

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 28 OCTOBER 2008

### 1. COMMENCEMENT

The President declared the meeting open at 10:03am.

### 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

- 3.1 Mr Rob Bain enquired in regard to Late Item 8.1.1.14A of the Agenda in regard to Motocross Park at Lot 3588 Westdale Road, Westdale, as to whether Council would be sending this new proposal to those residents who had put in a submission to a previous report and asked why the late item 8.1.1.14A had only just been provided to those persons in the Gallery today.

The President advised that Elected Members were elected to serve the district and the final components of the item had only been received by Council this morning.

### **3. PUBLIC QUESTION TIME (continued)**

The Shire Planner, Mr Peter Wright, advised that the item did not have to be advertised, as it is a modification of an existing proposal that had already been advertised.

The Shire Planner also commented that the item did not have to be forwarded to those residents who had commented on the proposed development.

Mr Rob Bain also enquired as to whether there had been anything in writing in regard to use of the property prior to this application.

The Shire Planner advised – No.

Ms Linda Bollivor enquired as to whether the new proposal would be shared with residents.

The Shire Planner advised – No, and commented that submissions made in response to the advertising would be taken into consideration when determining the matter.

#### **3.2**

Mr H Klofta referred to his correspondence to Council advising that he felt that the owner of 96 Harper Street was breaching condition 9, of approval, in regard to a commercial vehicle parking on the property in that it was being driven in reverse and commented that he and his wife had been monitoring this and enquired as to what Council was going to do about it.

The Shire Planner advised that after receiving the complaint he had met with one of the applicants at the Shire Offices on 17 October and the applicant had advised that the only time the commercial vehicle was reversed onto the property was for the purpose of unloading machinery to be used on the property. The Shire Planner advised that since there is no independent corroborating evidence proving that a breach of Planning approval had occurred, no further action would be taken at this time.

Mr Klofta also enquired as to what the Shire is doing in regard to damage to Lukin, Brooking and Harper Streets.

The Shire President advised that the Works Supervisor would be asked to check the condition of these streets.

**4. CONDOLENCES**

CANN	Stuart	4 October 2008
DELL	Margaret Jean	19 October 2008
DRUST	Clarence Gordon (Clarrie)	21 October 2008
RULE	William Morris (Bill)	23 October 2008

**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 23 September 2008**

**COUNCIL RESOLUTION**

**M1/1008 Moved Cr Foster** **Seconded Cr Murray**  
**That the Minutes of the Ordinary Meeting of Council held in Council Chambers on Tuesday 23 September 2008, be confirmed.**  
**CARRIED 9-0**

**BUSINESS ARISING**

Town Street Water Harvesting (Item 11.1)

The Chief Executive Officer reported on the meeting held with Mr Fred Bremner in regard to water harvesting and that he is waiting on a response in regard to the rural water scheme funding prior to doing investigative work.

At 10:35am the Shire President, Cr J Alexander declared an interest in item 6.2 and vacated the Chair and left the Chambers.

The Deputy Shire President, Cr D Ridgway assumed the Chair at 10:35am.

**6.2 Minutes of the Beverley Cropping Committee Meeting held in the Council Chambers on Tuesday 21 October 2008**

Appendix 1

**COUNCIL RESOLUTION**

**M2/1008 Moved Cr Roberts Seconded Cr Shaw**  
**That the Minutes of the Beverley Cropping Committee Meeting held in the Council Chambers on Tuesday 21 October 2008, be received.**

**CARRIED 8-0**

**BUSINESS ARISING**

Recommendation of Leases to be granted (Item 1)

**COUNCIL RESOLUTION**

**M3/1008 Moved Cr Shaw Seconded Cr Murray**  
**That Council accept the following leases for a two years period with annual payments as follows**

<b>Pt Reserve 5265 Lot A (Old Commonage)</b>	<b>TR &amp; AI Hosking</b>	<b>\$20,500.00</b>
<b>Pt Reserve 5265 Lot B (Sandpit)</b>	<b>TR &amp; AI Hosking</b>	<b>\$9,000.00</b>
<b>Pt Reserve 5265 Lot C (Between GS Highway &amp; Railway Reserve)</b>	<b>TR &amp; AI Hosking</b>	<b>\$3,600.00</b>
<b>Pt Reserve 5265 Lot D (Off Bremner Road)</b>	<b>Beverley Football Club</b>	<b>\$1,000.00</b>
<b>Reserve 25266 (Bethany Farm)</b>	<b>Beverley Football Club</b>	<b>\$4,090.00</b>
<b>Reserve 3788 (Old Racecourse)</b>	<b>JD &amp; TC Alexander</b>	<b>\$1,382.00</b>
<b>Lot 78 Waterhatch Road</b>	<b>TR &amp; AI Hosking</b>	<b>\$1,400.00</b>

**Any payment due under \$2,000.00 is made by 1 installment and payments of \$2,000.00 or more be made by 2 equal installments.**

**CARRIED 8-0**

At 10:40am Cr Alexander returned to the Chambers.

