

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 25 NOVEMBER 2008

1. COMMENCEMENT

The President declared the meeting open at 10:01am.

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 P Gogol		North Ward
Cr KM Murray		North Ward
Cr NF Flood		West Ward
Cr BM Foster		West Ward
Cr LC Shaw		West Ward
Mr KL Byers	Chief Executive Officer	
Mr SP Gollan	Deputy Chief Executive Officer	
Mrs SC Collins	Senior Administration Officer	

Apologies

Nil.

Leave of Absence

Nil.

3. PUBLIC QUESTION TIME

At 10:03am Mr Peter Wright, Shire Planner, entered the Chambers.

3.1 Mr Ian Edwards – Use of Airfield

Mr Ian Edwards enquired as to whether Council could restrict usage at the airfield so that noise pollution emanating from this facility would be reduced. Mr. Edwards advised that the Shire of York had taken action to control noise at the York Airfield many years ago and this had been most effective for those living nearby.

3. PUBLIC QUESTION TIME
Item 3.1 Mr Ian Edwards – Use of Airfield
(continued)

The President advised that the types of activities currently undertaken at the airfield were considered appropriate for such a facility. The President also mentioned that Council had agreed, in principle, to extend the Beverley Soaring Society lease of the airfield beyond 2011, however restrictions are being put in place in relation to the number of caravans that may be placed in the area around the existing club house and hangars.

The President suggested to Mr Edwards that he write to Council stating his grievances, so that Council could discuss the matter prior to finalising the new lease document.

4. CONDOLENCES

SHACKLES John Marshall 17 November 2008

The President expressed sympathy on behalf of Council in regard to the passing on of Cr CM (Charlie) Gregorini OAM JP, Mayor of the City of Swan, who was well known throughout local government circles.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr WS McDonald (South Ward) advised he would not be available for the 23 December 2008 Council meeting and sought leave of absence.

RESOLVED that Cr McDonald be granted leave of absence from the December 2008 Council meeting.

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 Minutes of the Council Meeting held in the Council Chambers on Tuesday 28 October 2008

COUNCIL RESOLUTION

M1/1108 Moved Cr Roberts Seconded Cr Foster
That the Minutes of the Ordinary Meeting of Council held in Council Chambers on Tuesday 28 October 2008, as printed, be confirmed.

CARRIED 9-0

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
6.1 Minutes of the Council Meeting held in the Council Chambers
on Tuesday 28 October 2008
(continued)

BUSINESS ARISING

Yenyening Lakes - Item 7.2

Cr Ridgway enquired as to whether Council had received a response from Mr McLean in relation to access to Yenyening Lakes from Ski Road.

The Chief Executive Officer advised that no response had been received.

Lot 35 Wright Street (Swimming Pool Manager's House) - Item 8.1.1.9

Cr Ridgway commented that there had been some time lapse between the pad being put down for the Swimming Pool Manager's house and when it was actually compacted and asked if Council could write to WA Country Builders enquiring about the delay.

The Deputy Chief Executive Officer advised he would seek an explanation from WA Country Builders.

Withdrawn Fines over last 2 years - M32/1008

Cr Ridgway enquired as to whether a list of outstanding fines for illegal building works had been compiled.

The Deputy Chief Executive Officer advised this list is still being prepared.

Lots 530 & 54 Vincent Street – Item 8.5.2.3

Cr Ridgway enquired as to the situation in regard to the extension of time given for works at the property at Lots 530 & 54 Vincent Street.

The Chief Executive Officer advised he would request Council's Contract Building Surveyor, to prepare a report for the next Council meeting.

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
(continued)**

**6.2 Minutes of the Special Meeting of Council held in the Council
Chambers on Thursday 30 October 2008**

Appendix 1

COUNCIL RESOLUTION

**M2/1108 Moved Cr Foster Seconded Cr McDonald
That the Minutes of the Special Meeting of Council held in the
Council Chambers on Thursday 30 October 2008, as printed, be
received.**

CARRIED 9-0

BUSINESS ARISING

Nil

**6.3 Minutes of the Special Meeting of Council held in the Council
Chambers on Monday 10 November 2008**

Appendix 2

COUNCIL RESOLUTION

**M3/1108 Moved Cr Roberts Seconded Cr Flood
That the Minutes of the Special Meeting of Council held in the
Council Chambers on Monday 10 November 2008, as printed, be
received.**

CARRIED 9-0

BUSINESS ARISING

Modified Proposal - Motocross Park – Lot 3588 Westdale Road,
Westdale – Item 8.1.1 (File Reference WES 51103)

Mr Keith Byers, Chief Executive Officer referred to item 8.1.2.1 of the November Information Bulletin Report of the Shire Planner, advising that the appeal to the State Administrative Tribunal, in relation motocross park development application refusal, had been withdrawn by the applicant.

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
(continued)**

**6.4 Minutes of the Fire Control Officers Meeting held in the Council
Chambers on Thursday 23 October 2008**

Appendix 3

COUNCIL RESOLUTION

**M4/1108 Moved Cr Shaw Seconded Cr Murray
That the Minutes of the Fire Control Officers Meeting held in the
Council Chambers on Thursday 23 October 2008, as printed, be
received.**

CARRIED 9-0

BUSINESS ARISING

Nil

**6.5 Minutes of the Plant & Works Committee Meeting held in the
Council Chambers on Monday 3 November 2008**

Appendix 4

COUNCIL RESOLUTION

**M5/1108 Moved Cr Murray Seconded Cr McDonald
That the Minutes of the Plant & Works Committee Meeting held in
the Council Chambers on Monday 3 November 2008, as printed, be
received.**

CARRIED 9-0

BUSINESS ARISING

Austral Bricks Clay Trucks – Use of Corberding Road - Item 4
(File Reference: RO 008, WO COR 43)

Cr Alexander, Shire President, reported on the meeting held with Austral Bricks, the Chief Executive Officer and the Plant and Works Committee. A meeting between representatives of the Shires of Brookton and Beverley is to be arranged in an endeavour to find a solution for Austral Bricks to transport Kaolin, on Restricted Access Vehicles, to their premises in the metropolitan area.

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
(continued)**

**6.6 Minutes of the Development Services Committee Meeting held in
the Council Chambers on Friday 7 November 2008**

Appendix 5

COUNCIL RESOLUTION

**M6/1108 Moved Cr Foster Seconded Cr Roberts
That the Minutes of the Development Services Committee Meeting
held in the Council Chambers on Friday 7 November 2008, as
printed, be received.**

CARRIED 9-0

BUSINESS ARISING

Beverley Caravan Park - Item 3.1 (File Reference: VIN 1624B)

Appendix 6

The draft Beverley Caravan Park Rules were tabled at the meeting and are the appendix to this matter.

