

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 25 August 2009

### 1. COMMENCEMENT

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

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

#### Attendance

Cr JD Alexander	President	North Ward
Cr DJ Ridgway	Deputy President	South Ward
Cr WS McDonald		South Ward
Cr MG Roberts		South Ward
Cr KM Murray		North Ward
Cr BM Foster		West Ward
Cr LC Shaw		West Ward
Mr SP Gollan	Acting Chief Executive Officer	
Mrs SC Collins	Senior Administration Officer	

#### Apologies

Mr KL Byers	Chief Executive Officer
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#### Leave of Absence

Cr P Gogol	North Ward
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### 3. PUBLIC QUESTION TIME

#### 3.1 Langsford Street – Sealing

Mr Bob Reed enquired as to whether the sealing of Langsford Street was in the current budget or whether there may be a delay this financial year due to a possible delay in payment of a subdivision contribution.

The Shire President advised that the payment of any subdivision contribution would not affect the timing of the sealing of the road.

**3. PUBLIC QUESTION TIME  
(Continued)**

**3.2 Standpipes – Water Usage**

Mr Reed enquired with regard to water requirements when dwellings are approved on lots without access to scheme water. Mr Reed considered that such development would use water from standpipes and as such requested Council reconsider the use of a monitoring system. Mr Reed suggested Royalties for Regions money could go towards this.

The Shire President advised that installing a secure monitoring system would far outweigh any water inappropriately taken.

The President advised Mr Reed that Royalties for Regions money had already been earmarked for the Independent Living Units for retirees and towards upgrading the Amenities Building.

**3.3 Tree Trimming – Road Verge Remnant Vegetation**

Ms Sue Grey-Smith expressed disappointment and concern in regard to the method used for trimming of road verge trees.

The President thanked Ms Grey-Smith for her recent correspondence and advised that Council considered the most cost effective way of tree trimming was the method that is currently used and the trees/vegetation are trimmed in the interest of safety for users of the road systems.

The President asked Ms Grey-Smith if she would like to comment on the method she would prefer to be used when pruning the trees. Ms Grey-Smith advised that she felt that the trees could be trimmed by the use of chainsaws.

The President advised that this would not be cost effective.

**3.4 Council's Web Site**

Mr Alasdair Wardle enquired whether Council could place the Agenda on the web.

The Acting Chief Executive Officer advised that he would look into the matter.

**3. PUBLIC QUESTION TIME  
(Continued)**

**3.5 Public Meeting - Amalgamation**

Mr Wardle expressed disappointment with the lack of information on the pros and cons that was available at the time that the public meeting was called in regard to structural reform.

The President advised that this was all the information that Council had at the time and that Council is still not aware of the Minister's position in relation to Structural Reform. Mr Dominic Carbone is preparing a submission to the Local Government Steering Committee in regards to Structural Reform on behalf SEAVROC.

Once Council receives the draft submission, a Special Meeting will be held to gauge Council's position and a Public Meeting will then follow to update the community on the current situation.

**3.6 Strategic Plan – Request for a Survey**

Mr Wardle enquired if Council would consider inserting a survey in the mail out for rate notices, giving ratepayers an opportunity to comment on Council's Strategic Plan.

The President advised that ratepayers are most welcome to comment on the strategic planning process. This request will be discussed later in the meeting.

**4. CONDOLENCES**

CLINTON	June Veronica	2 August 2009
CLUTTERBUCK	Roy	9 August 2009
CARTER	Eric Woodley	24 August 2009

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

**6.1 Minutes of the Council Meeting held in the Council Chambers on Tuesday 28 July 2009**

**COUNCIL RESOLUTION**

**M1/0809 Moved Cr Roberts** **Seconded Cr McDonald**  
**That the Minutes of the Ordinary Meeting of Council held in Council Chambers on Tuesday 28 July 2009, as printed, be confirmed.**

**CARRIED 7-0**

**BUSINESS ARISING**

Nil

**6.2 Minutes of the Special Meeting of Council, to discuss the Corporate Business Plan 2010 to 2013 incorporating the Draft Plan for the Future and Draft 2009/2010 Budget, held in the Council Chambers on Monday 3 August 2009**

Appendix 1

**COUNCIL RESOLUTION**

**M2/0809 Moved Cr Foster** **Seconded Cr Shaw**  
**That the Minutes of the Special Meeting of Council, to discuss the Corporate Business Plan 2010 to 2013 incorporating the Draft Plan for the Future and Draft 2009/2010 Budget, held in the Council Chambers on Monday 3 August 2009, as printed, be confirmed**

**CARRIED 7-0**

**BUSINESS ARISING**

Nil



**7. PRESIDENT, COUNCILLOR & ACTING CHIEF EXECUTIVE OFFICER REPORTS**

**7.1 PRESIDENT'S REPORT**

**Avondale**

Hopefully we will be able to meet with the National Trust soon to formalise a Memorandum of Understanding about the new management structure and in particular how this unique facility will remain open to the public. Council is very grateful for the generosity of the Men's Shed to man the Machinery Display Museum at Avondale so that it is kept open during weekends in August.