Cr Ridgway vacated the chair at 10:40am.  
Cr Alexander assumed the chair at 10:40am.



**7. PRESIDENT AND COUNCILLOR REPORTS**  
**7.1 PRESIDENT'S REPORT**  
**(continued)**

Rate Valuations

Appendix 2

The Valuer General is aware of the inequitable situation in the rating system between "life-style" properties and broad-acre farming. To address this matter the method of valuations is to be amended, giving relief to smaller landowners. (The letter from the Valuer General is the appendix to this matter.)

Council has forwarded an invitation to the Valuer General to attend the November 2008 meeting to outline the details of the proposed changes.

**COUNCIL RESOLUTION**

**M5/1008**

**Moved Cr Shaw**

**Seconded Cr Murray**

- **That the November Council meeting commence at 9am.**
- **That following the Valuer General's meeting with Council on 25 November 2008, Council adjourn the meeting to hold a Public Forum in the Lesser Hall.**

**CARRIED 9-0**

Gravel Royalties

In order to access good quality gravel Council at its September meeting decided to increase the price for this gravel from \$1 to \$2 per cubic metre.

Beverley Men's Shed

Council has granted the Beverley Men's Shed a five-year lease of the Old Fire Station, subject to the membership undertaking routine maintenance of the building and payment of all consumables.

Chief Executive Officer Assessment

Cr Shaw and myself conducted the performance review of the Chief Executive Officer. I suggest that a Remuneration Committee be formed to review the Chief Executive Officer's salary.

Strategic Planning

In order to advance the strategic planning process I request that all Councillors provide a paper on their vision for the Shire in the forthcoming years.

**7. PRESIDENT AND COUNCILLOR REPORTS**

**7.1 PRESIDENT'S REPORT**

**Strategic Planning**  
**(continued)**

**COUNCIL RESOLUTION**

**M6/1008**      **Moved Cr Foster**      **Seconded Cr Ridgway**  
**That all Councillors provide their Planning Vision for the Shire of**  
**Beverley by the December meeting of Council.**  
**CARRIED 9-0**

**COUNCIL RESOLUTION**

**M7/1008**      **Moved Cr Foster**      **Seconded Cr Roberts**  
**That the President's Report, be received.**  
**CARRIED 9-0**

**7.2 COUNCILLOR REPORTS**

**Art Gallery Committee**

Cr Ridgway advised that the Art Gallery Committee had arranged for a representative from the Heritage Council to visit the Railway Station to inspect the Old Guards' House with a view to it becoming a kitchen. The Art Gallery Society had advised they are considering a change of name.

**Tourism Development Committee**

Cr Gogol reported on the Tourist Development meeting and advised that the Committee would like to know whether there is a catalogue of the exhibits in the Aeronautical Museum, who is responsible for the Museum, and whether there is a written agreement in relation to maintaining the Aeronautical Museum.

**Yenyening Lakes Committee** (File Reference: WO SKI)

Cr Gogol advised that a meeting had been held at Brookton and advised that CALM had recommended the current toilets be demolished, and requested a count of visitors be taken to ascertain the requirement for portable toilets and that Mr Trevor McLean was reluctant to allow official access to the Lakes.

7. **PRESIDENT AND COUNCILLOR REPORTS**  
**7.2 COUNCILLOR REPORTS**  
**Yenyening Lakes Committee**  
**(continued)**

**COUNCIL RESOLUTION**

**M8/1008** **Moved Cr Ridgway** **Seconded Cr Foster**  
**That the Chief Executive Officer write to Mr Trevor McLean**  
**regarding access to the Ski Lake.**

**CARRIED 9-0**

**Avondale Harvest Festival**

Cr Gogol reported on the preparations towards getting ready for the Avondale Harvest Festival to be held on Sunday 23 November 2008, and encouraged Councillors to attend the Festival.

The Shire President, and the Chief Executive Officer gave an update in regard to the situation with the Department of Agriculture and Avondale.