**RESOLVED that Councillors provide comments, in relation to the
draft caravan park rules, at the December meeting of Council.**

COUNCIL RESOLUTION

**M7/1108 Moved Cr Murray Seconded Cr Gogol
That Council adopt the agreed recommendations numbered 1 and
2 of the Development Services Committee Meeting held on 7
November 2008, being:**

- 1. That the Laundry at the Caravan Park be used solely by
Caravan Park residents.**
- 2. That 8km speed signs be purchased and erected at the
entrance of the park.**

CARRIED 8-1

Item 3.2 heading Beverley Motocross

The heading should be:

**BEVERLEY OFF ROAD MOTOR SPORTS ASSOCIATION
(BORMSA)**

7. PRESIDENT AND COUNCILLOR REPORTS

7.1 PRESIDENT'S REPORT

The Shire President gave a verbal report, with particular reference to: progress being made with the future management of the Avondale, the successful Avondale Harvest Festival on Sunday 23 November, attendance at the Meeting of Australian Council of Local Government in Canberra on Tuesday 18 November, the funding available from Royalties for Regions and the Grain Freight Logistics Study.

COUNCIL RESOLUTION

M8/1108	Moved Cr Roberts That the President's Report, be received.	Seconded Cr Flood CARRIED 9-0
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7.2 COUNCILLOR REPORTS

Cr Gogol reported on the outcomes of meetings he had attended including the Yenyening Lakes Committee, Avondale Discovery Farm Committee and Tourism Development Committee. He advised that curators were being considered for the Aeronautical Museum.

Cr Ridgway reported on the meeting of Art Gallery Committee which she had attended.

Mr Keith Byers, Chief Executive Officer, advised that Mrs Peg Kempton had enquired as to whether Council was interested in participating in a bus tour of historical sites throughout Beverley. Council agreed to accept Mrs Kempton's invitation and that, subject to her availability, this be conducted at 8:10am prior to the December Council meeting.

Cr Alexander reported that Councillors had been invited to attend the presentation of the Beverley Bi-annual Writers Awards to be held at the Dead Finish Museum on Monday 8 December 08 at 2pm and encouraged Councillors to attend.

Cr Gogol commented on the Men's Shed group's plans to become incorporated.

Cr Flood commented that the sign of the Men's Shed was a good example of what could perhaps be used throughout town.

7. PRESIDENT AND COUNCILLOR REPORTS
7.2 COUNCILLOR REPORTS
(continued)

The President asked the Chief Executive Officer to place the matter of Street Signs on the agenda for the next Development Services Committee meeting.

COUNCIL RESOLUTION

M9/1108 **Moved Cr Flood** **Seconded Cr Murray**
That the Councillors' Reports, be received
CARRIED 9-0

8. OFFICERS' REPORTS

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.1.1.1
REPORT DATE:	4 November 2008
SUBJECT:	DEVELOPMENT APPLICATIONS – THREE GLIDER HANGARS – LOT 29705 LUKIN STREET, BEVERLEY
APPLICANTS:	Allan Phelps and Owen Jones
FILE REFERENCE:	BRE 32745
AUTHOR:	Shire Planner – Peter Wright

Appendix 7

BACKGROUND

The Shire has received two proposals to construct a total of three glider hangars adjacent to the southern section of the Beverley Airfield. The proposals are an extension to an existing non-conforming use recognised by Council at its 28 October 2008 meeting.

Currently there are a number of existing hangars in the general vicinity of the proposed developments. These were granted Planning Approval by Council at its 28 October 2008 meeting.

COMMENT

The proposed development is regarded as a Club Premises and as such is a land use not permitted in a Farming zone. However under Clause 5.2 of the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2) Council may grant Planning Approval for the extension of a recognised non-conforming land use. Council recognised non-conforming rights for the land use Club Premises on the subject site at its 28 October 2008 meeting. Therefore Council may grant Planning Approval for the proposed developments.

Although not required by TPS 2 the proposal was advertised to surrounding landowners for a period of 21 days. A total of 13 submissions were received consisting of 10 no objection, 2 objections and one response providing only comment. The submissions and staff responses are summarised in the table below:

1	Stephen Hook PO Box 298 Beverley WA 6304	Affected Property Lot 232 Nicholas Street, Beverley
	No Objection to Proposal	Noted

8.1.1

TOWN PLANNING ITEMS

Item 8.1.1.1

**DEVELOPMENT APPLICATIONS – THREE GLIDER HANGARS
– LOT 20705 LUKIN STREET, BEVERLEY
(continued)**

2	Sue Eramiha PO Box 271 Beverley WA 6304	Affected Property Lot 233 Nicholas Street, Beverley
	No Objection to Proposal	Noted
3	J Spencer 23 Lukin Street Beverley WA 6304	23 (Lot 219) Lukin Street, Beverley
	No Objection to Proposal	Noted
4	R & C McGinty 10 Lukin Street Beverley WA 6304	Affected Property 10 (Lot 51) Lukin Street, Beverley
	No Objection to Proposal	Noted
5	R Neill 9 Nicholas Street Beverley WA 6304	Affected Property 9 (Lot 235) Nicholas Street, Beverley
	No Objection to Proposal	Noted
6	P Pascoe PO Box 209 Beverley WA 6304	Affected Property Lot 222 Nicholas Street, Beverley
	No Objection to Proposal	Noted
6.1	Development is required for Beverley to progress.	Noted
6.2	Disagrees with persons objecting to aircraft hangers	The Shire advertised to obtain comment from all potentially affected persons.
7	Maxwell Pascoe PO Box 209 Beverley WA 6304	Affected Property Lot 222 Nicholas Street, Beverley
	No Objection to Proposal Good for the town.	Noted Noted
8	R & B Hogben PO Box 280 Beverley WA 6304	Affected Property 2 (Lot 194) Richardson Street, Beverley
	No Objection to Proposal	Noted
9	E & R Seymour PO Box 244 Beverley WA 6304	Affected Property 20 (Lot 195) Richardson Street, Beverley
	No Objection to Proposal	Noted

