

## MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 17 MAY 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 J. D. Alexander		North Ward
Cr V. A. Szczecinski		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 David Lodwick, Town Planner, entered Council Chambers at 11.00am.

Mr Frank Buisse, Environmental Health Officer/Building Surveyor, entered Council Chambers at 11.15am.

### 3. PUBLIC QUESTION TIME

Nil

### 4. CONDOLENCES

McDonald                      Ralph Victor                      20 April 2005

### 5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil



**7. REPORTS OF COMMITTEES AND OFFICERS**

**7.1 FINANCE**

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**ITEM NUMBER:** 7.1.1  
**DATE:** 10 May 2005  
**SUBJECT:** SCHEDULE OF ACCOUNTS  
**AUTHOR:** Deputy Chief Executive Officer – Stephen Gollan

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Appendix 1

**COMMENT**

The Schedule of Accounts for the month of April 2005.

**M1/0505**      **Moved Cr Foster**      **Seconded Cr Szczecinski**  
**That the Schedule of Accounts for the month of April 2005 be received.**

<b>Voucher No's</b>	<b>Amount</b>
<b>Municipal Fund</b>	
<b>22652 – 22669</b>	<b>18,648.24</b>
<b>050405.1 – 050405.8</b>	<b>168,273.85</b>
<b>070405.1 – 070405.1</b>	<b>832.15</b>
<b>140405.1 – 140405.5</b>	<b>10,410.93</b>
<b>190405.1 – 190405.1</b>	<b>3,080.00</b>
<b>270405.1 – 270405.3</b>	<b>3,389.25</b>
<b>280405.1 – 280405.3</b>	<b>5,093.28</b>
<b>TOTAL</b>	<b>209,727.70</b>
<b>Direct Debits Transport Licensing</b>	<b>70,602.55</b>
<b>TOTAL</b>	<b>280,330.25</b>

**CARRIED 9-0**



## 7.1 FINANCE

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**ITEM NUMBER:** 7.1.3  
**DATE:** 10 May 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 April with Esanda Investments.

▪ Municipal Account	\$ 700,000.00
▪ 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
1708604011	1 Month	5.52%	\$1,264,303.00	23/05/05
1708605011	1 Month	5.52%	\$ 700,000.00	23/05/05

**M3/0505**      **Moved Cr Foster**      **Seconded Cr Bailey**  
**That Council receive the investments for the month of April 2005.**  
**CARRIED 9-0**

## 7.2 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.2.1</b>
<b>DATE:</b>	<b>9 May 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED AMENDMENT NO. 11 – REZONING PORTION OF LOT 3 LANGSFORD STREET, BEVERLEY FROM ‘FARMING’ TO ‘RURAL RESIDENTIAL’</b>
<b>OWNER:</b>	<b>MR TREVOR MCLEAN</b>
<b>FILE REFERENCE:</b>	<b>AMENDMENT No.11</b>
<b>APPLICANT:</b>	<b>Belton-Taylforth P/L &amp; Env Consultants</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 2

### BACKGROUND

Letter from applicant to Shire Planner dated 13 September 2004 with accompanying plan had stated:

*“The purpose of this letter is to enquire as to whether Council would be prepared to amend its Town Planning Scheme to facilitate a 4 ha lot size subdivision along the lines of the attached draft sketch.*

*Our enquiries with the Water Corporation have established that it would not be possible to service the area concerned without incurring considerable expense. All other services are available and a subdivision of this nature would expand the possible range of life style lots available for purchase in Beverley.*

*Thanking you for considering this ‘in principle’ approach.”*

Subsequently, Council at it’s meeting of 19 October 2004 resolved as follows:

*“That Council indicates to Belton-Taylforth Planning and Environmental Consultants that Council:*

- 1. Would be prepared to positively consider amending its Town Planning Scheme to facilitate a 2ha lot size subdivision of portion of the subject land fronting Langsford and Chipper Streets (as shown on submitted plan) subject to the following being to Council’s satisfaction:*
  - (a) receipt of formal amending documentation (with appropriate land use management provisions)*
  - (b) a detailed report on environmental and servicing considerations;*
  - (c) plans showing contours at such intervals as to adequately depict the landform of the area and physical features such*

*as existing buildings, rock outcrops, trees or groups of trees, creeks, well and significant improvements;*

(d) *Landscape/Conservation Plans over the affected area*

2. *Does not support the rezoning of portion of the subject land to facilitate the subdivision of the seven southernmost lots directly fronting Bremner Road (as shown on the submitted plan), as such a subdivision would directly contravene the Rural Strategy in respect of future townsite expansion."*

In regard, to the above, Council had indicated a preference to a 2h lot size subdivision concept rather than the original 4ha lot sizes that were originally proposed.

### **COMMENT**

The subject land is located within Policy Area BE1 as identified under the Rural Strategy.

Clause 3.6.1 of Town Planning Scheme No.2 states:

*"Policy Area BE1 provides for the future expansion of the Beverley Townsite Area and Environs in the manner illustrated on map 13 of the District Rural Strategy Report.*

*Within this Policy Area, subdivision and development will be recommended and promoted by Council provided:-*

- *Access to the land and servicing of the land is to the satisfaction of Council.*
- *Landform landscape and landscape issues are addressed to the satisfaction of Council.*
- *The proposal will not adversely impact on the amenity and character of the Townsite Area and Environs.*
- *The proposal complies with the general provisions of Council's Town Planning Scheme and any Town Planning Policies adopted by Council.*
- *The land is appropriately zoned.*

*The Council in supporting a proposal may require the preparation of a landscape/landcare/conservation plan for the particular site, including arrangements for the implementation and ongoing management of the plan."*

The applicant has now submitted the required scheme amendment report and details including the required revised subdivision guide plan and provides the following rationale for the proposal:

1. Introduction:

This submission is in support of a proposal to rezone part of Lot 3 abutting the eastern boundary of the Beverley Town site to facilitate the creation of a number of 2 hectare 'Rural Residential' allotments.