**COUNCIL RESOLUTION**

**M9/1008** **Moved Cr Roberts** **Seconded Cr Murray**  
**That the Councillors' Reports, be received.**

**CARRIED 9-0**



## 8. OFFICERS' REPORTS

### 8.1.1 TOWN PLANNING

<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.1 – 8.1.1.8</b>
<b>REPORT DATE:</b>	<b>8 October 2008</b>
<b>SUBJECT:</b>	<b>PROPOSED DEVELOPMENTS</b>
<b>APPLICANTS:</b>	<b>Multiple</b>
<b>FILE REFERENCE:</b>	<b>Multiple</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

#### BACKGROUND

The following items all comply with the Shire's Town Planning Scheme and related policies. It is proposed to approve these items, subject to the development being in accordance with the approved plans.

#### COMMENT

The proposed development is located at:

	<b>Owner</b>	<b>Address</b>	<b>Development</b>	<b>File Ref</b>
1	Dalveen Investments	Lot 401 York Williams Road, Beverley	Outbuilding (Machinery Shed)	YOR2 51221
2	Lena Holdings (C/- Peter Fischer)	Lot 2523 Edison Mill Road, Dale	Freestanding Gazebo	EDI 1066
3	L & M Hutchinson	241 Westdale Road, Westdale	Outbuilding (Machinery Shed)	WES 972
4	Ricky Stephens	33 (Lot 231) Nicholas Street, Beverley	Swimming Pool	NIC 496
5	Donald Creedon	18 Forrest Street, Beverley	Outbuilding (Shed)	FOR 782
6	B Higgins & C Blakers	323 (Lot 2) Jacobs Well Road, East Beverley	Outbuilding (Shed)	JAC2 1534
7	Bevan Daws	36 (Lot 601) Hunt Road, Beverley	Outbuilding (Garage/Shed)	HUN 521260
8	Craig Moynihan	86 (Lot 375) Brooking Street, Beverley	Swimming Pool & Spa	BRO2 703

**8.1.1 TOWN PLANNING ITEMS  
Item 8.1.1.1 to 8.1.1.8  
PROPOSED DEVELOPMENTS  
(continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M10/1008 Moved Cr Foster** **Seconded Cr McDonald**  
That Council approve applications 8.1.1.1 to 8.1.1.8 as shown above for Development as listed in the body of the report subject to the following conditions:

**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.

**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.

**Additional Condition for Lot 401 York Williams Road, Beverley and 323 (Lot 2) Jacobs Well Road, East Beverley only:**

3. The outbuilding shall not be used for human habitation, commercial or industrial purposes.

**Additional Condition for 18 Forrest Street, Beverley and 36 (Lot 601) Hunt Road, Beverley only:**

3. Cladding for the proposed development is to be Colorbond or similar material, in a colour, which is in harmony with the existing built form in the area, to the satisfaction of the Shire Planner.

**CARRIED 9-0**

### 8.1.1 TOWN PLANNING

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.9</b>
<b>REPORT DATE:</b>	<b>8 October 2008</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – SINGLE DWELLING 5 (LOT 35) WRIGHT STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>Shire of Beverley</b>
<b>FILE REFERENCE:</b>	<b>WRI 304</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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**Council agreed that Item 8.1.1.9 lay on the table.**

### 8.1.1 TOWN PLANNING

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.10</b>
<b>REPORT DATE:</b>	<b>8 October 2008</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – DWELLING EXTENSION WITH DOME – 14 (LOT 40) SHORT STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>M Emery &amp; A Gray</b>
<b>FILE REFERENCE:</b>	<b>SHO 258</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 3

#### **BACKGROUND**

It is proposed to construct a brick extension to an existing weatherboard dwelling at 14 Short Street, Beverley. The proposed extension is to include a observatory dome to be used for viewing the night sky.

The subject lot is 860m<sup>2</sup> in area, zoned Residential R10 and is used for residential purposes.

#### **COMMENT**

The proposal complies with the requirements of the Residential Design Codes 2008 and the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). However under Clause 4.13.1 of TPS 2, Council approval is required if the exterior design of a proposed building is out of harmony with the exterior design of existing buildings in the locality.



**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.10**

**DEVELOPMENT APPLICATION – DWELLING EXTENSION WITH  
DOME – 14 (LOT 40) SHORT STREET, BEVERLEY  
(continued)**

- 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 Schedule of Colours and Finishes is to be submitted and approved prior to the issue of a Building License, 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.**

**CARRIED 9-0**

## 8.1.1 TOWN PLANNING

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.11</b>
<b>REPORT DATE:</b>	<b>10 October 2008</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – SINGLE DWELLING – LOT 209 HAMERSLEY STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>Robert Tap</b>
<b>FILE REFERENCE:</b>	<b>HAM 1506</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 4

### **BACKGROUND**

It is proposed to construct a single dwelling at lot 209 Hamersley Street, Beverley. The subject lot is generally flat, 4418m<sup>2</sup> in area and zoned Public Purposes.