**COUNCIL RESOLUTION**

**M5/0809 Moved Cr McDonald Seconded Cr Roberts  
Council look at employing someone to man the Avondale Machinery Display Museum at Avondale during the month of September 2009 and the Chief Executive Officer be asked to give an update on the situation to the September Council Meeting.  
CARRIED 7-0**

**Road Rail**

At this stage we have received very little information from the Mathews Committee. Our Chief Executive Officer will present a list of our major roads to the SEAVROC meeting on Friday 21 August. I believe that GMO Canola in Kokeby will probably be transported by Road.

**COUNCIL RESOLUTION**

**M6/0809 Moved Cr Murray Seconded Cr McDonald  
Council write to CBH seeking advice as to the method of transport they intend to use to transport grain out of the Kokeby Bin.  
CARRIED 7-0**

**Structural Reform**

At Local Government Week the Premier Colin Barnett MLA, Minister John Castrilli MLA and Minister Brendon Grylls MLA addressed structural reform. On 15 August, during the Beverley Agricultural Show, I had the opportunity to speak with Max Trenorden MLC and Mia Davis MLC. The message I seem to be getting is that the SEAVROC group may be able to run for about 2 years with the matter of amalgamation being addressed after this timeframe. There is some talk of Shires needing to have a population of at least 5,000 in a new identity covering our area.

**7. PRESIDENT, COUNCILLOR & ACTING CHIEF EXECUTIVE OFFICER REPORTS**

**7.1 PRESIDENT'S REPORT**

**Structural Reform**

**(Continued)**

The Chief Executive Officer and I attended a SEAVROC meeting on 18 August. SEAVROC members from the Shires of Brookton and Quairading made statements regarding the possibility of various Council partnerships/amalgamations.

Mr Dominic Carbone is preparing a submission analysing the Councils within the SEAVROC group. This should be ready in about a week, with decisions being made on the submission on 10 September 2009.

I suggest Council hold a Special Meeting to discuss this submission and then hold a public meeting, so that our final decision can be made prior to 10 September.

The Shire of Beverley has to have its decision in to the Review Committee by 30 September 2009. In the interest of perhaps more consideration I would suggest having it in early.

**RESOLVED that Council hold a Special Meeting on Monday 31 August 2009 commencing at 8:30am to discuss the draft SEAVROC submission prepared by Mr Dominic Carbone and a public meeting be held on Monday 7 September 2009 commencing at 7pm.**

The following verbal report was provided:

**Town Hall**

At this stage it is estimated that the Main Hall of the Town Hall will be available for bookings in about 2 weeks time.

**It was agreed that the Badminton Club be given permission to repaint the court lines in the main hall.**

**Local Government Elections**

With the Local Government Elections to take place on Saturday 17 October 2009 we will have the following 5 vacancies:

- West Ward      Two Vacancies      4 year terms
- North Ward     Two Vacancies      4 year terms
- South Ward     One Vacancy        4 year term





**7. PRESIDENT, COUNCILLOR & ACTING CHIEF EXECUTIVE  
OFFICER REPORTS  
7.2 COUNCILLOR REPORTS  
Cr Ridgway  
(Continued)**

Mural

“Circle of Colour” Northern Suburbs Art Group have offered to paint a mural on the IGA wall and may be visiting on 3 October to plan the design. As there is a two week gap in the Artist in Residence programme at the end of November there is a possibility the project could be completed then, otherwise it will be early next year.

Ampitheatre

Awaiting building licence, steel to then be ordered with construction commencing hopefully by October 2009.

Opera

The aim is to be using the amphitheatre area for this visit, however the performance will be going ahead regardless of location as the Town Hall has been booked as well.

IGA Sea Container

Beverley Supermarket (IGA) has removed the sea container from the rear of their property.

**Cr Keith Murray**

Muresk

Cr Murray provided an update on Muresk and advised that a briefing was to be held on 14 August 2009

**Cr Bill McDonald**

Small Pet Cemetery

Cr McDonald suggested sites he had inspected for consideration for a Shire of Beverley Small Pet Cemetery. Councillors held a general discussion and further areas were suggested for consideration.

**It was agreed that a check be made on the ownership of various sites.**

**Cr Belinda Foster**

Vietnam Veteran's Day Memorial Service

Cr Foster commented that Councillors had attended the Memorial Service held on Tuesday 18 August 2009 and that the Council wreath had been placed at the Beverley War Memorial.

**7. PRESIDENT, COUNCILLOR & ACTING CHIEF EXECUTIVE  
OFFICER REPORTS  
(Continued)**

**7.3 ACTING CHIEF EXECUTIVE OFFICER'S REPORT**

Appreciation

Mr Steve Gollan read out a Thank You card from Russel and Glenys Hastings congratulating the Shire Council and workers on the work that has been done at the cemeteries in Beverley, in particular the Anglican Cemetery.