The subject land has been cleared and is used for cropping. Remnant vegetation is restricted to stream lines, road verges and higher outcrop crests. The land affected by this rezoning proposal ranges in height from approximately 240m in the proposed Chipper road extension; 218m at the northern end of Langsford Street abutting Loc.13704 down to 206m at the junction of Chipper Road and Bremner Road.

2. Shire of Beverley Town Planning Scheme No.2:

The land is zoned 'Farming' under Council's current District Planning Scheme. The type of development envisaged in this submission is not permitted under this zoning and a rezoning to alter the zoning to 'Rural Residential' is required.

3. Brookton-Beverley Rural Strategy:

Clause 4.2.1 of the District Rural Strategy addresses the issues related to urban area expansion. Plan 13 of the Strategy shows a possible growth strategy for the Beverley town site and suggests a 'Rural Residential' precinct to the east of the town abutting Langsford Road.

The growth strategy suggests a Rural Residential lot size of 8-10ha. The proponent intends installing a reticulated water supply service to his project and a higher development density allowing 2ha 'lifestyle' allotment is consequently being sought.

This development is conveniently located to the town's social and service infrastructure and is virtually an extension of the existing abutting subdivision estate.

4. Environmental Considerations:

The subject land is located within the 'York' Soil-Landscape system, typically characterised as occurring as 'irregular, often hilly country where streams and rivers have dissected the lateritic profile to expose bedrock. These broad characteristics are evident on the site.

Soils are typically loamy sand to sandy loam and would be expected to have suitable nutrient attenuation and purification abilities to allow for the use of septic tanks. These soils have a 'high' capability' for agriculture.

The subject land has been completely cleared in the past and used for agricultural activities. There does not appear to be any environmental constraints to the development of this land for Rural Residential purpose.



5. Proposed Subdivision:

The proposed development fundamentally seeks to extend the existing small holding development pattern that already exists at the eastern end of Beverley town site.

The proposed 2ha allotments will abut existing constructed roads (Langsford Street and Chipper Street) and the layout allows for a northern extension of Chipper Street for the possible long term expansion of the subdivision.

6. Services:

In accordance with statement of Planning Policy No.11 clause 5.3.2(i)(d) a reticulated potable water supply will be provided to each allotment. Power and telephone services are available in the locality. Drainage and any other road construction or upgrading will be undertaken to Council's requested standards.

7. Development Standards:

The rezoning documentation sets out clear development guidelines and standards that the proponent and subsequent land holders will be required to comply with.

These include:

- Permissible uses
- Potable water supply
- Protection of remnant vegetation
- Fire Management
- Subdivision guide plan
- Keeping of livestock

These provisions will ensure that the rural amenity of the locality will not be compromised and that expansions to the east of Beverley town can proceed in an orderly manner. Refer copy of provisions attached.

8. Conclusion:

The proposed zoning and subsequent development will provide for the envisaged long term expansion of the Beverley town whilst also satisfying a demand for 'lifestyle' properties in the locality.

The land use management and development control mechanisms incorporated in the rezoning documentation will ensure that such development will be undertaken in a manner, and to a standard, that will not compromise the rural integrity of the Beverley town environs.

**SHIRE PLANNER'S FURTHER COMMENT**

Whilst the Beverley Townsite and Environs Structure Plan advocates Rural Residential subdivision in the low density 8ha-10ha range in portion of the affected area, a 2ha lot size subdivision is not opposed by the Shire Planner for reasons of economic viability/marketability, variety of lifestyle lots for the Beverley community, whilst still allowing for a

satisfactory low density buffer to be achieved. No adverse amenity impacts on the Town and environs should be anticipated with such subdivision type, with special land use provisions being required to be put in place as part of the future subdivision of the subject land. Advertising of the proposed scheme amendment is now recommended.

**M4/0505**

**Moved Cr Leonhardt**

**Seconded Cr Roberts**

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

**CARRIED 9-0**



## 7.2 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.2.3</b>
<b>DATE:</b>	<b>9 May 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION – WAPC REF 127975 – LOTS 3 &amp; 6 MAITLAND ROAD, KOKEBY</b>
<b>OWNER:</b>	<b>J &amp; M BURRIDGE</b>
<b>FILE REFERENCE:</b>	<b>SUBDIVISION FILE 127975</b>
<b>APPLICANT:</b>	<b>Belton-Taylforth P/L &amp; Env Consultants</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 4

### BACKGROUND

Belton-Taylforth Planning and Environmental Consultants have prepared and submitted a subdivision application on behalf of J & M Burrige. The application seeks to subdivide the site into 12 lots, with an average lot size of approximately 38 hectares.

Application written details are as follows:

#### “Site Location

*The site comprises an area of 462.39 hectares, approximately 10 kilometres south-west of the Beverley townsite. The site has two road frontages: 716 metres fronting Maitland Road, and approximately 1900 metres facing an un-named local road. The closest road intersection is Maitland Road-Sheahan Road.*

#### Current Land Use

*The land is currently used for agricultural purposes with the main activity being cattle grazing. A large water feature (Lake Grimshaw) is a dominant feature on the site. The majority of the subject site has been cleared in the past, however, there are two small stands of parkland cleared vegetation in the north-eastern corner.*

*There are several improvements on the site. A dwelling, large agricultural shed and ancillary development are located on the southern boundary of the site. A smaller shed is located towards the centre of the site, and a dam has been constructed in the northern half of the site.*

#### Subdivision Design

##### *Design Rationale:*

*The subdivision design has considered the issues associated with the capability of the land, adjoining land and physical features of the land.*

*The smallest proposed lot is 22.2842 hectares, meeting the requirements of the Beverley-Brookton Rural Strategy. The large water feature (Lake Grimshaw) has been incorporated into one lot, as have*

*the parkland cleared areas in the north-east corner of the site. The larger lots along the northern boundary reflect the land capability/water availability associated with these areas.*

*Access and vehicle movement:*

*All proposed lots will have direct frontage to a public road. The subdivision will necessitate the development of a local road to service proposed lots 2,3,4,5 and 6. The proposed road will connect Maitland Road with another unnamed road (unconstructed reserve) on the eastern boundary of the site.*