### **COMMENT**

Amendment 13 to Town Planning Scheme No. 2 is currently being progressed for the purpose of rezoning the subject lot and adjoining properties from Public Purposes to Residential R5. However as the subject property is at present zoned Public Purposes, the application must be considered under this zoning. Clause 2.2 of Town Planning Scheme No. 2 states that when Council is considering an application for planning consent in a Public Purpose zone, Council is to have regard to the ultimate purpose intended for the reserve. Research by staff has failed to determine the ultimate purpose of the reserve and as Council has supported the rezoning to Residential R5, it may be considered a single dwelling is compatible with the planning intent of the area.

As the subject lot is zoned Public Purposes there is no requirement for assessment under the Residential Design Codes 2008. However to provide Council with a guide when determining the application, an assessment was made using the provisions of the Residential Design Codes 2008 that relate to Residential R5 zones, which is the prevailing zoning for the area. The application complies with the relevant Acceptable Development provisions of the Residential Design Codes 2008.

### **STATUTORY ENVIRONMENT**

The application complies with the Shire of Beverley's Town Planning Scheme No. 2.



**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.11**

**DEVELOPMENT APPLICATION – SINGLE DWELLING – LOT 209  
HAMERSLEY STREET, BEVERLEY  
(continued)**

- 2. The applicant is advised a building licence is required prior to commencement of any building works.**
- 3. With regard to Condition 3, an application is to be submitted to the Council's Environmental Health Section in conjunction with the Building Licence application.**

**CARRIED 9-0**



At 11:25am Mr Frank Buise, Manager, Health & Building Services entered the Chambers.

Council agreed to deal with item 8.1.1.9 at this point in the meeting.

### **8.1.1 TOWN PLANNING**

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.9</b>
<b>REPORT DATE:</b>	<b>8 October 2008</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – SINGLE DWELLING 5 (LOT 35) WRIGHT STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>Shire of Beverley</b>
<b>FILE REFERENCE:</b>	<b>WRI 304</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 5

#### **BACKGROUND**

The Shire of Beverley is proposing to construct a single dwelling to house the Manager of the Shire swimming pool, at 5 (Lot 35) Wright Street, Beverley. The lot is zoned Residential R10, 860m<sup>2</sup> in area, cleared and slopes to the North.

#### **COMMENT**

The proposal complies with the Shire of Beverley's Town Planning Scheme No. 2 and the Acceptable Development Provisions of the Residential Design Codes 2008 (R-Codes), with the exception of Acceptable Development Provisions 6.6.1A1.4 & 6.8.1A1. Should an application does not meet the Acceptable Development Provision of the R-Codes, it may then be assessed under the relevant R-Code Performance Criteria.

In relation to the variations to the Acceptable Development Provisions of the R-Codes, the owner of the adjacent property was advised of the proposal and relevant variations. The Shire was subsequently advised that the owner of the adjacent property had no objection to the proposal.

R-Codes Acceptable Development Provision 6.6.1A1.4 requires fill behind the street setback line to be no more than 0.5 metres above natural ground level. Fill on the Northern boundary behind the street setback line is 0.8 metres. The relevant Performance Criteria states that the development should retain the visual impression of the natural level for the site.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.9**

#### **DEVELOPMENT APPLICATION – SINGLE DWELLING – 5 (LOT 35) WRIGHT STREET, BEVERLEY (continued)**

Although the retaining wall for the fill is 0.8 metres high the level of the fill is 100mm below the level of the pad for the adjoining property. Of further concern the Manager of Building Services advises that the ground level is required to be “built up” to avoid flooding, as the natural ground level is low lying. Given that the height of the fill is created by the slope of the property and the proposed level is below the ground level of the adjoining dwelling, it is recommended Council consider the Performance Criteria has been satisfied.

R-Code Acceptable Development Provision 6.8.1A1 addresses visual privacy. Major openings which have a floor level more than 0.5 metre above natural ground level and overlook any part of another residential property behind its street setback line, is to be setback 4.5 metres from the boundary in the case of bedrooms. The setback for the proposed dwelling is 1.5 metres.

The Performance Criteria for visual privacy states direct overlooking may be minimised through the use of screening devices or remoteness from active habitable spaces and outdoor living areas. It may be considered a 1.8 metre high visually impermeable fence on the boundary would provide adequate screening and the major opening (Bedroom 2 window) is remote from the outdoor living areas of the adjacent lot. As such it may be considered the Performance Criteria would then have been satisfied. Therefore it will be recommended, should Council approve the application, that a 1.8 metre fence be constructed on the northern boundary adjacent to the proposed dwelling, as a condition of approval.