**COUNCIL RESOLUTION**

**M8/0809 Moved Cr Roberts** **Seconded Cr Murray**  
**That the above reports from Councillors and the Acting Chief Executive Officer, be received**

**CARRIED 7-0**

At 12:25pm the meeting adjourned for lunch.

At 1:52pm the meeting reconvened along with Mr Peter Wright, Shire Planner in attendance.

## 8. OFFICERS' REPORTS

### 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 25 August 2009</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.1</b>
<b>REPORT DATE:</b>	<b>17 August 2009</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – CONCERT – LOT 83 BUTCHERS ROAD, WESTDALE</b>
<b>APPLICANTS:</b>	<b>Concert and Corporate Productions</b>
<b>FILE REFERENCE:</b>	<b>BUT 51004</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 4

#### **BACKGROUND**

It is proposed to conduct a concert on 24 October 2009 at Lot 83 Butchers Road, Westdale. The subject site is approximately 49ha in area, zoned Farming and contains existing buildings. The application includes the erection of ancillary temporary structures, which are to be removed by 28 October 2009.

It is anticipated 5,000 persons will attend the event, which includes parking and overnight camping areas. Catering will be provided and for warmth and extra light, in specific locations large steel drums will be utilised as open braziers. Submitted fire, evacuation and traffic management plans are identical to those approved for a concert on the site on 25 October 2008.

#### **COMMENT**

Under the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2) a concert is a use not listed. Clause 3.2.5 of TPS 2 states that where a land use is not listed Council may: -

- a) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted;

or

- b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 6.2 in considering an application for planning consent, following which Council may, at its discretion, permit the use.

**8.1.1**

**TOWN PLANNING ITEMS**

**8.1.1.1**

**DEVELOPMENT APPLICATION – CONCERT  
– LOT 83 BUTCHERS ROAD, WESTDALE  
(Continued)**

In compliance with Clause 6.2 of TPS 2 the application was advertised for a period of 21 days. A total of 4 submissions were received comprising of 4 no objections and 1 providing comment. A summary of the submissions received and officer's responses are detailed in the table below:

1	<u>Name &amp; Address</u> A Gosling RMB 221 Beverley WA 6304	<u>Affected Property</u> 47 Turner Gully Road Westdale
	No Objection to Proposal	Noted
1.1	Previous events have been well organised and not resulted in any negative impacts.	Noted
1.2	At previous events the impact on amenity with regard to noise has not been excessive.	Staff are unaware of any complaints with regard to noise.
1.3	Due mainly to inclement weather the intersection of Butchers Road and Vallentine Road requires repairs.	The Shire Works Supervisor has advised that the roads are graded as a part of the winter works program and should it be required the affected roads will be regraded prior to the event.

2	<u>Name &amp; Address</u> A Duffield PO Box 403 Kalamunda WA 6926	<u>Affected Property</u> Lot 86 Butchers Road Westdale
	No Objection to Proposal	Noted
2.1	Supports the proposal due to: - <ul style="list-style-type: none"> <li>• The professional manner in which the event is organised;</li> <li>• The event enhances local communities; and</li> <li>• The event raises the profile of the Westdale district.</li> </ul>	The respondent's opinion is noted and staff agrees with the identified community benefits.

8.1.1

**TOWN PLANNING ITEMS**

**8.1.1.1**

**DEVELOPMENT APPLICATION – CONCERT  
– LOT 83 BUTCHERS ROAD, WESTDALE  
(Continued)**

3	<u>Name &amp; Address</u> R Fisher Redlands RMB 218 Beverley WA 6304	<u>Affected Property</u> Lot 305 Vallentine Road Westdale
	Comment on the Proposal	Noted
3.1	Would prefer the event occurred elsewhere.	Noted however Council must consider the application as submitted.
3.2	Requests future events be held one week earlier due to the proximity of the bush fire season.	It is open to Council to consider requesting the applicant hold the event one week earlier. However this would make the event more likely to be affected by inclement weather and the applicant has addressed this matter through the production of a fire management plan.
3.3	Police presence requested before, during and after the event.	Council should consider traffic management and impact on amenity, however whilst Council may support an increased police presence, it is not a valid planning consideration.
3.4	Police presence requested not only on Butchers Road, but also other roads.	See 3.3

4	<u>Name &amp; Address</u> L Cherry 234 Holmes Road Forrestfield WA 6058	<u>Affected Property</u> Lot 84 Butchers Road Dale
	No Objection to Proposal	Noted

Similar events have occurred on this property previously without serious matters of concern being raised by surrounding residents. In the opinion of staff it may also be considered the concert provides the following community benefits: -