*There is a constructed road that will service proposed lots 10,11 and 12. This road will need to be extended within the existing road reserve to service lots 8 and 9.*

*In the context of the surrounding area it is not envisaged there will be an adverse impact on the locality due to the expected modest vehicle movement increase.*

*Services:*

*All essential services for a Rural small holding development are available at the site. Access to the site is via Maitland Road with good connectivity to the Beverley townsite. Telephone and power services are available to the area.*

*Fire Management:*

*The site and surrounding areas are largely cleared. The dams on each of the lots will provide a water source for fire fighting.*

Land Capability and Environmental Management

**Table 3.1 – Future land use**

Location	Summary of possible animal land use	Summary of policy plant land use
Proposed lots 1-3	Continued grazing by cattle/sheep Specialty stock (alpacas, emus, stud animals) Tank aquaculture	Continued broadacre cropping Local tree production and specialty timbers Potential for pistachio and native fruit
Proposed lots 4 – 12	Continued grazing by cattle/sheep Specialty stock (alpacas, emus, stud animals) Tank aquaculture	Continued broadacre cropping Local tree production and specialty timbers Floriculture of lavender, Australian native plants, proteas, herbs etc Nut crops and native fruit Olives, table grapes, wine grapes

Note: Refer to *Land Capability and Environmental Management Report* for full details.

**3.2 Environmental management**

A number of issues have been considered in the Land Capability and Environmental Management Report. Management opportunities are provided in the table below.

**Table 3.2 – Environmental management**

Issue	Management
Landslip risk	<ul style="list-style-type: none"> <li>Stability is high because of the sandy soils.</li> </ul>
Remnant vegetation	<ul style="list-style-type: none"> <li>Development should include preservation of existing remnant vegetation.</li> <li>Mature trees should be preserved and protection from grazing pressure.</li> </ul>
Aesthetics	<ul style="list-style-type: none"> <li>Restrictions can be placed on the use of visually non-compatible materials.</li> </ul>
Protection of agricultural land	<ul style="list-style-type: none"> <li>Land uses are not expected to change significantly and with diversification there will be a continuation of productive agriculture.</li> </ul>

Issue	Management
Buffers – perennial horticulture	<ul style="list-style-type: none"> <li>Perennial horticulture is already undertaken in the area on a small scale and any proposed for this site will be similar.</li> <li>Buffers of 40 to 100 metres containing a dense tree/shrub barrier can be effective at controlling spray drift.</li> <li>Modern techniques of directing sprays directly onto the ground or plant using hooded sprays can be effective in minimising spray drift.</li> <li>With large lots proposed, dwellings can be set back from broad acre farming to the north west and north east and from any nearby horticulture.</li> </ul>
Wetland vegetation	<ul style="list-style-type: none"> <li>Maintain wetland vegetation which is currently fenced with new fences.</li> </ul>
Flora and fauna corridors	<ul style="list-style-type: none"> <li>Mature trees should be preserved where possible.</li> <li>The remnant vegetation around the wetlands and the small area in the north west are fenced and should remain protected.</li> </ul>
Land use and horticulture	<ul style="list-style-type: none"> <li>Applications for intensive livestocking should be accompanied by a nutrient management plan</li> <li>Stocking rates should be to Department of Agriculture recommendations.</li> <li>Fertiliser is recommended to be applied on the basis of soil and tissue testing when horticulture is practiced.</li> </ul>
Salinity	<ul style="list-style-type: none"> <li>Unlikely to be any significant impacts.</li> </ul>
Water erosion	<ul style="list-style-type: none"> <li>Stormwater from roofs will be used as a potable water source or should be retained on each lot.</li> </ul>
Soil preservation	<ul style="list-style-type: none"> <li>Agricultural 'best practice'</li> </ul>
Wind erosion	<ul style="list-style-type: none"> <li>Agricultural practices should reflect the sandy nature of the topsoils.</li> <li>Maintenance of adequate vegetation through summer is normal best practice.</li> </ul>
Fire risk	<ul style="list-style-type: none"> <li>Normal agricultural practice.</li> </ul>

Note: Refer to *Land Capability and Environmental Management Report* for full details.

The applicant's Land Capability report states that there is suitable water on site for intensification of land uses but the amount of water may be restricted.

*"There is 60 000KL/year available from the superficial aquifer and 110 000 from the palaeochannel, provided other bores are not used on nearby properties within the aquifers, particularly to the east.*

*The quality of the palaeochannel water is at the higher salinity end of suitability for olives and is unsuitable for many crops including vines, citrus and other orchard crops. There is potential to mix water from the palaeochannel and the superficial aquifers to produce a good supply of 170 000KL.*

*If water from the palaeochannel is to be used alone desalination of the water is the only means of increasing the water quality. This will increase the initial set up costs. For example growing citrus, vegetables, fruit trees, strawberries etc, all of which require 10 000 KL per year or higher, will be in the order of \$20 000 to \$30 000 per hectare. For grapes and olives using say 3000 KL per year, the initial set up costs could be \$5000 to \$8000 per hectare.*

*The costs of desalination are reducing and becoming viable for small high value land uses.*

*A concept subdivision plan has been developed by Belton-Taylforth. Lots 1 to 3 are larger because they do not have access to the superficial aquifer. However they have access to the palaeochannel and there is potential for the development of dams in the underlying Kokeby clay sediments. A dam already exists on site and is used for the watering of stock.*

*Water from the paleochannel is suitable for most stock.*

*All other lots (Lots 4 to 11) have been designed to have an elongated north south shape to allow access to the superficial aquifer. This aquifer is proven across the swale by the piezometers and the two production bores in the centre of the site. These central and southern lots also have access to the palaeochannel. Water from each aquifer could be used and mixed to provide a greater volume of water by diluting the water from the palaeochannel.”*

## **COMMENT**

### Compliance with Town Planning Scheme No.2:

Clauses 3.5 and 3.6 of Council's Town Planning Scheme relate to the subdivision and development of land in the Farming zone. Clause 3.5 requires Council to support land use and subdivision proposals that are consistent with the continued viability of agricultural production. The clause also requires all proposals to have regard to the District Rural Strategy.