### **STATUTORY ENVIRONMENT**

Apart from the variations to the R-Codes discussed above, the application complies with all provisions of Town Planning Scheme No. 2 and the Residential Design Codes 2008.

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.9**

**DEVELOPMENT APPLICATION – SINGLE DWELLING – 5 (LOT 35)  
WRIGHT STREET, BEVERLEY  
(continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M13/1008 Moved Cr Foster Seconded Cr Roberts**  
That Council grant Planning Approval for the construction of a single dwelling at 5 (Lot 35) Wright 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. The dwelling is to be connected to the Water Corporation reticulated sewer
4. A 1.8 metre high visually impermeable fence is to be constructed adjacent to the dwelling on the northern boundary of the lot, prior to occupation of the dwelling.

**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.

**CARRIED 9-0**

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.9**

**DEVELOPMENT APPLICATION – SINGLE DWELLING – 5 (LOT 35)  
WRIGHT STREET, BEVERLEY  
(continued)**

**COUNCIL RESOLUTION**

**M14/1008 Moved Cr Flood** **Seconded Cr Murray**  
**That Council write to County Builders WA seeking the reason for**  
**the delay in commencing the building project at Lot 35 Wright**  
**Street, as Council has paid the deposit and the building licence**  
**has been issued.**

**CARRIED 9-0**



## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.13</b>
<b>REPORT DATE:</b>	<b>15 October 2008</b>
<b>SUBJECT:</b>	<b>BOUNDARY REALIGNMENT – LOTS 3 AND 5041 FISHER ROAD, MORBINNING</b>
<b>APPLICANTS:</b>	<b>JBA Surveys</b>
<b>FILE REFERENCE:</b>	<b>PL 138580</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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### BACKGROUND

It is proposed to realign the boundary between Lots 3 and 5041 Fisher Road, Morbinning, to correct a poor alignment caused by Fisher Road bisecting Lot 5041. The lots are zoned Farming and contain a single dwelling. No new dwelling entitlements will be created.

### COMMENT

The proposal is minor in nature and seeks to correct an anomaly in the existing boundary alignments. It is considered there will be no negative impact on the orderly and proper planning for the locality, therefore it will be recommended the proposal be supported.

### STATUTORY ENVIRONMENT

The proposal complies with the Shire of Beverley's Town Planning Scheme No. 2.

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

**M16/1008**      **Moved Cr Foster**      **Seconded Cr Gogol**  
**That Council recommend to the Western Australian Planning Commission that application WAPC No. 138580 for the boundary realignment of Lots 3 and 5041 Fisher Road, Morbinning, be approved subject to the following conditions:**

- 1. The dwellings and any other structures proposed to be retained are to be compliant with the requirements and provisions of the Shire of Beverley's Town Planning Scheme No. 2.**
- 2. Vehicle crossovers complying with the Shire of Beverley's specifications are to be constructed to both lots.**

**CARRIED 9-0**

Mr Frank Buise, Manager, Health & Building Services left the Chambers at 11:32am.

## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.14</b>
<b>REPORT DATE:</b>	<b>21 October 2008</b>
<b>SUBJECT:</b>	<b>STATE ADMINISTRATIVE TRIBUNAL HEARING – MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, WESTDALE</b>
<b>APPLICANTS:</b>	<b>Shire of Beverley</b>
<b>FILE REFERENCE:</b>	<b>WES 51103</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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### BACKGROUND

An application for Planning Approval was received by the Shire of Beverley on 12 October 2007 for a Motocross Park at Lot 3588 Westdale Road, Westdale.

Following advertising, Council considered the application at its 25 March 2008 meeting and resolved to refuse the application.

Subsequent to Council's determination of the application, the applicant applied to the State Administrative Tribunal (SAT) for a review of the decision. Following an onsite mediation on 14 June 2008, the SAT invited Council to consider a modified proposal.

Council considered the modified proposal at its 25 August 2008 meeting and resolved to confirm the original refusal. This resolution triggered a Hearing before the SAT on 20 October 2008.

### COMMENT

At the Hearing before SAT Member Mr. Peter McNab various procedural matters were discussed and some witness statements were heard. Member McNab expressed disquiet over the lack of expert witnesses and some procedural matters relating to the documentation.

The Hearing was adjourned until 2 December 2008 to allow the parties time to resolve the matters raised by Member McNab.

Of particular relevance Member McNab indicated the matters of *Townsend & Anor v Shire of Donnybrook/Balingup* and *Morgan v City of Albany* may be considered to provide precedence. Both these matters involved Planning Approval for Motorcycle facilities in Rural areas and in both matters noise amenity was a major consideration. Member McNab indicated the Shires lack of an expert witness in relation to noise amenity, was unsatisfactory.