1. Diversification of economic activity;
2. Enhancement of amenity through provision of entertainment options;



**8.1.1 TOWN PLANNING ITEMS**

**8.1.1.1**

**DEVELOPMENT APPLICATION – CONCERT  
– LOT 83 BUTCHERS ROAD, WESTDALE  
(Continued)**

**Conditions:**

- 1. Planning approval for a concert at Lot 83 Butchers Road, Westdale, is valid for the period of 24 October 2009 to 25 October 2009 only.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, including amendments marked in red, prepared by the applicant and endorsed by Council's Shire Planner.**
- 3. All temporary structures associated with this approval shall be removed by the 28 October 2009.**
- 4. As the Water Corporation reticulated sewer is not available, acceptable ablution facilities are to be provided for the entire period of this approval, to the satisfaction of the Shire's Environmental Health Officer. (Refer to Advice Note 3.)**
- 5. The approved Fire Risk, Precaution and Evacuation Plan is to be complied with at all times, for the entire period of this approval.**
- 6. The approved Traffic Management Plan is to be complied with at all times, for the entire period of this approval.**
- 7. An ambulance and three staff qualified in first aid is to be available on-site between the hours of 9:00am 24 October 2009 to 9:00am 25 October 2009.**

**Advice Notes: -**

- 1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.**
- 2. The applicant is advised a building license is required prior to commencement of any building works.**

**8.1.1 TOWN PLANNING ITEMS**

**8.1.1.1  
DEVELOPMENT APPLICATION – CONCERT  
– LOT 83 BUTCHERS ROAD, WESTDALE  
(Continued)**

3. **With regard to Condition 4, an application is to be submitted to Council's Environmental Health Section and approved, prior to the commencement of the event.**

**CARRIED 7-0  
ABSOLUTE MAJORITY**



## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 25 August 2009</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.2</b>
<b>REPORT DATE:</b>	<b>29 July 2009</b>
<b>SUBJECT:</b>	<b>FINAL ADOPTION</b> <b>– TOWN PLANNING SCHEME POLICY NO. 10</b> <b>– RELOCATED SECOND-HAND BUILDINGS</b>
<b>APPLICANT:</b>	<b>Shire of Beverley</b>
<b>FILE REFERENCE:</b>	<b>DB 006</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 5

### BACKGROUND

At its 28 April 2009 meeting Council resolved: -

*“That Council seek to amend Town Planning Scheme Policy No. 9 – “Relocated Second-Hand Buildings” to reflect the true costs of the Building Surveyor inspecting these buildings prior to them entering Beverley, and this amended policy be presented to the May meeting.”*

In compliance with Council’s resolution Draft Town Planning Scheme Policy No. 10 Relocated Second-Hand Buildings, was presented to Council on 26 May 2009 for consideration. At this meeting Council resolved: -

- “1. That Council initiate a new Relocated Second-Hand Buildings Policy for the purpose of amending Town Planning Scheme Policy No. 9 Relocated Second-Hand Buildings.*
- 2. That the Shire Planner be instructed to advertise the amended Policy in compliance with the provisions of Clause 7.6 of the Shire of Beverley’s Town Planning Scheme No. 2.*
- 3. That Council include an additional provision to part 7 of the Policy which reads: -*

*Should the development have commenced prior to the granting of Planning Approval, including the relocation of the building into the Shire and/or onto the site, the Planning Fee penalty prescribed in the current Town Planning Fees Regulations, shall apply”*

**8.1.1 TOWN PLANNING ITEMS**  
**8.1.1.2 FINAL ADOPTION**  
**– TOWN PLANNING SCHEME POLICY NO. 10**  
**– RELOCATED SECOND-HAND BUILDINGS**  
**(Continued)**

At the 28 July 2009 Council meeting the Policy was presented for final adoption. During the meeting Council indicated further modification was required. The modified Policy is now presented to Council for final adoption.

**COMMENT**

The Policy was advertised in compliance with Clause 7.6a) of the Shire of Beverley's Town Planning Scheme No. 2. No submissions were received.

As no submissions were received and the modification of the Policy will aid in the recovery of the true cost of assessing applications, it will be recommended the proposed Policy be granted final adoption.

To address Council concerns as stated during the 28 July 2009 meeting, the following provisions were deleted from Clause 4.2 of the Policy: -

*“Certification from a practising structural engineer that the design and condition of the building is suitable for transportation and re-erection (where the building is a purpose-built transportable building; sufficient documentation proving this will suffice);*

*Certification from a registered pest control company that the building is free from termites;”*

As the requirements of these clauses are addressed during the assessment of a Building License application, in the opinion of staff their removal will not detrimentally affect the implementation of the Policy.

**STATUTORY ENVIRONMENT**

Final adoption by Council is required under Clause 7.6b) of the Shire of Beverley's Town Planning Scheme No. 2.