### District Rural Strategy:

The subject land is situated within Policy Area BE3 of the Shire's Rural Strategy.

The Strategy states that subdivision within the policy area will be conditionally recommended by Council in the interests of water course protection, revegetation, remnant vegetation protection/rehabilitation, landcare and greening principles and where groundwater supplies are proven which encourage projects of an intensive agricultural nature.

The Strategy further states that the minimum lot size which will be recommended by Council provided criteria is satisfied is 20ha, and that such recommendation will be conditional upon:-

- Stocking levels of any new lots created being approved by Council after consultation with relevant local sources or Agriculture Western Australia.
- The appropriate protection and enhancement of remnant vegetation or implementation of a revegetation program in the interests of landcare and visual landscape values.
- All lots having frontage to a dedicated, constructed public road.
- A cost effective and efficient Bush Fire Management Plan being put in place by the Subdivider/Developer, to the satisfaction of the Shire and the Bush Fire Service.
- The clearing or development on any lot, being, where deemed appropriate, restricted to an area contained within a Building Envelope of a size and in a location approved by Council.

Clause 3.6 provides specific subdivision and development requirements as they relate to the District Rural Strategy. Clause 3.6.2(i) lists the five main criteria for subdivision in the Farming zone. These are:

1. Property consolidation and/or boundary realignments in order to address matters such as the protection of waterways, landform, remnant vegetation and landscape, the promotion of sound landcare practice, the provision of public constructed roads and the continued agricultural use of the majority of the land.
2. Creation of lots for ancillary agricultural purposes or for tourism.
3. Amalgamation of multiple farm lots or boundary redistribution to consolidate the most productive agricultural land into one new lot. Subdivision of the remainder of the land will be supported subject to land capability assessment and the total number of new lots not exceeding the number that originally existed.
4. Creation of lots for intensive or other agricultural purposes where it can be demonstrated the proposal will not adversely affect the use of land for agricultural purposes in the area.
5. Subdivision of a property that is already severed by a road, railway or service installation.

Vegetation:

The site is cleared apart from a buffer to the wetlands (Lake Grimshaw) in the central east and a small fenced remnant in the north western corner.

Geology and Geomorphology:

The submitted Land Capability Report in respect of Geology and Geomorphology identifies the site as a gently sloping swale that drops from 242 metres on the southern boundary to approximately 214 metres in the swale, rising up to 250 metres on the northern boundary.



The whole site is underlain by deep sands which in turn overly alluvial silts and clays of a broad palaeochannel.

Soils:

The soils are relatively even across the site, being predominantly deep sands that are earthy at depth. The majority of the site are Kokeby soils, correlated to the Yellow sands and Earthy Sands. Within the Kokeby soil unit are gravel soils and Leached Sand over Gravel.

The soils with the best nutrient retention are the Earthy Sands which have moderate to high capability for olives. The Gravel if deep ripped, also has moderate to high capability for olives.

The Yellow sands have less water and nutrient retention in the upper 1000mm and are less capable and more suited to deep rooted perennial species. Their capability for olives is moderate to low.

The Leached Sand over Gravel has some potential for deep rooted perennial species through deep ripping of the underlying gravel and mixing it with the upper soil profile. Capability for olives is low to moderate. Leached sand has low capability for olives because of its low nutrient and water holding capability. All soils tend to be slightly acidic at pHw 5 to 6.

Overall, there are significant areas of soil that are less well suited to cropping and grazing. On the other hand, the more earthy soils are suited to perennial horticulture with the more leached soils having lower capability.

Conclusion:

The Strategy indicates that there is a demand for smaller Rural land holdings in this locality, and that the land resource in the policy area could be developed for Small Holding Residential or Intensive Agricultural purposes, provided such development is undertaken in a manner which pays proper regard to the environmental landscape, remnant vegetation protection, with landcare and productive agricultural land resource issues being addressed. The subdivision design addresses this criteria. As such, it is considered that the application be recommended for conditional approval.

**M6/0505**

**Moved Cr McLean**

**Seconded Cr Leonhardt**

**That Council recommends to the Western Australian Planning Commission that the proposed subdivision (WAPC Ref 127975) of Lots 3 & 6 Maitland Road, Kokeby be approved subject to the following conditions:**

- 1. Those lots not fronting an existing road being provided with frontage to a constructed subdivisional road, connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and**

- drained at the subdivider's cost to the specifications approved by, and to the satisfaction of the Local Authority;**
- 2. A Fire Management Plan being prepared and implemented to Council's satisfaction.**

**CARRIED 9-0**

## 7.2 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.2.4</b>
<b>DATE:</b>	<b>27 April 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED PLACEMENT OF SEA CONTAINER</b>
<b>LOCATION:</b>	<b>LOT 132 BURT STREET, BEVERLEY</b>
<b>FILE REFERENCE:</b>	<b>VIN34</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 5

### BACKGROUND

Council is in receipt of a letter date received 21 April 2005 from the owner of the subject land (Mr B Lynch) which states as follows:

*“In November 2004 I purchased a block of land located at Lot 132 Burt Street Beverley. Prior to settlement I made enquiries at the Shire office to ensure all matters concerning the property were in order. My prime concern was in regard to the concrete slab installed on the North side of the property.*

*The lady with whom I spoke showed me the relevant file containing the plans which the previous owner had submitted and assured me that everything was in order except that the application fee had not been paid, but that the plans had been approved and I would just be required to pay the money and I could commence building. On the strength of this information I proceeded to purchase the property.*

*On the 30<sup>th</sup> December 2004, I called into the Shire office and spoke with the building surveyor Mr Buisse who then informed me that my previous information was incorrect and that a demolition order had been issued for the removal of the shed slab. I was also made aware that it is Council policy not to allow construction of sheds prior to construction of a residence.*