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.14

#### **STATE ADMINISTRATIVE TRIBUNAL HEARING – MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, WESTDALE (continued)**

The Shire's consultants, Planning Solutions, are currently seeking expressions of interest from Acoustic Consultants. Planning Solutions will engage an Acoustic Engineer, if the Shire decides to retain the services of an expert witness in relation to noise amenity.

#### **STATUTORY ENVIRONMENT**

The matter is to be determined under the Planning and Development Act 2005 Section 252(1)

#### **FINANCIAL IMPLICATIONS**

The approximate cost of retaining the services of an Acoustic Consultant is as follows:

1. To review the applicant's report approximately \$1,000.00 plus GST;
2. To prepare a noise model approximately \$1,800.00 to \$2,000.00 plus GST;
3. If required, going out to site and measuring the motorcycles, the rate is \$200.00 per hour plus GST; and
4. Court time is \$350.00 per hour plus GST.

The continuing cost of retaining the services of Planning Solutions is \$300 per hour for the Director (Paul Kotsoglo), \$220 per hour for the Senior Planner (Ben Doyle), plus incidentals.

#### **OFFICER'S RECOMMENDATION**

That Council authorise Planning Solutions to engage the services of an Acoustic Engineer on the Shire's behalf, for the purpose of providing an expert witness statement in the matter of the Shire of Beverley v Philip Lycholit.

#### **COUNCIL RESOLUTION**

**M17/1008**

**Moved Cr Flood**

**Seconded Cr Roberts**

**That Council defer Item 8.1.1.14 until the Special Meeting of Council to be held at 6pm on Thursday 30 October 2008.**

**CARRIED 9-0**



Mr Steve Vincent, Works Manager, entered the Chambers at 11:36am.

### 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.14A</b>
<b>REPORT DATE:</b>	<b>27 October 2008</b>
<b>SUBJECT:</b>	<b>(Late Item) MOTOCROSS PARK – LOT 3488 WESTDALE ROAD, WESTDALE</b>
<b>APPLICANTS:</b>	<b>Philip Lycholit</b>
<b>FILE REFERENCE:</b>	<b>WES 51103</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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#### BACKGROUND

This item is to provide Council with additional information in relation to Item 8.1.1.14 and present a proposal for Council consideration.

Due to the expense to all parties and significant community opposition, the applicant has proposed modifying the proposal for a Motocross Park at Lot 3588 Westdale Road Westdale. Should Council approve the modified application and agree not to make an application for costs in relation to the application for review currently before the State Administrative Tribunal (SAT), the applicant has given an undertaking to withdraw the application for review in accordance with S46(1) of the State Administrative Tribunal Act 2004.

The modified proposal is for Council to grant retrospective planning approval for use and development of existing earthworks, subject to the following conditions:

- No commercial use of the property.
- Riding on the property to occur on no more than 25 weeks per year.
- No riding to occur between October 22 and March 22 inclusive.
- Riding to occur on Fridays and Saturdays only.
- Riding to occur between 8am and 5.30pm only.
- Maximum 5 hours riding on any given day – to be logged and submitted to Council (or retained for inspection at Council's discretion).
- No more than 5 bikes to be ridden on the property at any one time.

#### COMMENT

It should be noted that the use of the property for the riding of motorcycles by the owner and his friends is considered personal enjoyment of the property and as such may not require Planning Approval.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.14A**

#### **(Late Item) MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, WESTDALE (continued)**

In relation to the riding of motorcycles on a Farming zoned lot by the owner, the difference between personal enjoyment of the property and the requirement for Planning Approval is a matter of fact and degree. It is the opinion of staff the riding of five motorcycles at one time on a property would not require Planning Approval. Preliminary advice from McLeods Solicitor Geoff Owen indicates the requirement for Planning Approval emanates from the amount of earthworks undertaken.

Council may approve the modified application with the recommended conditions or impose such conditions as it sees fit. However should the conditions of approval be unacceptable to the applicant, the applicant retains the right to continue with the SAT Hearing. Alternatively Council may refuse the modified proposal and continue with the Hearing currently before the SAT.

In considering the proposal Council is reminded of the community opposition expressed through the response to the advertising of the original proposal and subsequent attendance at the SAT mediation on the subject site as well as Council. Of the 25 responses to the advertising there were 23 objections and 2 non objections. Any decision will be made without further community input, although further advertising for public comment is not required under the Shire of Beverley's Town Planning Scheme No. 2.

### **STATUTORY ENVIRONMENT**

Council may grant retrospective Planning Approval with or without such conditions as it sees fit under Clause 6.5 of the Shire of Beverley's Town Planning Scheme No.2. Alternatively Council may confirm its refusal of the application.

