. The debts are as follows:

- H. Ferguson \$ 36.25 for loss Library Books (Sept 04).
- B. Mahood \$ 19.50 for water taken from standpipe (June 04).
- Roy Weston York \$ 55.00 for Blarney advertising (Feb 04)
- G. Winmar \$126.17 for Caravan Park charges (Mar 05)
- Office of State Revenue \$162.81 for Pensioner rebate rejected (Jun 97)
- L. Higgins & F. Scali \$164.49 for legal fees on Kokeby land (Mar 01)
- G. Higgins \$147.99 for legal fees on Kokeby land (Mar 01)
- J. Higgins \$147.99 for legal fees on Kokeby land (Mar 01)
- S. Higgins \$147.99 for legal fees on Kokeby land (Mar 01)

#### B. Mahood

Council has previously written off water charges that have been associated with Mr Mahood. Once again staff have attempted to contact Mr Mahood but to no avail.

#### Roy Weston York

Council's Chief Executive Officer has had various conversations with the owner of Roy Weston's regarding the advertisement that was placed in the Blarney. Roy Weston believes they did not authorise the advertisement even though it was placed by a staff member and on their letterhead.

#### Office of State Revenue

Council forwarded a claim off to the Office of State Revenue in 1997 when a property listed on the claim was rejected. When Council was advised that a claim was rejected the rates officer attempted to contact the owner but unfortunately the property had been sold to a new owner.

L. Higgins & F. Scali, G. Higgins, J. Higgins, S. Higgins

In relation to the Higgins fees, these relate to charges associated with Council's debt recovery company at the time. The Higgins's are now in the process of transferring their properties back to Council.

Council has the ability to write these amounts off as bad debts if they wish. To achieve this it has to be by Absolute Majority.

**M24/0605**

**Moved Cr McLean**

**Seconded Cr Schilling**

**That Council writes off the following unpaid accounts:**

- **H. Ferguson** \$ 36.25 for loss Library Books (Sept 04).
- **B. Mahood** \$ 19.50 for water taken from standpipe (June 04).
- **Roy Weston York** \$ 55.00 for Blarney advertising (Feb 04)
- **G. Winmar** \$126.17 for Caravan Park charges (Mar 05)
- **Office of State Revenue** \$162.81 for Pensioner rebate rejected (Jun 97)
- **L. Higgins & F. Scali** \$164.49 for legal fees on Kokeby land (Mar 01)
- **G. Higgins** \$147.99 for legal fees on Kokeby land (Mar 01)
- **J. Higgins** \$147.99 for legal fees on Kokeby land (Mar 01)
- **S. Higgins** \$147.99 for legal fees on Kokeby land (Mar 01)

**CARRIED 5-2**

### 7.3 FINANCE

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<b>ITEM NUMBER:</b>	<b>7.3.6</b>
<b>DATE:</b>	<b>20 June 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED LOAN 116 - RUBBER TYRED ROLLER</b>
<b>FILE REFERENCE:</b>	<b>FM020</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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#### **BACKGROUND**

Council at the December 2004 Council meeting resolved to raise a loan for the purchase of a Rubber Tyred Roller.

#### **COMMENT**

As yet this loan has not been raised, due to Council having sufficient municipal funds when making payment on the roller. At the time of writing this report Council has got \$600,000.00 invested from the Municipal fund.

Again this year it appears that Council will carry forward a significant surplus, Council may if it wishes rescind Motion 9/1204 of the December 2004 Council meeting. If Council is in agreeance to this, this will keep the surplus at the current level.

**M25/0605      Moved Cr Leonhardt                                  Seconded Cr Szczecinski**  
**That Council rescind Motion 9/1204 of the December 2004 Council meeting that reads: “That Council authorise the raising of Loan 116 for the amount of \$132,000.00 with half yearly repayments over a period of ten (10) years for the purchase of a Rubber Tyred Roller”.**

**CARRIED 7-0**

Mr Steve Gollan, Deputy Chief Executive Officer, left Council Chambers at 2.30pm.