*Naturally I was most distraught as I am in need of a place to store my personal possessions following a relationship breakdown. When I asked Mr Buisse if I was able to put a sea container on the block he told me that Council did not allow this either.*

*I am now appealing to Council to consider my position and allow me to locate a 20 foot sea container on my land in order to store my belongings.*

*I fully understand that the Shire does not want people living in non approved temporary accommodation and that landowners of unsightly properties are not viewed favourably. I wish to assure all parties concerned that I do not wish to live on my property until I build a house*

*on it. This may not be for a couple of years as I am currently applying for work in the Pilbara.*

*May I say that I also do not view untidy, unsightly properties favourably and that I have always developed well ordered and maintained places of residence. I assure you that in time my property will reflect this statement.*

*In conclusion I want to reiterate that Council allow my request to place a sea container on my block and that consideration be given to allow the concrete slab to remain until I am able to submit plans for a house and shed. As far as I am able to determine the slab conforms to building standards.*

*I look forward to a decision on this matter and hope to hear from you in the not too distant future.”*

## **COMMENT**

The subject land is 1.5934ha in area and is zoned Residential 5 under the Shire of Beverley’s Town Planning Scheme No.2.

### The Shire of Beverley Town Planning Scheme No.2:

In determining an application for planning consent Clause 6.3.2 of the Scheme provides:

*“6.3.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for the use under the Scheme, to the purpose for which land in the locality is used, and to the **orderly and proper planning of the locality and preservation of the amenities of the locality**, may refuse to approve any application for planning consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.”*

### Town Planning Scheme Policy No.8 – Outbuildings:

Clause 7.7 of the Policy provides:

*“The construction of an outbuilding on vacant land within the Residential, Rural Residential and Rural Townsite Zones will not be permitted without an application for the construction of a residence having been approved and construction having commenced.”*

### Residential Design Codes of Western Australia (2002):

The R-Codes provide the basis for controlling the siting and design of residential development throughout the State.

“Incidental development” is defined by the Codes as:

*“Development which is associated with or attached to a dwelling and incidental to its main residential functions.”*

In other words, additional development on “Residential” zoned land is clearly made on the basis of, and with the presumption that a dwelling unit be constructed in the first instance or included as part of an overall development proposal. This position is also reflected by Council stipulated Policy above.

Orderly and Proper Planning:

The placement of a sea container on vacant residential zoned land cannot be considered as satisfying the criteria of “orderly and proper planning” as required to be considered by Council’s Town Planning Scheme.

The Preservation of the Amenities of the Locality:

The placement of a sea container on vacant residential zoned land cannot be considered as satisfying the criteria of “preservation of the amenities of the locality” (ie impact to nearby residents) as required to be considered by Council’s Town Planning Scheme.

**M7/0505**

**Moved Cr Leonhardt**

**Seconded Cr Schilling**

**That Council declines the request made by Mr Lynch to place a sea container on Lot 132 Burt Street Beverley due to the following reasons:**

- 1. does not comply with Council’s “Outbuildings Policy” which requires the development of a residence on residential zoned land in the first instance as part of the consideration of outbuildings and associated development;**
- 2. does not satisfy Clause 6.3.2 of the Shire of Beverley Town Planning Scheme No.2 in relation to requiring “Orderly and Proper Planning” and “Preservation of the amenities of the locality.”**
- 3. does not comply with the “Incidental Development” requirement (Design Element 10) under the Residential Design Codes of Western Australia (2002) for reasons outlined under point 1 above**

**CARRIED 7-2**

## 7.2 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.2.5</b>
<b>DATE:</b>	<b>4 May 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION – WAPC REF 128170 – LOCS 2371, 2372, 3710, 5078 BREMNER &amp; NEGUS ROADS, BEVERLEY</b>
<b>OWNER:</b>	<b>G &amp; I EDWARDS</b>
<b>FILE REFERENCE:</b>	<b>SUBDIVISION FILE 128170</b>
<b>APPLICANT:</b>	<b>Paul Kraft and Associates</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 6

### BACKGROUND

Letter submitted with application states:

*“The aim of this application is for the owners to separate the arable land (Lots C and D) from the non-arable land (Lots A and B). The proposed new boundaries follow existing fencing and also follow the ridge line especially the division between Lots A and D.”*

ORIGINAL AREAS	NEW AREAS
Loc 2371	60.3ha; Lot A 67.6ha;
Loc 2372	64.75ha; Lot B 64.89ha
Loc 3710	71.22ha; Lot C 99.41ha
Loc 5078	164.3ha Lot D 128.67ha

### COMMENT

#### Compliance with Town Planning Scheme No.2:

Clauses 3.5 and 3.6 of Council’s Town Planning Scheme relate to the subdivision and development of land in the Farming zone. Clause 3.5 requires Council to support land use and subdivision proposals that are consistent with the continued viability of agricultural production. The clause also requires all proposals to have regard to the District Rural Strategy.

#### District Rural Strategy:

The subject land is situated within Policy Area BE2 of the Shire’s Rural Strategy.

The Strategy states that subdivision within the policy area will be conditionally recommended by Council in cases where:

- Property consolidation and or boundary realignments are proposed in order to address aspects such as waterway protection, physical landform, remnant vegetation protection/enhancement, substantial revegetation projects,

sound landcare practice, high visual landscape value, the provision of dedicated/constructed public road access to currently land locked property and in the cases where such action encourages the continuing use of the majority of the project area for bonafide Agricultural purposes.

- Multiple existing 'farm' lot/location boundary redistribution is proposed in a manner which consolidates prime/productive agricultural land into one new large lot and the creation of other new lots totalling a number no greater than the existing number of project-site lots/locations, is proposed on the balance of the project area which comprises the non-productive agricultural land.

The Strategy further states that the minimum lot size which will be recommended by Council provided criteria is satisfied is 40ha.