**8.1.1 TOWN PLANNING ITEMS**

**8.1.1.2**

**FINAL ADOPTION**

**– TOWN PLANNING SCHEME POLICY NO. 10**

**– RELOCATED SECOND-HAND BUILDINGS**

**(Continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M10/0809**

**Moved Cr Foster**

**Seconded Cr Roberts**

**That Council grant final adoption to Town Planning Scheme Policy No. 10 Relocated Second-Hand Buildings, as attached, and instruct the Shire Planner to advertise the final adoption in compliance with Clause 7.6c) of the Shire of Beverley's Town Planning Scheme No. 2.**

**CARRIED 7-0**

At 1:59pm Mr Steve Vincent, Works Supervisor, entered the meeting.

### 8.1.1 TOWN PLANNING

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 25 August 2009</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.3</b>
<b>REPORT DATE:</b>	<b>5 August 2009</b>
<b>SUBJECT:</b>	<b>PROPOSED VARIATION TO COUNCIL'S OUTBUILDING POLICY</b>
<b>FILE REFERENCE:</b>	<b>LUP 004</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 6

#### BACKGROUND

At its 28 July 2009 meeting Council resolved:

*“That Council resolve to grant final adoption to Town Planning Scheme No. 2 Outbuilding Policy, as attached, and instruct the Shire Planner to advertise the final adoption in compliance with Clause 7.6c) of the Shire of Beverley’s Town Planning Scheme No. 2.”*

Since the final adoption of the Outbuilding Policy, anomalies in the requirements for small Farming zoned lots and equivalent sized lots in Rural Residential, Rural Townsite and Residential zoned areas, have become apparent.

It is proposed to amend the policy to correct these anomalies.

#### COMMENT

The Outbuilding Policy adopted at Council’s July 2009 meeting seeks to simplify and streamline assessment of Outbuilding proposals. The Policy should be viewed in conjunction with Scheme Amendment 15 to the Shire of Beverley’s Town Planning Scheme No. 2 (TPS 2). This amendment will remove the requirement for planning approval for most proposals that comply with TPS 2 and the Outbuilding Policy.

Of particular concern are small lots within the Farming zone. Apart from setback requirements, under the Policy lots as small as 1000m<sup>2</sup> will have no limit to the size of the individual area or total area of Outbuildings that may be constructed. In addition the Policy contains no requirement for such outbuildings to be constructed in association with a dwelling. In Rural Residential, Rural Townsite and in Residential zoned areas, lots of a substantially larger size must have a dwelling approval prior to the construction of an outbuilding and are limited in size.

## 8.1.1 TOWN PLANNING ITEMS

### 8.1.1.3

#### **PROPOSED VARIATION TO COUNCIL'S OUTBUILDING POLICY (Continued)**

To ensure fairness, equity and transparency in the determining the requirement for planning approval, it will be recommended that smaller Farming zoned lots have a similar criteria to equal sized lots in other zones. This may be achieved through the following additions to Table 1 of the Outbuilding Policy:

Farming Zoned Lots 1-10 ha	Same criteria as Rural Residential & Rural Townsite Zoned Lots
Farming Zoned Lots below 1 ha	Same criteria as Residential Zoned Lots below R10 density, except criteria (b) which relates to the R-Codes is to be removed.

An additional concern is that there is no limit on the size of the individual area of outbuildings in the Farming zone. It is not proposed to limit the total area of outbuildings. However, in the opinion of staff there should be a limit to the size of the floor area of individual outbuildings that may be constructed without Council approval. A suggested limit to the size of individual outbuildings in a Farming zone under Council's outbuilding policy is 400m<sup>2</sup>. Altering the size limit will not preclude the construction of larger outbuildings, however Council will have an oversight role in such developments.

Of further concern Part 7.2 of the policy states that applications that do not comply with the policy will be referred to Council with a recommendation of refusal. As the policy reflects Council's instruction to staff on the processing of applications, this part of the policy does not allow staff to assess variations to policy on their merits. All applications must that propose a variation to policy must be recommended for refusal. It will be recommended Part 7.2 of Council's Outbuilding Policy be altered as follows to allow applications that propose a variation to policy, to be assessed on their merits:

"Outbuildings that do not comply with all of the criteria corresponding to the relevant zone in Table 1 of this Policy will be referred to Council"

#### **STATUTORY ENVIRONMENT**

Policies may be amended under Clause 7.6 of the Shire of Beverley's Town Planning Scheme No. 2.

**8.1.1 TOWN PLANNING ITEMS**

**8.1.1.3**

**PROPOSED VARIATION TO COUNCIL'S OUTBUILDING POLICY  
(Continued)**

**OFFICER'S RECOMMENDATION**

- A. That Council, pursuant to Clause 7.6.2(a) adopt the draft Outbuildings Policy for advertising.
- B. That upon completion of the advertising, in accordance with the scheme, that the matter be referred back to Council with any submissions received.