8.1.1

TOWN PLANNING ITEMS

Item 8.1.1.1

**DEVELOPMENT APPLICATIONS – THREE GLIDER HANGARS
– LOT 20705 LUKIN STREET, BEVERLEY
(continued)**

10	C Day 31 – 33 Lukin Street Beverley WA 6304	Affected Property 31, 33 Lukin Street, Beverley
	No Objection to Proposal	Noted
11	Mervyn Davis 2 Lukin Street Beverley WA 6304	Affected Property 2 (Lot 50) Lukin Street, Beverley
	Objection to Proposal	Noted
	Based objection on perceived interference in a Scheme Amendment by individuals who are members of the Beverley Soaring Society. Modification of the Scheme Amendment impacted on a subsequent subdivision application.	This is not a valid planning consideration for the current applications.
12	Ian Edwards PO Box 29 Beverley WA 6304	Affected Property 48 Bremner Road, Beverley
	Objection to Proposal	Noted
12.1	Approval of the proposal will increase the already high level of disturbance to noise amenity.	It is considered unlikely the presence of three additional gliders will have any significant impact on noise amenity.
12.2	Concerned over safety due to aircraft making emergency landings and the presence of dwellings in the area.	A search of Shire records indicates that during the period the Beverley Soaring Society has been operating, no complaints in relation to this matter have been made to the Shire.
13	Beverley Rifle Club C/- R Blight PO Box 61 Beverley WA 6304	Affected Property Lot 3 Chipper Street, Beverley
	Comment on Proposal Concerned that one of the hangers may protrude into the Beverley Rifle Club's safety zone.	Noted Shire maps indicate that no hanger will protrude into the Beverley Rifle Club's safety zone.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.1

DEVELOPMENT APPLICATIONS – THREE GLIDER HANGARS – LOT 20705 LUKIN STREET, BEVERLEY (continued)

Of concern is the comment raised by the Beverley Rifle Club that one of the proposed hangars may protrude into its safety zone. Although the Shires maps indicate no hangar will protrude into the safety zone, to ensure safety, should Council approve the application, it will be recommended the prohibition of hangars protruding into the safety zone, be a condition of approval.

Site inspections have determined that a number of mature trees are located in the vicinity of the proposed developments. To protect the environmental values of the area it will be recommended, should Council approve the application, that no trees be removed, as a condition of approval.

It is considered the proposed developments will be a relatively minor increase on an existing non-conforming use. Response to the advertising indicates most residents in the surrounding area have no objection or actively support the proposal. It is the opinion of staff that the objections received in response to the advertising do not warrant refusal of the application. It will therefore be recommended Council grant Planning Approval for the application.

STATUTORY ENVIRONMENT

The applications may be approved under Clause 5.2 of the Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M10/1108 Moved Cr Roberts **Seconded Cr Flood**
That Council grant Planning Approval for the construction of a three glider hangars at Lot 29705 Lukin Street, Beverley, subject to the following conditions and advice notes: -

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.1

**DEVELOPMENT APPLICATIONS – THREE GLIDER HANGARS
– LOT 20705 LUKIN STREET, BEVERLEY
(continued)**

Conditions:

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**
- 3. No glider hangar is to protrude into the Beverley Rifle Club safety zone. (refer to Advice Note 3).**
- 4. No trees are to be removed without the prior approval of the Shire of Beverley, to the satisfaction of the Shire Planner.**

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 licence is required prior to commencement of any building works.**
- 3. With regard to Condition 3, the applicant is advised to confirm the location of the safety zone with the Beverley Rifle Club.**

CARRIED 9-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.1.1.2
REPORT DATE:	5 November 2008
SUBJECT:	DEVELOPMENT APPLICATION – SINGLE DWELLING – LOT 122 BARTRAM STREET, BEVERLEY
APPLICANTS:	Prosperpine Enterprises Pty Ltd
FILE REFERENCE:	FOR 123
AUTHOR:	Shire Planner – Peter Wright

Appendix 8

BACKGROUND

It is proposed to place a second hand, transportable single dwelling on Lot 122 Bartram Street, Beverley. The subject lot is 809m², vacant, flat and zoned Town Centre. Development is proposed to be within the Department of Water flood fringe area.

COMMENT

Due to the proposed development being a second hand dwelling, the application was assessed against Clause 4.13 of the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2) and Council's Relocated Second-Hand Buildings Policy No. 9. The application complies with the provisions of TPS 2, however should Council approve the application, to comply with Policy No. 9 the following are recommended as conditions of approval:

1. A bond of \$5,000 is to be lodged with the Shire of Beverley to ensure all works, including clearing the site of debris and connecting plumbing and drainage, are completed to the satisfaction of the Shire Building Surveyor and comply with the relevant provisions of the Building Codes of Australia.
2. All works are to be completed within twelve months from the relocation of the building.
3. Certification from a registered pest control company that the building is free from termites.
4. The submission and approval of a landscaping plan prior to the occupation of the dwelling.

8.1.1

TOWN PLANNING ITEMS

Item 8.1.1.2

DEVELOPMENT APPLICATION – SINGLE DWELLING – LOT 122 BARTRAM STREET, BEVERLEY (continued)

5. Any approved landscaping to completed to the satisfaction of the Shire of Beverley.

In compliance with Clause 4.5 of TPS 2, which relates to flood prone areas, the application was referred to the Department of Water. In response the Department of Water stated it has no objection to the proposal, provided the minimum habitable floor level is 194.62 AHD. Should Council approve the application, it will be recommended the habitable floor level be a minimum 194.62 AHD, as a condition of approval.

As the development is proposed to be in the Town Centre Design Control Area it must be assessed against the criteria contained in Clause 4.8 of TPS 2. In the opinion of staff due to the location of the development it will create a lesser impact on the amenity of the area, however Council should still consider the following criteria:

- The colour and texture of external building materials;
- Architectural style and design details of the building;
- Relationship to surrounding development; and
- Landscaping to complement the appearance of the proposed development.

The architectural style may be considered generally consistent with the built form in the area, although lots immediately surrounding the proposed development are vacant. The applicant has submitted proposed colours and finishes which demonstrate compatibility with other buildings in the area. To ensure the proposed development complements the amenity of the area, should Council approve the application, it will be recommended the submitted colours and finishes and landscaping of the site, be conditions of approval.

Although the Residential Design Codes 2008 (R Codes) do not apply to a Town Centre zone, to provide a guide for assessment of the application, the proposal was assessed using the R Code R10 provisions. The proposal complies with all Acceptable Development provisions of the R Codes, with the exception of the front setback which has not been nominated. Should Council grant planning approval, it will be recommended the front setback be 7.5 metres in compliance with the R Code R10 provisions, as a condition of approval.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.2

**DEVELOPMENT APPLICATION – SINGLE DWELLING
– LOT 122 BARTRAM STREET, BEVERLEY
(continued)**

STATUTORY ENVIRONMENT

The application complies with the Shire of Beverley's Town Planning Scheme No. 2 and may be conditioned to comply with Council's Relocated Second-Hand Buildings Policy No. 9.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M11/1108 Moved Cr Ridgway Seconded Cr Roberts
That Council grant Planning Approval for the relocation of a single dwelling to Lot 122 Bartram Street, Beverley, subject to the following conditions and advice notes: -

Conditions:

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**
- 3. A bond of \$5,000 is to be lodged with the Shire of Beverley to ensure all works, including clearing the site of debris and connecting plumbing and drainage, are completed to the satisfaction of the Shire Building Surveyor and comply with the relevant provisions of the Building Codes of Australia.**
- 4. All works are to be completed within twelve months from the relocation of the building.**
- 5. Certification from a registered pest control company that the building is free from termites is to be submitted to the Shire of Beverley, prior to the building being relocated to the Shire.**

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.2

**DEVELOPMENT APPLICATION – SINGLE DWELLING
– LOT 122 BARTRAM STREET, BEVERLEY
(continued)**

6. The dwelling is to be setback 7.5 metres from the front boundary.
7. A landscaping plan for the landscaping of the front setback area is to be submitted and approved prior to the occupation of the dwelling, to the satisfaction of the Shire Planner.
8. Approved landscaping to be installed prior to the occupation of the dwelling, to the satisfaction of the Shire Planner.
9. The building to be finished in compliance with the submitted Colours and Finishes prior to the occupation of the dwelling, to the satisfaction of the Shire Planner.
10. The minimum habitable floor level is to be 195.02m AHD.