Clause 3.6 provides specific subdivision and development requirements as they relate to the District Rural Strategy. Clause 3.6.2(i) lists the five main criteria for subdivision in the Farming zone. These are:

1. Property consolidation and/or boundary realignments in order to address matters such as the protection of waterways, landform, remnant vegetation and landscape, the promotion of sound landcare practice, the provision of public constructed roads and the continued agricultural use of the majority of the land.
2. Creation of lots for ancillary agricultural purposes or for tourism.
3. Amalgamation of multiple farm lots or boundary redistribution to consolidate the most productive agricultural land into one new lot. Subdivision of the remainder of the land will be supported subject to land capability assessment and the total number of new lots not exceeding the number that originally existed.
4. Creation of lots for intensive or other agricultural purposes where it can be demonstrated the proposal will not adversely affect the use of land for agricultural purposes in the area.
5. Subdivision of a property that is already severed by a road, railway or service installation.

Summary:

The proposed boundary realignment is considered a relatively minor proposal which meets the intent of the Rural Strategy with no additional lots being created and the minimum lot size criteria retained. As such, it is considered that Council recommend to the WA Planning Commission that the application be approved accordingly.

**M8/0505**

**Moved Cr Foster**

**Seconded Cr Bailey**

**That Council recommends to the WA Planning Commission that the proposed subdivision/boundary realignment (WAPC Ref 128170) at Locs 2371,2372,3710 and 5078 Bremner Road Beverley be approved.**

**CARRIED 9-0**

## 7.2 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.2.6</b>
<b>DATE:</b>	<b>10 May 2005</b>
<b>SUBJECT:</b>	<b>PROPOSED RECONSIDERATION OF CONDITIONS 2 &amp; 3 OF APPROVAL FOR REPLACEMENT MANAGER'S RESIDENCE, LOT 801 YORK-WILLIAMS ROAD, BEVERLEY</b>
<b>OWNER:</b>	<b>G &amp; J WINTER</b>
<b>FILE REFERENCE:</b>	<b>YOR1591</b>
<b>AUTHOR:</b>	<b>Shire Planner – David Lodwick</b>

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Appendix 7

### BACKGROUND

Council at its 15 March 2005 Ordinary meeting granted conditional approval for a replacement manager's residence on the subject land.

The applicant now seeks reconsideration of conditions 2 and 3 of that approval.

Letter to Shire Planner states:

*"For the past 4 years we have been using the 'Old Cottage' as a shed, for the following purposes....*

- 1. Storage of Alpaca fleeces, fleece sorting and grading table, fleece carding machine, spinning wheel etc.*
- 2. Storage and safekeeping of banners, show equipment, display tables and boards, shearing requirements, etc.etc..*
- 3. The old bath & basin are used for the hand washing of alpaca fleeces prior the next stage of processing.*
- 4. The dining area we use for its excellent natural light when preparing fleece for show purposes, and when spinning.*
- 5. Importantly, it is the only secure & lockable place for us to store this valuable equipment on the property.*
- 6. The power is needed when working at night, sterilizing equipment, and general hygiene maintenance.*
- 7. We have ideally located our alpaca paddocks to surround this area for ease when dealing with sick or injured animals, or problem Cria which are orphaned, underweight, etc..*
- 8. The toilet is an invaluable asset for any of any of our employees, alpaca visitors, and potential customers.*
- 9. AND.....most importantly, the domestic ground water to our residence is pumped using the "Old Cottage" power supply.*

*The 'Old Cottage' remains waterproof, structurally sound, and the power has been checked and tested within the past 12 months. Our*



*future intention is to re-clad the building with corrugated iron, to keep within the theme and appearance of our property.*

*We would very much appreciate that Council would consider this appeal in our favour, to retain the 'Old Cottage' and continue using it in the same manner as we have for the past 4 years."*

## **COMMENT**

Conditions 2 and 3 of the approval are as follows:

- "2. A demolition licence to be obtained for the 'old cottage.'*
- 3. The 'old cottage' being demolished and removed from the said property at the owner's cost, prior to occupation of the replacement manager's residence."*

The main issue is that the 'old cottage' can no longer be used or be "construed" as being used as a habitable residential dwelling. This is because if it was to remain on the property and used for residential purposes, this would then result in three dwellings being located on the property (upon completion of the approved replacement manager's residence), contravening Council Policy.

This is the reason that conditions 2 and 3 were originally imposed by Council.

It is suggested that as a compromise solution, the 'old cottage' could remain on the subject land, if it was reclassified/converted into a storage shed including removal of all plumbing fixtures, prior to occupation of the replacement manager's residence.

**Moved Cr Foster** **Seconded Cr Szczecinski**  
**That Council in reconsideration of conditions 2 of 3 of approval dated 14 March 2005 issued to G & J Winter for proposed replacement manager's residence at Lot 801 York-Williams Road Beverley resolve to:**

- **Delete Condition No.2.**
- **Reword Condition No.3 so as to read as follows:**
  - 3. "The 'old cottage' being reclassified and converted to a storage shed including removal of all plumbing fixtures, prior to occupation of the replacement manager's residence."**

## **AMENDMENT**

**M9/0505** **Moved Cr McLean** **Seconded Cr Roberts**  
**That Council in reconsideration of conditions 2 of 3 of approval dated 14 March 2005 issued to G & J Winter for proposed replacement manager's residence at Lot 801 York-Williams Road Beverley resolve to:**

- **Delete Condition No.2.**
- **Reword Condition No.3 so as to read as follows:**
  3. ***“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 to be undertaken prior to occupation of the replacement manager’s residence.”***  
**CARRIED 9-0**

**The amendment then becomes the motion and was CARRIED 9-0.**

Mr David Lodwick, Town Planner, left Council Chambers at 12.00noon.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 12noon.















## 7.3 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.3.7</b>
<b>DATE:</b>	<b>12 May 2005</b>
<b>SUBJECT:</b>	<b>DEMPSTER &amp; BROOKING STREETS - SIGNAGE</b>
<b>FILE REFERENCE:</b>	<b>TT011</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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### BACKGROUND

Council has received a request to place four signs warning motorists to slow down and be aware of children on Dempster and Brooking Streets.