**COUNCIL RESOLUTION**

**M11/0809**

**Moved Cr McDonald**

**Seconded Cr Roberts**

- A. That Council, pursuant to Clause 7.6.2(a) adopt the draft Outbuildings Policy for advertising, after removing from Table 1 the design requirements for Farming zoned lots above 10 hectares in area.
- B. That upon completion of the advertising, in accordance with the scheme, that the matter be referred back to Council with any submissions received.

**CARRIED 7-0**

## 8.1.1 TOWN PLANNING

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 25 August 2009</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.4</b>
<b>REPORT DATE:</b>	<b>5 August 2009</b>
<b>SUBJECT:</b>	<b>PROPOSED AMENDMENT TO TOWN PLANNING SCHEME NO. 2 – RESTRICTION OF DWELLINGS ON FARMING ZONED LOTS BELOW ONE HECTARE</b>
<b>APPLICANTS:</b>	<b>Shire of Beverley</b>
<b>FILE REFERENCE:</b>	<b>LUP 010</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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### BACKGROUND

A recent decision by the Western Australian Planning Commission regarding an amalgamation at the Anglo Estates in Kokeby has demonstrated there may be unrealistic developer expectations in relation to small Farming zoned lots.

It is proposed to amend the Shire of Beverley's Town Planning Scheme No.2 (TPS 2) to allow Council to set by policy, the development potential of Farming zoned lots below one hectare.

### COMMENT

Under Clause 3.6.2(iii) of TPS 2 Council **may** preclude the construction of dwellings outside the Be1 (Beverley Townsite) area where proposals involve:

- *"The resubdivision of existing lots for farm management purposes;*
- *Horticultural and or intensive agricultural pursuits;*
- *A survey strata scheme for specialist farming purposes."*

It is proposed to add a fourth bullet point that states:

- *"Lots below one hectare in area."*

This would not prevent Council from approving dwellings applications, however the amendment would give Council the option of setting the criteria for such applications, through policy.

It is considered undesirable to allow residential development on small Farming zoned lots. This zone is specifically for the promotion of agricultural production, although services to the travelling public and tourists may be considered. Residential development is more appropriate within Residential or Rural Residential zones where matters such as amenity, infrastructure, facilities, character of the area and incompatible land uses may be addressed.

**8.1.1 TOWN PLANNING ITEMS**  
**8.1.1.4 PROPOSED AMENDMENT TO TOWN PLANNING SCHEME**  
**NO. 2 – RESTRICTION OF DWELLINGS ON FARMING ZONED**  
**LOTS BELOW ONE HECTARE**  
**(Continued)**

Should Council approve dwellings on small Farming zoned lots there is substantial potential for land use conflict to occur due to normal farming practices. Examples of such conflict include spray drift and disturbance to noise amenity through the operation of farm machinery close to dwellings.

Single dwellings are currently a discretionary land use in a Farming zone under Table 1 of TPS 2 and therefore require Planning Approval. However there are no specific requirements relating to dwellings on small lots, because such lots should not be created under TPS 2. Any lot below 2 hectare in area is generally the result of a historical anomaly. As such it will be recommended the proposed amendment be initiated to allow specific statutory controls and the implementation of proper and orderly planning.

**STATUTORY ENVIRONMENT**

Amendments to the Shire of Beverley's Town Planning Scheme No. 2 are made under Section 75 of the Planning and Development Act 2005 in compliance with the Town Planning Regulations 1967 (as amended).

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M12/0809 Moved Cr Roberts Seconded Cr Shaw**  
**That Council resolve –**

- 1. To initiate an amendment to the Shire of Beverley's Town Planning Scheme No. 2 for the purpose of implementing specific planning controls for dwellings proposed for Farming zoned lots below one hectare in area.**
- 2. To instruct the Shire Planner to prepare the amendment documentation and once prepared forward the amendment documentation to the Environmental Protection Authority for approval and the Western Australian Planning Commission for information.**
- 3. Upon receipt of approval of the amendment documentation from the Environmental Protection Authority the Shire Planner is to advertise the amendment for comment in compliance with the Town Planning Regulations 1967.**

**CARRIED 7-0**







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

**8.3.2.1.4 Walgy Road**

Gravel has been carted to cover the rocks that were starting to appear. The steel roller was also used to compact and repair this section of road.

**8.3.2.1.5 Restricted Access Vehicle Routes**

Main Roads WA - Narrogin has been notified to assess the following roads and include them onto the RAV network: Murray Road, Dongadilling Road from Mawson Road to Oakdale Road and Greenhills South Road from the Beverley boundary to Bridge 4165. This last section is in the York Shire.

**8.3.2.1.6 Great Southern Olive Holdings**

Great Southern Olive Holdings have been sent a letter, requesting purchasing gravel from the Beaming Hills area for the upgrade of the roads in this area. To date no response has been received.

**8.3.2.1.7 Bulk Verge Collection**

Council will be removing bulk verge rubbish on Monday 14 September 2009. Notice of the collection will be advertised in The Blarney.

**8.3.2.1.8 Plant Report**

A Plant Report was provided under separate cover.