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 licence is required prior to commencement of any building works.
3. With regard to Condition 3, in compliance with Council's Relocated Second-Hand Buildings Policy No.9, the \$5,000 bond is to be lodged with the Shire. Bank or other guarantees are not acceptable.

CARRIED 9-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.1.1.3
REPORT DATE:	10 November 2008
SUBJECT:	DEVELOPMENT APPLICATION – TEMPORARY MARQUEE – LOT 70 VINCENT STREET, BEVERLEY
APPLICANTS:	Rainbow Heart Creations
FILE REFERENCE:	CP 009
AUTHOR:	Shire Planner – Peter Wright

Appendix 9

BACKGROUND

It is proposed to erect a 3 metre by 6 metre temporary sales marquee, in the railway car park at Lot 70 Vincent Street, Beverley, for three Sundays prior to Christmas, and dates to be agreed, during 2009. The subject lot is vacant, zoned Railways and is used for public parking of vehicles.

Proposed dates for the activity are 7, 14 and 21 of December 2008, between the hours of 9am and 4pm. It is also proposed to conduct, with the Shire's prior approval, the activities at various times during 2009, mainly in conjunction with school holidays.

Proposed items for sale are to be jewellery, crystals, gemstones, decorative ornaments and similar.

COMMENT

As the activity is to occur on Sundays and therefore outside normal business hours, the use of this section of public car park is not anticipated to inconvenience persons seeking parking spaces. Only a small section of the car park is to be used and alternative car parking is available within close proximity.

Safety of pedestrians should be considered when determining this application. Being proposed for Sundays it may be considered there will be significantly less traffic accessing the car park. The location of the marquee adjacent to the footpath means pedestrians will not be traversing the car park creating potential conflict with motorists. It is therefore considered the risk of conflict between pedestrians and vehicle drivers accessing the car park is minimal. However to further enhance safety, should Council approve the application, it will be recommended appropriate signage be installed as a condition of approval.

8.1.1

TOWN PLANNING ITEMS

Item 8.1.1.3

**DEVELOPMENT APPLICATION – TEMPORARY MARQUEE
– LOT 70 VINCENT STREET, BEVERLEY
(continued)**

The application is for initially three Sundays before Christmas 2008. The applicant proposes to continue erecting the marquee for the sale of goods during 2009, mainly in conjunction with school and public holidays. To allow the Shire to manage the activity and avoid potential conflict with other users of the car park, it is proposed that during 2009 the applicant provide two weeks notice prior to an event and written approval be granted by the Shire prior to any commencement of the activity. Should Council approve the application, it will be recommended the above restrictions be conditions of approval.

It is considered the proposal will enhance the variety of activity available in a public place and increase shopping opportunities within the Beverley Town Centre, and as such it will be recommended the application be approved.

STATUTORY ENVIRONMENT

The Shire of Beverley has management responsibility for the car park, therefore, under Town Planning Scheme No. 2, Council may approve the application provided Council has due regard for the ultimate purpose of the reserve.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M12/1108

Moved Cr Gogol

Seconded Cr Roberts

That Council grant planning approval for the erection of a marquee for the purpose of conducting retail sales, on Lot 70 Vincent Street, Beverley, subject to the following conditions and advice notes:

Conditions:

- 1. This approval is for a period of 2 years. After 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.3

**DEVELOPMENT APPLICATION – TEMPORARY MARQUEE
– LOT 70 VINCENT STREET, BEVERLEY
(continued)**

3. In 2008 the approved activities may only occur on the 7, 14 and 21 December.
4. During 2009/10 the applicant is to supply a minimum two weeks notice in writing to the Shire and received the Shires written approval, prior to commencement of use, to the satisfaction of the Shire Planner.
5. The hours of operation on approved days are to be between the hours of 9am and 4pm.
6. Signage is to be erected in a location approved by the Shire of Beverley, informing motorists accessing the car park at Lot 70 Vincent Street, Beverley of potential conflict with pedestrians, to the satisfaction of the Shire Planner.

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.

CARRIED 9-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.1.1.4
REPORT DATE:	12 November 2008
SUBJECT:	ADOPTION OF SHIRE OF BEVERLEY DRAFT TREE CROPPING POLICY
APPLICANTS:	Shire of Beverley
FILE REFERENCE:	LUP 005
AUTHOR:	Shire Planner – Peter Wright

Appendix 10

BACKGROUND

The Sustainable Land Use Management (SLUM) group, under direction from SEAVROC engaged URS consultants to prepare a draft policy in relation to tree cropping. It is anticipated the policy will provide a consistent Planning framework for tree cropping throughout the SEAVROC region.

For the policy to be effective throughout the SEAVROC region, it is required to be adopted by the individual member Councils. Therefore it is proposed Council adopt the attached draft tree cropping policy for the purpose of advertising, as required under Clause 7.6.2 of the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2).

The proposed policy has been prepared in order to provide a standardised Planning framework for the purpose of:

- Determining when a Development Application is required for tree cropping; and
- To provide guidance when assessing applications lodged for Planning Approval.

COMMENT

The requirement for the policy stems from an increasing interest in tree cropping within the SEAVROC region. Planning for tree crops not only involves managing potential impacts from the growing of the tree crops, but also allowing for possible future downstream processing. As such it is believed Councils should be proactive in their approach to policy development.

Currently non irrigated tree crops are a use not listed under TPS 2, therefore, in the absence of a Shire policy, the only guidance for assessing Development Applications is the Western Australian Planning Commission's (WAPC) Planning Bulletin No. 56, Farm Forestry Policy.

8.1.1 TOWN PLANNING ITEMS

Item 8.1.1.4

ADOPTION OF SHIRE OF BEVERLEY DRAFT TREE CROPPING POLICY (continued)

The proposed Shire policy generally complies with the WAPC Planning Bulletin 56, with the exception of the minimum recommended size of plantings that generate the requirement for Development Approval.