Mr Steve Vincent, Works Supervisor, entered Council Chambers at 2.30pm.

















## 8.1 CHIEF EXECUTIVE OFFICER

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<b>ITEM NUMBER:</b>	<b>8.1.2</b>
<b>DATE:</b>	<b>14 June 2005</b>
<b>SUBJECT:</b>	<b>AVON TOURISM</b>
<b>FILE REFERENCE:</b>	<b>ED003</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

The Avon Tourism Inc. has forwarded their Business and Marketing Plan for the years 2005/2006, 2006/2007 and 2007/2008. The plan is dependent upon Beverley contributing \$3,250, \$4,470 and \$4,875 over the respective three years.

Council has been requested to:

- a) comment/endorse the proposed plan
- b) provide guidance with regard to representation and scope of non-contributing Local Governments in all advertising literature and brochures undertaken by Avon Tourism, and
- c) endorse the nominations to the Board of Local Government representatives to the Board, Crs Cathy Wood (Brookton) and Bert Llewellyn (Northam).

I believe this is a very good opportunity to discuss Council's attitude and commitment towards tourism within the region and more specifically, Beverley.

**M33/0605      Moved Cr Szczecinski                      Seconded Cr McDonald**  
**That Council endorse the Avon Tourism Business and Marketing**  
**Plan and make contributions on a year-to-year basis.**  
**CARRIED 7-0**

**8.1 CHIEF EXECUTIVE OFFICER**

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**ITEM NUMBER:** 8.1.3  
**DATE:** 17 June 2005  
**SUBJECT:** GOPHER PARADE  
**FILE REFERENCE:** PH025  
**AUTHOR:** Chief Executive Officer – Keith Byers

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**BACKGROUND**

The Beverley Health Services has requested Council's support for the forthcoming Gopher Parade which is to be held as part of Seniors Week on the 25 October.

Financial assistance is needed to 'dress up' the gophers, cost of transportation for clients, and prizes for the best dressed gopher.

**M34/0605 Moved Cr Foster Seconded Cr Szczecinski**  
**That Council donate \$200 to the Beverley Health Services in support of the Gopher Parade in October 2005.**

**CARRIED 4-3**





**8.2 ENVIRONMENTAL HEALTH OFFICER / BUILDING SURVEYOR**

General duties: building activities follow-ups, Building returns, water sampling, Builders Registration Board returns.

**M36/0605 Moved Cr Szczecinski Seconded Cr Leonhardt  
That the Environmental Health Officer / Building Surveyor's Report  
as presented, be received.**

**CARRIED 7-0**

**9. TABLED CORRESPONDENCE**

Government of WA/Insurance Commission of WA/Road Safety Council – 'Reported Road Crashes in Western Australia 2002 Report'. (File Reference: TT003)

Beverley Naturalist Club – Survey Results – 'Grasstree Assessment of Reserve No.27230- Poison Hill', 'Poison Hill Reserve Assessment Report', 'Aiken Road Remnant Vegetation Rapid Site Assessment', 'Carolling Rd Remnant Vegetation Rapid Site Assessment', 'Avon River (Speldhurst Pool / Edwards St) Site Report and Assessment'. 'Avon River (Town Pool / Eyres Pool) Site Report and Assessment', 'Johnson Rd / Bally Bally Site Report and Assessment'. (File Reference: RC001 + property/road files)

Western Australian Local Government Association – 'Strategic Plan 2005-2010 (File Reference: GR013)

CPA Australia – 'Excellence in Governance for Local Government' (File Reference:GOV005)

Western Australian Centre for Remote and Rural Medicine – 'WACRRM Annual Review 2004' (File Reference: PH028)

**10. OTHER BUSINESS**

**11. CLOSURE**

**There being no further business the meeting closed at 4.05pm.**

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

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

Date \_\_\_\_\_