### COMMENT

The author has advised as follows

*“That the Stop sign on Brooking Street is only adhered with, indiscriminately. Also within Brooking Street between Dempster and Harper Streets there are seven residences with ten children living within these homes. Its not only people not stopping at the stop sign but excessive speed along both Brooking and Dempster streets is a major concern”.*

The issue does appear to be motorists not obeying the Road Traffic Laws, in which case the police should be advised of the problem.

I since have spoken with the author, who has advised me that the local police have been made aware of the problems and have advised that it is very hard to police this intersection for long periods of time due to lack of resources.

The cost the have these signs made is in the vicinity of \$170.00 to \$200.00 per sign dependant on size.

A copy of the proposed sign is shown below.



**Council agreed that no action be taken in regards to this item.**

## 7.3 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.3.8</b>
<b>DATE:</b>	<b>16 May 2005</b>
<b>SUBJECT:</b>	<b>LEASING OF CROPPING COMMITTEE LAND</b>
<b>FILE REFERENCE:</b>	<b>CP017</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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### 7.3.8 LEASING OF CROPPING COMMITTEE LAND

#### BACKGROUND

At a recent meeting of the Beverley Cropping Committee it was agreed to call for submissions to lease land for grazing rights only.

#### COMMENT

Submissions closed at 4.00pm on Friday 13<sup>th</sup> May 2005.

**A number of submissions were received these are as follows:**

	Peter Bremner & Sons	Ian Edwards	Trevor McLean	J & H Stubing	Jeff Murray	DF & GL Adams
Reserve 5265 (Commonage) (West of Great Southern Highway)			\$2,400.00		\$ 10,000.00	\$ 2,500.00
Pt Reserve 5265 (Between Great Southern Highway & Railway Reserve)			\$ 650.00			
Pt Reserve 5265 (Sand Pit) (Lot B)			\$1,500.00		\$ 2,000.00	
Pt Reserve 5265 (Off Bremner Road) (Lot D)		\$ 300.00	\$ 850.00			
Reserve 25266 (Bethany Farm)			\$ 550.00			
Reserve 38798 (Mount Kokeby Block)	\$ 800.00		\$ 300.00			
Reserve 2633 (Old Aerodrome Opposite CBH)				\$ 880.00		

The leases are for a period of 12 months (1<sup>st</sup> June 2005 to 31<sup>st</sup> March 2006).

Council current lease payments to the Department of Planning and Infrastructure are shown below.

- Reserve 25266 (Bethany Farm) \$ 4,500.00 per annum
- Reserve 38798 (Mount Kokeby) \$ 550.00 per annum

As the figures indicate the amount of money offered for the lease of Reserve 25266 (Bethany Farm) does not cover the annual lease payment and Reserve 38798 (Mount Kokeby) the sum offered for the lease just covers the lease payment.

Further to submissions being called for the leasing of the above land, a notice was placed in the Blarney asking for interested persons to write to Council indicating their willingness to become a member of the Cropping Committee and if no nominations are received the current committee have discussed disbanding and handing back the control of the various reserves and accumulated funds to the Shire of Beverley.

Unfortunately the community has showed no interest. The current committee comprises of Cr McLean (President), Geoff Bremner, Peter Jenkins and Greg Barrett-Lennard.

**M17/0505 Moved Cr McLean Seconded Cr Alexander**  
**That leasing of Cropping Committee land on Reserve 25266 (Bethany Farm) be re-tendered and the submissions as listed below be accepted:**

- Reserve 5265 (Commonage)(West of Great Southern Highway) – Jeff Murray \$10,000.00.
- Pt Reserve 5265 (Between Great Southern Highway & Railway Reserve) – Trevor McLean \$650.00.
- Pt Reserve 5265 (Sand Pit)(Lot B) – Jeff Murray \$2,000.00.
- Pt Reserve 5265 (Off Bremner Road)(Lot D) – Trevor McLean \$850.00.
- Reserve 38798 (Mount Kokeby Block) – Peter Bremner & Sons \$800.00.
- Reserve 2633 (Old Aerodrome opposite CBH) – J & H Stubing \$880.00.

**CARRIED 9-0**

Cr J Alexander declared an interest in the Old Racecourse Reserve and withdrew from Council Chambers at 12.34pm.

**M18/0505 Moved Cr McLean Seconded Cr Leonhardt**  
**That Council agree to lease the Old Racecourse for grazing purposes.**

**CARRIED 9-0**

Cr J Alexander returned to Council Chambers at 12.37pm.



## 7.4 ENVIRONMENTAL HEALTH OFFICER

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<b>ITEM NUMBER:</b>	<b>7.4.1</b>
<b>DATE:</b>	<b>16 May 2005</b>
<b>SUBJECT:</b>	<b>401 ORDERS</b>
<b>LOCATION:</b>	<b>LOT 4, GREAT SOUTHERN HIGHWAY</b>
<b>PROPONENT:</b>	<b>PATRICIA STEIN</b>
<b>FILE REFERENCE:</b>	<b>YOR1 1094</b>
<b>AUTHOR:</b>	<b>Environmental Health Officer / Building Surveyor – Frank Buise</b>

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### BACKGROUND

Extract from Council Minutes dated 19 January 1999;

.....“The owner of the above Lot erected two sheds without a Building Permit.

An order to remove the sheds was sent on 21 December 1998. No contact has been made with the Building Surveyor, or removal of the outbuildings.”

The matter was dealt with in the Northam Court of Petty Sessions on 21 June 1999. Mrs Stein was found guilty and fined. She did not appear in court.

I sought legal advise on Monday 16 May 2005. The advise recommends that Council will need to issue a further notice under section 401 of the Local Government (Miscellaneous Provisions) Act 1960, to pull down and remove the two sheds and rainwater tank.