The Shire's proposed policy recommends a minimum area of planting to be 40 ha before Development Approval is required. The WAPC Planning Bulletin recommends a minimum of 10 ha.

The thrust of the proposed policy is to encourage landowners to notify the Shire of any tree crop plantings. When contiguous plantings are proposed for, or reach 40ha the requirement for Development Approval is triggered. It is considered that plantings 40ha and above should require Planning Approval and thereby provide fire, dust, traffic and any other relevant management plans.

The policy has been extensively workshopped by members of the SEAVROC Shires, Department of Agriculture and Food and Avon Grow. Further consultation may be attained by advertising for public comment as required under Clause 7.6.2 of TPS 2. It is proposed, if Council adopts the policy, that joint advertising be conducted with the other SEAVROC Shires.

STATUTORY ENVIRONMENT

Council has the power to make Town Planning Scheme policies under Clause 7.6 of the Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M13/1108 Moved Cr Gogol **Seconded Cr Shaw**
That Council adopt the attached Draft Tree Cropping Policy and
advertise the policy for public comment.

CARRIED 9-0

8.1.2 INFORMATION BULLETIN REPORT – SHIRE PLANNER

8.2.1 HEALTH & BUILDING SERVICES ITEMS

Nil.

8.2.2 INFORMATION BULLETIN REPORT – HEALTH & BUILDING SERVICES

8.2.2.1 GENERAL

Nil

8.2.2.2 REPAIRS/MAINTENANCE REPORT

The Shire Maintenance Officer has provided a Repairs/Maintenance Report.

The President acknowledged the excellent work undertaken by Mr Warren Wandless, Shire Maintenance Officer.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M14/1108 Moved Cr Foster **Seconded Cr Flood**
That the Health & Building Services Information Bulletin Report,
be received.

CARRIED 9-0

At 11:55am Mr Peter Wright, Shire Planner, left the Chambers.

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

Nil.

At 11:43am Mr Steve Vincent, Works Supervisor entered the Chambers.

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR

8.3.2.1 GENERAL – PLANT AND WORKS

8.3.2.1.1 Request for swings at Federation Park

A request has been received from an eight year old to have swings installed at Federation Park.

After talking to the parent the reason for this request is because older kids use the swings in Avon Park and concerns are held for the children's safety at this park.

The cost for a double swing set is estimated to be \$2100 plus installation. Other issues to address would be a soft fall area under the swings, this would have to meet the Australian Standard. Loose sand would not be acceptable.

COUNCIL RESOLUTION

M15/1108 Moved Cr Foster **Seconded Cr Gogol**
Council resolved to not place swings at Federation Park.
CARRIED 7-2

8.3.2.1.2 Fire Control

Shire blocks and reserves have been slashed. Firebreaks have also been recently graded. Because of the late rains some of these areas have had to be done more than once.

8.3.2.1.3 Road Counts

Road counts have been recently carried out on the following roads:

	ADT (average daily traffic)
Mandiakon Road	18
Westdale Road	425 near Luptons Rd
Westdale Road	309 near Butchers Rd
Morbining Road	260 near McKellars Rd

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR

8.3.2.1 GENERAL – PLANT AND WORKS

Item 8.3.2.1.1 Request for swings at Federation Park (continued)

8.3.2.1.4 Road Sweeping

All roads with kerbing in the town site have been swept. The sumps have also been cleaned out.

I understand that Avon Waste have recently purchased a road sweeper. Comparisons will need to be made to determine if it would be more cost effective use them.

8.3.2.1.5 Wheels for the Tip Loader

From the last Plant and Works Committee, prices are to be obtained to manufacture steel wheels for the tip loader. Estimates received from Willis Engineering to manufacture wheels of similar size to the existing ones would be \$5 000 per wheel. If this was to go ahead a detailed drawing will need to be supplied to obtain a firm quote.

8.3.2.1.6 Plant report

The Works Supervisor provided a Plant Report.

8.3.2.2 CONSTRUCTION

8.3.2.2.1 Westdale Road

Works have been completed on the Westdale Road from the Dale Sports ground, for two kilometres past the Dale Hall. This work included removing trees from the drains, widening three culverts, cement stabilising and sealing to a width of seven metres.

8.3.2.2.2 Waterhatch Road

Work is underway with the clearing and widening of three culverts in preparation for the reconstruction of the one kilometre section west of the York Williams Road.

This section of road has been scheduled for the cement stabilising to begin on the 1/12/08 and bitumen booked for the 5/12/08.

The shoulders from York Williams Road to Talbot West Road, and approaches to the bridge over the Dale River will also be reconstructed.

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR

8.3.2.1 CONSTRUCTION

**Item 8.3.2.1.1 Request for swings at Federation Park
(continued)**

8.3.2.2.3 Talbot West Road

The trees have been removed near the York boundary in preparation for the road realignment, which is due to start after the Waterhatch Road is complete.

8.3.2.2.4 Reseals

Blue metal is currently carted for the reseal program. This work is to be completed by RNR Contractors under full contract. They anticipate that this work will begin in November.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION

M16/1108 Moved Cr Roberts **Seconded Cr Murray**
**That the Information Bulletin Report from the Works Supervisor,
be received.**

CARRIED 9-0

At 12 noon Mr Steve Vincent, Works Supervisor, left the Chambers.

8.4.1 FINANCE ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.4.1.3
REPORT DATE:	14 November 2008
SUBJECT:	INVESTMENT OF SURPLUS FUNDS
FILE REFERENCE:	FM 008
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

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

COMMENT

Listed below are surplus funds that have been invested during the month of October 2008 with Esanda, ANZ and Commonwealth Banks.

▪ Office Equipment Reserve	\$ 21,240.00
▪ Annual Leave Reserve	\$ 107,083.00
▪ Building Reserve	\$ 448,566.00
▪ Plant Reserve	\$ 441,292.00
▪ Recreation Ground Reserve	\$ 251,379.00
▪ Bush Fire Fighters Reserve	\$ 81,579.00
▪ Avon River Development Reserve	\$ 16,463.00
▪ Community Bus Reserve	\$ 20,427.00
▪ Cropping Committee Reserve	\$ 82,165.00
▪ Road Construction Reserve	\$ 177,824.00
▪ Municipal Fund	\$ 500,000.00
▪ Municipal Fund	\$ 300,000.00
▪ Municipal Fund	\$ 400,000.00

The Investment terms are as follows:

Certificate#	Term	Interest Rate	Amount	Expires
1357709011	94 Days	7.30%	\$ 441,292.00	02/01/2009
1357717004	63 Days	7.70%	\$ 448,566.00	02/12/2008
ANZ Bank	91 Days	7.00%	\$ 358,462.00	30/01/2009
ANZ Bank	4 Months	7.95%	\$ 399,698.00	29/11/2008
CBA	3 Months	6.50%	\$ 300,000.00	14/01/2009
CBA	3 Months	6.50%	\$ 500,000.00	14/01/2009
ANZ Bank	2 Months	6.59%	\$ 400,000.00	14/12/2008

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M19/1108 Moved Cr Flood **Seconded Cr Roberts**
That the Investment Report for the month of October 2008, be received.