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

That Council grant retrospective Planning Approval for the construction and use of Motocross tracks at Lot 3588 Westdale Road, Westdale, subject to the following conditions and advice notes: -

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.14A

#### **(Late Item) MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, WESTDALE (continued)**

##### Conditions:

1. Within 60 days of Council granting approval for this application, the applicant is to submit scaled, site plans for the entire site. The submitted site plans are to include all existing development, contours, access and any other relevant information, to the satisfaction of the Shire Planner.
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 the Shire Planner.
3. With the exception of motorcycle use in association with agricultural production, only the recreational riding of motorcycles is to occur on the property.
4. A maximum of ten motorcycles are to be present on the property at any one time.
5. A maximum of five motorcycles are to be operational with the engines running at any one time. For the purpose of this approval "motorcycles" includes any two three or four wheel motorised vehicle, whether licensed or not used for recreational riding on the property.
6. Recreational motorcycle riding is:
  - 1) To occur for a total of 25 weeks per year.
  - 2) To occur on Fridays and Saturdays only.
  - 3) To occur between the hours of 8am and 5.30pm.
  - 4) Not to exceed a total of five (5) hours per day.
7. A calendar of events for the year must be submitted and approved by the Shire Planner prior to 22 March. The calendar of events may be varied during the event period, with the prior approval of the Shire.

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.14A**

**(Late Item) MOTOCROSS PARK – LOT 3588 WESTDALE ROAD,  
WESTDALE  
(continued)**

8. A log of riding hours is to be maintained by the applicant, for inspection by the Shire.
9. Between October 22 and March 22 inclusive, only motorcycles used in association with agricultural production, to a maximum number of two motorcycles, may be ridden on the property.

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.

**COUNCIL RESOLUTION**

**M18/1008 Moved Cr Flood** **Seconded Cr Roberts**  
**That Council defer Item 8.1.1.14A until the Special Meeting of**  
**Council to be held at 6pm on Thursday 30 October 2008.**  
**CARRIED 9-0**

## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.15</b>
<b>REPORT DATE:</b>	<b>21 October 2008</b>
<b>SUBJECT:</b>	<b>NON CONFORMING USE - AIRFIELD - LOT 29705 LUKIN STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>Beverley Soaring Society</b>
<b>FILE REFERENCE:</b>	<b>BRE 32745</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 7

### BACKGROUND

At Council's 23 September 2008 meeting, the Beverley Soaring Society requested Council recognition of an existing non-conforming land use (aircraft and associated activity) on a portion of Reserve No. 32745 and a portion of Location 28446. The land is zoned Farming and contains an existing airfield with ancillary development.

Council referred the matter back to its October meeting to provide the applicants with the opportunity to submit an acceptable site plan which detailed non-conforming, existing and proposed development.

### COMMENT

#### Non-Conforming Use Rights

As documentary evidence has been provided in the form of Statutory Declarations indicating the non-conforming uses have continuously occurred since prior to the gazettal date of TPS 2 (26 April 1993), Council's role is to determine if the evidence is acceptable and the extent of the non-conforming uses. It is not within Council's authority to refuse a legally existing non-conforming use or place conditions on the use, as no planning approval is required.

In relation to existing use and development as of the gazettal date for TPS 2, the applicants have submitted the following list:

1. Aircraft and glider hangarage;
2. Use of club house for the purposes, functions and activities of the Society;
3. Aircraft and glider maintenance;
4. Use of toilet and ablutions facilities;
5. Use of a power and water distribution networks;
6. Storage and occasional use of members' caravans by members;
7. Recreational glider and aircraft flying;
8. Pilot training for glider flying; and
9. Storage and dispensing of aviation fuel.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.15**

#### **NON CONFORMING USE – AIRFIELD – LOT 29705 LUKIN STREET, BEVERLEY (continued)**

With regard to item 1, Aircraft and glider hangerage, research by staff indicates the hangers adjacent to the southern portion on the airstrip, as shown on the submitted site plan, did not exist at the date of gazettal for TPS 2. It will be recommended that Council not recognised these hangers as a non-conforming use. Council may, however, grant Planning Approval as subsequent development.

Of further contention is item 6, Storage and occasional use of members caravans by members. The submitted site plans show the total number of caravans being 46. Staff enquiries indicate no more than 20 caravans were on this particular lot as of TPS 2 gazettal date. Further enquiries indicate a substantial number of other caravans were located on adjoining Lot 13, however as the use of Lot 13 for the storage of caravans has ceased for more than 6 months, this non-conforming use right no longer exists. It will be recommended non-conforming use rights be recognised for a total of 20 caravans and Planning Approval be granted for a further 10 caravans. It is considered Planning Approval for the storage of caravans in excess of 30 caravans should be the subject of a separate Development Application.