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 service of the notice upon him, if dissatisfied with the requisition in the notice appeal under Division 19, in the manner prescribed by the regulations, against the requisition.
- (3) Where a person is given notice under this section to pull down or alter a building in order to remove a ground of objection mentioned in sub regulation (1) (b) or (c), he may within 35 days of the service of the notice upon him, if dissatisfied with the requisition in the notice, appeal to the Minister in the manner prescribed by the regulations, and the Minister may decide the appeal and his decision is not subject to appeal.
- (4) Where a building has been constructed, amended, altered, extended, enlarged or added to, whether pursuant to a notice from the local government or not, the builder or owner of the building, shall on completion of the construction, amendment, extension, enlargement, addition, or alteration serve written notice of completion upon the building surveyor of the local government.
- (5) If, after inspection and survey, the building surveyor is satisfied that the building has been constructed, amended, extended, enlarged, added to or altered, in conformity with the notice, the surveyor shall, on payment of the fee prescribed by the local laws of the local government give in the form so prescribed a certificate in writing by him to that effect to the builder or owner from whom he has received the notice mentioned in subsection (4).

## **COMMENT**

The owner has left her personal belongings in the sheds and there is evidence that she has been living in the larger shed.

The Shire has two choices, one leave the sheds there, which would invite further breaches of the Health Act, or proceed to reissue the 401 order.



## 7.4 ENVIRONMENTAL HEALTH OFFICER

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<b>ITEM NUMBER:</b>	<b>7.4.2</b>
<b>DATE:</b>	<b>16 May 2005</b>
<b>SUBJECT:</b>	<b>FRONT FENCE – LOT 12 BARTRAM STREET</b>
<b>LOCATION:</b>	<b>Lot 12, Bartram Street, Beverley</b>
<b>FILE REFERENCE:</b>	<b>BAR 724</b>
<b>AUTHOR:</b>	<b>Environmental Health Officer / Building Surveyor – Frank Buise</b>

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### BACKGROUND

The owner of Lot 10,11, and 12 Bartram Street has made application for preliminary approval to construct a 1.8metre high fence along the front (boundary) of Lot 12 Bartram Street.

Lot 12 has an existing 1.0metre retaining wall made of stone. This wall was constructed when the old flourmill was located there.

The “R” Codes – design Elements,

3.2.5 Street Walls and Fences states;

- P5 Front walls and fences to promote surveillance and enhance streetscape, taking account of:
- The need to provide protection from noise and headlight glare where roads are designed as primary or District Distributors or Integrator Arterials; or
  - The need to provide screening where there is no alternative outdoor living area to the front setback.

A5 front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level.

The Shire of Beverley, By-Laws Relating to Fencing Section 2.1 states; “height (in relation to a fence) means the greatest distance between the top of the fence at any point and the ground immediately below that point but where:

- (a) the natural level of the ground can not be ascertained the height of the fence shall be measured from a level fixed by Council;
- (b) a fence is erected on or adjacent to a retaining wall, the retaining wall is deemed to be part of the fence for the purpose of measuring the height thereof, unless in any particular case, the Council decides otherwise.

Section 3.1.1 states;

Exceeding one metre in height abutting or within 7.6metres of a street alignment.



Section 12.1 states;

The Council may consent to the erection or retention of a fence which does not comply with one or more of the requirements of these by-laws.

### **COMMENT**

The "R" Codes prohibit the construction of an 1.8m fence on top of the 1.0m high retaining wall.

The Shire's Fencing By-Law prohibits a 1.8m high fence along the front boundary, unless there are exceptional circumstances. But Council does have the discretionary power to alter the outcome.

Council must be aware that if a fence was permitted (at 1.8m) the height of the fence from the verge would be 2.8metres. This would create an amenity issue.

The dwelling is located more on Lot 11 and is well back from the front setback, so a noise, or headlight scenario would be highly doubtful. Traffic movements along Horley/Bartram Street is deemed to very minimal.

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

### **STATUTORY ENVIRONMENT**

"R" Codes

Shire of Beverley By-Laws Relating to Fencing

**M21/0505**

**Moved Cr Foster**

**Seconded Cr Leonhardt**

**Council resolve to disallow the applicant's request for preliminary approval to construct a 1.8m fence along the front boundary of Lot 12 Bartram Street, Beverley.**

**CARRIED 9-0**



**8. INFORMATION BULLETIN**

Mr Wayne Ashworth, Maintenance Supervisor, entered Council Chambers at 2.40pm

Wayne Ashworth reported on the current maintenance program, including works being carried out on: Beverley Railway Station, Lesser Hall, niche wall at cemetery, Retirement Village, Depot fence.

Mr Wayne Ashworth, Maintenance Supervisor, left Council Chambers at 2.50pm

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

Mr Steve Vincent, Works Supervisor, entered Council Chambers at 2.50pm

Steve Vincent, Works Supervisor presented his report on current works being carried out, as presented in May Information Bulletin.

Mr Steve Vincent, Works Supervisor, left Council Chambers at 3.05pm

**9. TABLED CORRESPONDENCE**

WA Country Health Service – Wheatbelt Region: ‘Wheatbelt Population Health – Promoting Healthy lifestyles’. (File Ref: PH038)

Greening Australia – ‘Seed Situation Statement for the Avon Region’. (File Ref: EM014)

**10. OTHER BUSINESS**

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**ITEM NUMBER:** 7.1.1  
**DATE:** 10 May 2005  
**SUBJECT:** AVON CATCHMENT COUNCIL (ACC) GRANT FUNDING  
**FILE REFERENCE:** GS 013  
**AUTHOR:** Cr Judy Schilling – West Ward

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**BACKGROUND**

Cr Judy Schilling and Cr Belinda Foster met with Max Trenorden, Avon Local Member of Parliament.

The Avon Catchment Council's grant funding was discussed, with a maximum of \$50,000.00 offered to rural towns with populations under 10,000. A suggestion was put forward to advertise for expressions of interest for Beverley Community Groups to note local projects that would benefit from this grant.

**M23/0505 Moved Cr Alexander** **Seconded Cr Szczecinski**  
**That Council advertise, in the Beverley Blarney, for 'Expressions of Interest' from groups who may be seeking grant funding from the Avon Catchment Council.**

**CARRIED 9-0**

**11. CLOSURE**

**There being no further business the meeting closed at 3.45pm.**

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

**Presiding Member**

**Date**

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