CARRIED 9-0

8.1.1 FINANCE ITEMS
Item 8.4.1.3
INVESTMENT OF SURPLUS FUNDS
(continued)

RESOLVED that Council no longer invest surplus funds with Esanda and that current investments with this institution be reinvested with the ANZ Bank upon their maturity.

8.4.1 FINANCE ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.4.1.4
REPORT DATE:	25 November 2008
SUBJECT:	CHIEF EXECUTIVE OFFICER'S REMUNERATION PACKAGE

In accordance with Item 7.1 of the 28 October 2008 Council Meeting a Remuneration Committee was formed to review the Chief Executive Officer's salary.

COUNCIL RESOLUTION

M20/1108	Moved Cr Murray	Seconded Cr Gogol
	That Council go into Committee.	
		CARRIED 9-0

At 12:14pm Mr Keith Byers, Chief Executive Officer, Mr Stephen Gollan, Deputy Chief Executive Officer and Mrs Sue Collins, Senior Administration Officer all left the Chambers.

Chief Executive Officer Assessment

Appendix 12

The Minutes of the Remuneration Committee Meeting held on the 25 November 2008 at 8:15am were tabled at the meeting and are the appendix to this matter.

Council held a discussion regarding the Chief Executive Officer's remuneration recommendation by the Remuneration Committee Meeting.

COUNCIL RESOLUTION

M21/1108	Moved Cr Ridgway	Seconded Cr Foster
	That the Remuneration Committee's recommendation be endorsed.	
		CARRIED 8-1

COUNCIL RESOLUTION

M22/1108	Moved Cr Foster	Seconded Cr Murray
	That Council come out of Committee.	
		CARRIED 9-0

At 12:25pm Council adjourned for lunch and Cr Flood left the meeting and did not return.

At 1:30pm the meeting reconvened with, Chief Executive Officer, Deputy Chief Executive Officer and Senior Administration Officer in attendance.

At 1:30pm Mr John Clark Mr Russell Dodd and Mr John Winzar, representatives from Landgate, Valuer General's Office, entered the Chambers and delivered a presentation to Council on the proposed changes to the method of calculating Unimproved Valuations on rural land.

At 2:20pm the Landgate representatives left the Chambers.

At 2:20pm the President vacated the Chair and left the Chambers and Cr Ridgway, Deputy President, assumed the Chair.

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.5.1.1
REPORT DATE:	13 November 2008
SUBJECT:	OFFICE CLOSURE OVER CHRISTMAS/NEW YEAR PERIOD
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

The Administration Centre has traditionally closed for business between the Christmas / New Year period.

COMMENT

This year Christmas Day will be celebrated on a Thursday with Boxing Day being the Friday, this means there will be three days between Boxing Day and New Years Day that the Administration Centre is proposed be closed. With New Years Day being a Thursday, I am also requesting that Council give favourable consideration to closing the Administration Centre on Friday 2 January 2009.

To my knowledge there have been no major complaints that the Administration Centre was closed during this period.

Annual Leave will be utilised by staff to compensate the additional days on which they will not be in attendance at work.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M23/1108 **Moved Cr Foster** **Seconded Cr Shaw**
That the Shire of Beverley Administration Centre close for business from 4:30pm, Wednesday 24 December 2008, and reopen on Monday 5 January 2009.

CARRIED 7-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.5.1.2
REPORT DATE:	13 November 2008
SUBJECT:	CHRISTMAS BREAK-UP FUNCTION
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

It has been the custom for Council to hold an annual Christmas function each year.

COMMENT

If it is Council's wish to continue this tradition, a suitable date will need to be selected.

I have spoken to Works Supervisor who has advised me that the outside workforce will close down for the Christmas / New Year period from Wednesday 24 December 2008.

In the past the function has been held at the Old Pre School or the Amenities Building. Cr Ridgway had a suggestion that the Youth Centre could be used as an alternate venue.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M24/1108 **Moved Cr Foster** **Seconded Cr Gogol**
That a Christmas function be held on Tuesday 23 December 2008,
commencing at 6pm, at the Old Pre School Building.
CARRIED 7-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.5.1.3
REPORT DATE:	13 November 2008
SUBJECT:	EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN
FILE REFERENCE:	PER 001
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 13

BACKGROUND

Local Governments are to prepare and implement an Equal Employment Opportunity (EEO) Management Plan in accordance with the Equal Opportunity Act 1984 section 145 (1).

COMMENT

A draft Plan has been prepared based on the template supplied by the Office of Equal Employment Opportunity.

A copy of the legislation that requires Council to prepare this plan is shown below.

Division 3 — Equal employment opportunity management plans
145. Preparation and implementation of management plans

- (1) Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part.
- (2) The management plan of an authority shall include provisions relating to —
 - (a) The devising of policies and programmes by which the objects of this Part are to be achieved;
 - (b) The communication of those policies and programmes to persons within the authority;
 - (c) The collection and recording of appropriate information;
 - (d) The review of personnel practices within the authority (including recruitment techniques, selection criteria, training and staff development programmes, promotion and transfer policies and patterns, and conditions of service) with a view to the identification of any discriminatory practices;

8.1.1

ADMINISTRATION ITEMS

Item 8.5.1.3

**EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN
(continued)**

- (e) The setting of goals or targets, where these may reasonably be determined, against which the success of the management plan in achieving the objects of this Part may be assessed;
 - (f) The means, other than those referred to in paragraph (e), of evaluating the policies and programmes referred to in paragraph (a);
 - (g) The revision and amendment of the management plan; and
 - (h) The appointment of persons within the authority to implement the provisions referred to in paragraphs (a) to (g).
- (3) The management plan of an authority may include provisions, other than those referred to in subsection (2), which are not inconsistent with the objects of this Part.
- (4) The preparation of a management plan shall take place and the implementation of the management plan shall commence without delay and —
- (a) In the case of an authority referred to in section 139(1)(a), (b), (c) or (d), other than an authority which is an institution of tertiary education, on or before such day as is specified in the regulations in respect of that authority and if no day is so specified in respect of an authority on or before the day that is 3 years after the day when this Part comes into operation; and
 - (b) In the case of an institution of tertiary education or an authority the subject of regulations under section 139(1)(e), on or before such day as is specified in the regulations.
- (5) An authority may, from time to time, amend its management plan.