**8.3.2.1.9 Removal of Pine Trees from in front of Town Hall**

Council discussed the removal of the pine trees from in front of the town hall.

**It was agreed that the Works Supervisor arrange for the removal of the pine trees from in front of the Beverley Town Hall as soon as possible.**

**8.3.2.2 CONSTRUCTION**

**8.3.2.2.1 Dale Kokeby Road**

Rural road services have completed a 1km trial east of Carr Road. To date it seems to be holding up very well, although we have only had light rain since.

**8.3.2.2.2 Flood Damaged Roads**

Gravel sheeting is underway on the flood damaged roads. Culvert and head walls are to be replaced after winter.

At 2:26pm Mr Tom Perrigo from the National Trust, entered the meeting.

At 2:26pm it was decided that the continuation of the Works Supervisor's Information Bulletin Report be put on hold until after the address from Mr Perrigo.

Mr Steve Vincent, Works Supervisor, left the Chambers.

## **ADDRESS TO COUNCIL**

### Avondale Discovery Farm

Mr Perrigo advised that at this stage the National Trust are still waiting for the Avondale Discovery Farm land to transfer into their name. Until this happens they have very little control over the Avondale Discovery Farm.

At 2:50pm Mr Perrigo left the meeting.

At 2:50pm Mr Steve Vincent, Works Supervisor, rejoined the meeting.

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

**The following items were discussed:**

**8.3.2.2.3 Tender for Loader**  
**Council requested that the tender for the Loader be arranged as soon as possible.**

**8.3.2.2.4 Langsford Street Subdivision - Roadworks**  
The Works Supervisor sought clarification on whether the 50% contribution included a single coat seal or a double coat seal.

**It was agreed that the Works Supervisor obtain costings for the remaining gravel section of Langsford Street.**

At 3:00pm Cr Shaw declared an interest in the below mentioned item 8.3.2.2.5 and left the meeting as he is the land owner.

**8.3.2.2.5 Subdivision Application – 8 Lot Subdivision – Lots 6405, 27638, 6208, 73 & 9329 Kokendin Road, Dale**  
(File Reference: PL138852)  
The Works Supervisor expressed concern in regards to road works commencing for the above subdivision. To date no engineer's drawings have been produced.

At 3:05pm Mr Peter Wright, Shire Planner, on invitation from Council, entered the meeting and provided a report on this subdivision application.

**COUNCIL RESOLUTION**

**M15/0809 Moved Cr McDonald** **Seconded Cr Roberts**  
**That the planning requirements of Condition 2 of Subdivision approval WAPC No. 138852 relating to road construction require the submission of a consulting engineer's drawings for approval by Council. All costs associated with Council approval to be borne by the applicant.**

**CARRIED 6-0**

At 3:36pm Mr Peter Wright, Shire Planner, left the meeting and Cr Shaw returned to the meeting.

**8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR  
(Continued)**

**COUNCIL RESOLUTION**

**M16/0809 Moved Cr Foster** **Seconded Cr McDonald**  
**That the Works Supervisor’s Information Bulletin Report, be**  
**received.**

**CARRIED 7-0**

At 3:40pm Mr Steve Vincent, Works Supervisor, left the meeting.

At 3:40pm Cr Ridgway left the Chambers.

#### **8.4.1 FINANCE ITEMS**

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 25 August 2009</b>
<b>AGENDA ITEM:</b>	<b>8.4.1.1</b>
<b>REPORT DATE:</b>	<b>19 August 2009</b>
<b>SUBJECT:</b>	<b>SCHEDULE OF ACCOUNTS</b>
<b>AUTHOR:</b>	<b>Acting Chief Executive Officer – Stephen Gollan</b>

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Appendix 7

#### **COMMENT**

The Schedule of Accounts for the month of July 2009 is the appendix to this item.

#### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M17/0809 Moved Cr Roberts** **Seconded Cr McDonald**  
**That the Schedule of Accounts for the month of July 2009, be received.**

**CARRIED 6-0**

At 3:43pm Cr Ridgway returned to the meeting.

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 25 August 2009</b>
<b>AGENDA ITEM:</b>	<b>8.4.1.2</b>
<b>REPORT DATE:</b>	<b>19 August 2009</b>
<b>SUBJECT:</b>	<b>FINANCIAL STATEMENT FOR THE PERIOD ENDED 31 JULY 2009</b>
<b>AUTHOR:</b>	<b>Acting Chief Executive Officer – Stephen Gollan</b>

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#### **COMMENT**

The Financial Statement for the period ended 31 July 2009 was provided under separate cover.

#### **OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M18/0809 Moved Cr Foster** **Seconded Cr Roberts**  
**That the Financial Statement for the period ended 31 July 2009, as presented, be received.**

**CARRIED 7-0**

## 8.4.1 FINANCE ITEMS

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**SUBMISSION TO:** August Council Meeting 25 August 2009  
**AGENDA ITEM:** 8.4.1.3  
**REPORT DATE:** 30 July 2009  
**SUBJECT:** INVESTMENT OF SURPLUS FUNDS  
**FILE REFERENCE:** FM 008  
**AUTHOR:** Acting 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 July 2009 with the ANZ Bank.