8.1.1 ADMINISTRATION ITEMS

Item 8.5.1.3

**EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN
(continued)**

- (6) Each authority shall send a copy of its management plan, and any amendment of the plan, to the Director as soon as practicable after the management plan or the amendment, as the case may be, has been prepared.

The purpose of the EEO/Diversity Management Plan is to provide an organisation with a strategic focus to maximise human resource potential and enhance productivity to meet core business goals.

Effective EEO/Diversity Management Plans provide a framework to help deliver better policy and services to government and community.

At 2:24pm Cr Alexander, Shire President, returned to the Chambers.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M25/1108 Moved Cr Foster Seconded Cr Roberts

That Council –

- (a) **Adopt the Equal Employment Opportunity Management Plan for the period 2008 to 2011 as prepared.**
- (b) **Forward the Equal Employment Opportunity Management Plan for the period 2008 to 2011 to the Director of Equal Opportunity in Public Employment.**

CARRIED 8-0

At 2:26pm Cr Ridgway vacated the Chair and Cr Alexander resumed the Chair.

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.5.1.4
REPORT DATE:	13 November 2008
SUBJECT:	DELEGATIONS
FILE REFERENCE:	GOV 003
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Section 5.42 of the Local Government Act gives Council the power to delegate to the CEO the exercise of its powers or the discharge of any of the duties except those referred to in section 5.43.

Section 5.46 of the Local Government Act requires delegations made to the CEO be reviewed by the delegate at least once every financial year.

COMMENT

The current delegations were reviewed/approved by Council at the November 2007 Ordinary Meeting. As delegations have been put to Council over the past few years, I put them to Council at this meeting for re-approval.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

- M26/1108** **Moved Cr Foster** **Seconded Cr Shaw**
That Council approve of the following list of delegations to the Chief Executive Officer:-
- **Use of Common Seal on appropriate documents.**
 - **Invite tenders in accordance with budget.**
 - **Approve/refuse building applications. (Includes relocated/second-hand houses in accordance with Council Policy).**
 - **Authority to appoint and dismiss staff in accordance with the Act and appropriate Awards.**
 - **Review salaries of all employees.**
 - **Approve attendance at conferences, seminars and staff training.**
 - **Authorise annual leave and unpaid study leave.**
 - **Discretion to pay for un-accumulated sick leave and attendance at funerals, each case being judged upon its merits.**
 - **Imposition of Harvest Bans.**
 - **Alteration of Restricted and Prohibited Burning periods, after consultation with Chief Fire Control Officer.**
 - **Approve roadside clearing and/or burning.**

8.1.1 ADMINISTRATION ITEMS

Item 8.5.1.4

DELEGATIONS

(continued)

- **Recommend extra mass permits for vehicles in line with Council Policy.**
- **Approve staff use of plant.**
- **Approve private works.**
- **Approve applications for payment of rates by arrangement.**
- **Issuing of Council purchase orders.**
- **Destroy old accounting books and records in accordance with legislative requirements.**
- **Issue permits for the sale and consumption of liquor on Council property.**
- **Act and serve orders relating to hygiene, noise abatement, repair of dwellings and the declaration of buildings being deemed unfit for human habitation in accordance with the Health Act.**
- **Issue infringement notices relating to Bush Fire Act, Litter Act and Dog Act.**
- **Undertake legal action necessary to recover unpaid infringement notices, rates and debtors accounts.**
- **Install firebreaks on private property where the owner has failed to comply with requirements under the Bush Fire Act.**
- **Permit variations to firebreak order upon request from landowners.**
- **Sign strata titles in accordance with the Strata Titles Act.**
- **Issue permits for street stalls.**
- **Speak on behalf of and represent the views of the Council of the Shire of Beverley to the media and other third parties as appropriate.**
- **Represent Council in the Court of Competent Jurisdiction for breaches of the Australian Building Codes, Health Act, Local Government Act, Bush Fires Act, Litter Act and Dog Act.**
- **Attend to all matters, which relate to the Town Planning Function of the Shire of Beverley and to sign all correspondence, planning consents and clearances, which relate to the same.**
- **To make payments for the Municipal Fund and the Trust Fund with the requirement either of the Deputy Chief Executive Officer or a Councillor counter signing the cheques.**
- **Issue notices under Section 3.25 of the Local Government Act 1995 with all notices issued being referred to Council at the ensuing meeting for endorsement.**
- **Approve the write off of any balances under \$50.00, either debit or credit.**

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.5.1.5
REPORT DATE:	14 November 2008
SUBJECT:	LEASE AGREEMENT – DEAD FINISH
FILE REFERENCE:	HUN 1618
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

Council for a number of years has had a lease agreement with the Historical Society for the Dead Finish building. The latest lease has now expired and the Historical Society wishes to enter into a new five year agreement.

COMMENT

The lease agreement is to enable the Dead Finish building to be used exclusively by the Historical Society for the purpose of a museum, rent free, over a period of five years.

Conditions proposed for the lease include –

- (a) The Historical Society, with approval of Council, may allow the Dead Finish building or portions thereof to be used by other bodies or organisations;
- (b) The Society being responsible for the buildings safety and security;
- (c) The Society, with specific Council approval, being able to undertake renovations and restoration to the Dead Finish building;
- (d) the Society obtaining, and keeping current, a public risk policy for an amount not less than \$5,000,000 from an insurance company approved by the Council; and
- (e) Council being responsible for building and public risk insurance, water and electricity charges and maintenance.

8.1.1 ADMINISTRATION ITEMS
Item 8.5.1.6
ELECTED MEMBERS' TRAINING
(continued)

Core Modules:

Module 2	Land Use Planning	3 Councillors
Module 3	Performance Appraisals of the CEO	1 Councillor
Module 6	Strategic Planning	4 Councillors
Module 7	Local Government Finance	1 Councillor
Module 15	Sustainable Asset Management	5 Councillors

Electives:

Module 4	Teamwork, Communication and Conflict in Local Government	1 Councillor
Module 8	Community Consultation and Participation	1 Councillor
Module 10	Change Management	1 Councillor

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.5.1.7
REPORT DATE:	18 November 2008
SUBJECT:	LOCAL GOVERNMENT FEASIBILITY STUDY – REGIONAL COLLABORATIVE MODELS
FILE REFERENCE:	GR 018G
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

SEAVROC is undertaking a study to analyse the viability of forming each of the following corporations, and identifying benefits for and against each model:-

- Corporate Entity
- Regional Local Government
- Regional Subsidiary
- Incorporated Association
- Other

The study will delineate legislative implications, governance, accountability processes and the expediency of which formalities of the professional collaborative entity may take place and associated financial implications. Other measures include financial accountability processes, including audit and insurance provisions.

Funds allocated to undertake the study amounted to \$25,000 to be financed or as follows:-

SEAVROC	\$ 5,000
Department of Local Government	\$10,000
WALGA	\$10,000

COMMENT

Tenders were advertised to undertake the study and submissions were received from Civic Legal, McLeods and Haines Norton.

The Executive Committee of SEAVROC has appointed McLeods at a cost of \$26,500 of which WALGA has agreed to contribute \$500.

At the meeting of the Executive Committee held on 22 October, 2008 each Member Council was requested to allocate an additional \$200 towards the study.

There is sufficient money allocated to SEAVROC in the 2008/09 budget to accommodate this request.

8.1.1 ADMINISTRATION ITEMS
Item 8.5.1.7
LOCAL GOVERNMENT FEASIBILITY STUDY
– REGIONAL COLLABORATIVE MODELS
(continued)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M29/1108 Moved Cr Ridgway **Seconded Cr Roberts**
That Council contribute an additional \$200 to SEAVROC for the
purpose of the Local Government Feasibility Study of Regional
Collaborative Models.

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.5.1.8
REPORT DATE:	18 November 2008
SUBJECT:	EMERGENCY SERVICE LEVY – BOUNDARY ADJUSTMENT
FILE REFERENCE:	FM 004
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 15

BACKGROUND

The current Emergency Services Levy (ESL) Level 4 boundary does not cover the portion of the townsite east of Avon River, south of DeLisle Street and the service road area. As such none of these are serviced by the Fire and Rescue Volunteer Brigade.

COMMENT

It has been recommended by the Fire Control Officers that the townsite boundary form the ESL Level 4 District. This amendment will enable the Fire and Rescue Brigade to be responsible for the entire townsite and remove the necessity to have a Central Bush Fire Brigade. Council will retain the right to implement/adapt fire prevention strategies such as firebreak orders, etc.

The cash per assessment for moving from ESL Level 5 district to Level 4 is minimal.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M30/1108 **Moved Cr Foster** **Seconded Cr McDonald**
That Council request the Fire and Emergency Service Authority to include the entire gazetted townsite of Beverley in the Emergency Service Levy Level 4 District.

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	November Council Meeting 25 November 2008
AGENDA ITEM:	8.5.1.9
REPORT DATE:	18 November 2008
SUBJECT:	REVIEW OF “CODE OF CONDUCT”
FILE REFERENCE:	GOV 007
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 16

BACKGROUND

The Local Government Act Section 5.103 requires “every local government to prepare or adopt a code of conduct to be observed by Council Members, Committee Members and employees”.

WALGA have provided Member Councils with an updated “Model Code” following recent amendments to the Local Government Act and Regulations.

COMMENT

Council last reviewed its “Code of Conduct” in March 2006.

The Local Government Act previously required Council to review its Code within 12 months of the Local Government Election.

This requirement, Section 5.103 (2) has been removed from the Local Government Act but it is still prudent to ensure that the “Code” reflects Council’s standards requiring to be maintained.

In summary, the differences in the revised “Model Code” and Council’s previously Adopted Code are as follows:-

1. New Code provides greater detail on the differing roles of Council Members, Staff and Council and relationships between Council Members and staff.
2. Conflict of Interest wording in 2.1(c) under Section 5.82 of the Local Government Act added requiring written notice on the intention to undertake a dealing in land within the local government area or which may otherwise be in conflict with the Council’s function.
3. Section 2.3 “Disclosure of Interest” significantly clarified, in accordance with provisions of the Local Government Act.

8.1.1 ADMINISTRATION ITEMS
Item 8.5.1.9
REVIEW OF “CODE OF CONDUCT”
(continued)

4. Section 3.4 relates to “Gifts” and the need to record “notifiable gifts”.
It is highlighted that Councillors are required to notify of gifts received under specific Conduct legislation and requirement to notify of gifts in Annual and Primary Returns.
5. Section 4.6 (old 3.6) relates to ensuring Councillors also uphold Standard of Dress when representing Council or attending meetings.
6. Section 4.7 clearly states the responsibility of a Council Member when appointed to represent Council on external organisations.

OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION

M31/1108 Moved Cr Foster **Seconded Cr Murray**
That Council adopt the revised Western Australian Local Government Association “Model Code of Conduct” as Council’s Code of Conduct pursuant to Section 5.103 of the Local Government Act.

CARRIED 8-0

8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER

9. INFORMATION BULLETIN

The Information Bulletin was provided under separate cover.

RESOLVED that the November Information Bulletin, be received.

10. TABLED CORRESPONDENCE

- FESA
 - Service Delivery and Planning 2009-2010
- REGIONAL ROAD GROUP
 - Minutes of Meeting held Monday 27 October 2008
- AVON CATCHMENT COUNCIL
 - E-News Issue #41 Tuesday 3 November 2008
 - E-News Issue #42 Tuesday 18 November 2008
- DEPARTMENT FOR PLANNING AND INFRASTRUCTURE
 - Better Urban Water Management – October 2008
- Australian Local Government Association
 - ALGA News – 7 November 2008
- LOCAL GOVERNMENT MANAGERS AUSTRALIA – WA DIVISION
 - Statewide – Issue # 138 - Spring 2008
- WALGA
 - President's Report – November/December 2008

11. OTHER BUSINESS

ITEM NUMBER:	11.1
SUBJECT:	BUS TOUR OF HISTORICAL SITES IN BEVERLEY

As mentioned earlier in the meeting in Councillors' Reports (item 7.2) the Chief Executive Officer advised of Mrs Peg Kempton's invitation for Councillors to do a bus tour.

RESOLVED that Council advise Mrs Peg Kempton that Councillors and Senior Staff accept her invitation to participate on a bus tour of historical sites throughout Beverley at 8:10am on Tuesday 23 December 2008.

**11. OTHER BUSINESS
(continued)**

ITEM NUMBER:	11.2
SUBJECT:	LOCAL GOVERNMENT WEEK 2009
FILE REFERENCE:	GOV 002

The Chief Executive Officer advised that Western Australian Local Government Association have released accommodation packages for the Local Government Week Convention in 2009.

Councillors Alexander, Ridgway, Murray and Gogol indicated an interest in attending.

RESOLVED that the Chief Executive Officer, make arrangements for the booking of five rooms at Rydges Perth Hotel or any other suitable venue.

ITEM NUMBER:	11.3
SUBJECT:	FEDERAL GOVERNMENT GRANT – ROYALTIES FOR REGIONS
FILE REFERENCE:	ED 006

The Chief Executive Officer advised that the Federal Government has allocated \$100,000.00 to Council and this needs to be expended by 1st November 2009. The funds are to be used to develop Community Infrastructure.

RESOLVED that the Chief Executive Officer seek clarification on what projects are covered under the funding guidelines and a meeting be arranged with Councillors to consider appropriate projects, for which the funds can be used.

12. CLOSURE

There being no further business the meeting closed at 3:40pm.

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

Presiding Member

Date