▪ Office Equipment Reserve	\$ 22,728.00
▪ Annual Leave Reserve	\$ 112,997.00
▪ Building Reserve	\$ 985,299.00
▪ Plant Reserve	\$ 423,955.00
▪ Recreation Ground Reserve	\$ 265,262.00
▪ Bush Fire Fighters Reserve	\$ 87,295.00
▪ Avon River Development Reserve	\$ 17,618.00
▪ Community Bus Reserve	\$ 21,859.00
▪ Cropping Committee Reserve	\$ 112,900.00
▪ Road Construction Reserve	\$ 190,091.00
▪ Municipal Fund	\$ 300,000.00
▪ Municipal Fund	\$ 250,000.00

The Investment terms are as follows:

Certificate#	Term	Interest Rate	Amount	Expires
9669-41335	3 Months	4.00%	\$ 985,299.00	30/10/2009
9669-40287	3 Months	4.00%	\$ 423,955.00	30/10/2009
9669-41167	2 Months	4.00%	\$ 378,259.00	30/09/2009
9669-41538	4 Months	4.10%	\$ 452,491.00	30/11/2009
9669-37985	2 Months	4.00%	\$ 300,000.00	30/09/2009
9669-37678	32 Days	4.00%	\$ 250,000.00	31/08/2009

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

**M19/0809** Moved Cr Foster **Seconded Cr Roberts**  
That the Investment Report for the month of July 2009, be received.

**CARRIED 7-0**



**8.5.1 ADMINISTRATION ITEMS**  
Nil.

At 3:49pm Cr Alexander, Shire President, vacated the Chair and left the Chambers and Cr Ridgway, Deputy President, assumed the Chair.

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

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

**COUNCIL RESOLUTION**

**M20/0809 Moved Cr Roberts** **Seconded Cr Foster**  
**That the Chief Executive Officer’s Information Bulletin Report, be received.**

**CARRIED 6-0**

**9. INFORMATION BULLETIN - GENERAL**

The August Information Bulletin was provided under separate cover.

**COUNCIL RESOLUTION**

**M21/0809 Moved Cr Foster** **Seconded Cr McDonald**  
**That the August Information Bulletin, be received.**

**CARRIED 6-0**

**10. TABLED CORRESPONDENCE**

- DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT & LOCAL GOVERNMENT
  - 2006/07 Local Government National Report on the Operation of the Local Government (Financial Assistance) Act 1995
- WALGA
  - Products and Services Directory 2009/2010
- AVON CATCHMENT COUNCIL
  - Governance Changes to Avon Catchment Council Inc.
- AVON CATCHMENT COUNCIL
  - Bi-monthly Newsletter - Issue 6 June/July 2009
- DEPARTMENT OF HEALTH WA COUNTRY HEALTH SERVICE
  - Newsletter The Country Link – Issue 2 – August 2009
- AUSTRALIAN GOVERNMENT
  - National Awards for Local Government – 2009 Winners
- WALGA
  - Report on Local Government Road Assets and Expenditure 2007-2008

## 10. TABLED CORRESPONDENCE (Continued)

- ROAD SAFETY COUNCIL
  - Towards Zero – Recommended Strategy – August 2008

At 3:55pm Cr Alexander returned to the Chambers.

Cr Ridgway vacated the Chair and Cr Alexander resumed the Chair.

## 11. OTHER BUSINESS

### 11.1 BEVERLEY SWIMMING POOL

An e-mail from Ms B Humphries was tabled at the meeting enquiring as to Council's priority for a new swimming pool for the town, as she could not find it in Council's Plan for the Future or any other documentation despite it being known that the pool has a limited life due to its condition. Ms Humphries commented that a swimming pool must be considered a basic requirement for a shire, so our very young have a local place to learn to swim as well as being used for therapy and recreation across the ages of residents.

**It was agreed that Ms Humphries be advised, that Council is aware of the condition of the Swimming Pool and this matter will be included in Council's Strategic Planning process.**

### 11.2 STRATEGIC PLAN – REQUEST FOR A SURVEY

A request was made from Mr Alasdair Wardle for Council to consider placing a questionnaire in with the rate notices in relation to seeking information on what are the issues important to you to enhance life in Beverley.

**It was agreed that Council place a questionnaire in with the rates notices.**

### 11.3 INDUSTRIAL LAND

Council discussed the current status of the industrial land.

**It was agreed that a update be sought in regards to the current situation of the industrial land in Beverley.**

**12. CLOSURE**

There being no further business the meeting closed at 4:25pm.

I hereby certify these Minutes as being confirmed in accordance with Section 5.26 of the Local Government Act 2695.

Presiding Member

Date