In relation to item 10, storage and dispensing of aviation fuel, fuel dispensing has occurred on site since prior to the gazettal of TPS 2 and is used primarily for tow planes. Occasionally fuel is dispensed for other aircraft if they are caught short of fuel. As the fuel is dispensed under Department of Consumer & Employment Protection, Dangerous Goods Storage Licence number is DGS009748, it is the opinion of staff that the storage of fuel is effectively regulated and this non-conforming use should be recognised.

Hours of operation were stated to be normally Fridays, Saturdays, Sundays, public holidays and occasionally on other days. Gliding competitions and training courses are also conducted over periods of up to two weeks. These normally occur three to four times per year. As the hours of operation are varied, it will be recommended that Council recognise the hours of operation as being unrestricted.

#### **Planning Approval**

Council may refuse or approve with conditions any development, which is an extension of the non-conforming use, commenced after the TPS 2 gazettal date. Therefore Council is required to determine if Planning Approval is to be granted for the development on the subject site, which commenced after gazettal of TPS 2.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.15**

#### **NON CONFORMING USE – AIRFIELD – LOT 29705 LUKIN STREET, BEVERLEY (continued)**

As has been previously mentioned planning approval is required for the existing hangers adjacent to the southern section of the airstrip and for any caravan storage in excess of 20 caravans. Staff recommend an additional 10 caravans be approved for storage on site and to allow for special events, approval of an increase in temporary caravan numbers for specified periods, subject to prior written approval by the Shire.

Proposed future development has been indicated on the submitted site plan. It is recommended Council note and provide in principle support for the proposed development, however it is not recommended any approvals be granted for the proposed development. To allow for a more detailed assessment, it is considered any proposed development should be the subject of separate Development Applications.

#### **Land Use Conflict**

It has come to the attention of staff that a legal document exists, which predates the gazettal of TPS 2 and provides the Beverley Rifle Club with shooting rights over the western leg (Lot 16) of the airstrip. Recently due to a wind change a glider(s) was forced to use this section of the airstrip during live firing, creating the potential for conflicting land use.

It appears the non-conforming use does not extend to aircraft landing on the western runway, Lot 16, during those periods the Beverley Rifle Club is operational.

To resolve the land use conflict and enable aircraft to land on the western leg of the airstrip in an emergency during periods in which the Beverley Rifle Club is operating, it will be recommended the Beverley Soaring Society implement a mechanism for emergency communication, as a condition of approval, to the satisfaction of the Shire.

#### **STATUTORY ENVIRONMENT**

Non-conforming uses may be recognised under Clause 5.1 of the Shire of Beverley's Town Planning Scheme No. 2. Extensions to non-conforming uses are granted under Clause 5.2 of the Shire of Beverley's Town Planning Scheme No. 2.

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.15**

**NON CONFORMING USE – AIRFIELD – LOT 29705 LUKIN STREET,  
BEVERLEY  
(continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M19/1008**

**Moved Cr Foster**

**Seconded Cr Roberts**

**(A) That Council recognise the non-conforming uses on a portion of Reserve No. 32745 and a portion of Location 28446 shown on Miscellaneous Diagram 95345 as detailed below and contained on the submitted plans endorsed by the Shire Planner, with the exception of aircraft using the western runway, Lot 16, during any period the Beverley Rifle Club is operating:**

- 1. Aircraft and glider hangarage;**
- 2. Use of clubhouse for the purposes, functions and activities the Society;**
- 3. Aircraft and glider maintenance;**
- 4. Use of toilet and ablutions facilities;**
- 5. Use of a power and water distribution networks;**
- 6. Storage and occasional use of members' caravans by members, to a maximum of 20 caravans;**
- 7. Recreational glider and aircraft flying;**
- 8. Pilot training for glider flying; and**
- 9. Storage and dispensing of aviation fuel under Dangerous Goods Storage Licence number is DGS009748.**

**(B) That the hours of operation for the non-conforming uses on a portion of Reserve No. 32745 and a portion of Location 28446 shown on Miscellaneous Diagram 95345, are recognised as being unrestricted**

**(C) That Council grant retrospective planning approval for the existing use and development on the portion of Reserve No. 32745 and a portion of Location 28446 shown on Miscellaneous Diagram 95345, as detailed on the submitted plans endorsed by the Shire Planner, subject to the following conditions and advice notes:**

**Conditions:**

- 1. No aircraft is to use the western runway, Lot 16, at any time the Beverley Rifle Club is operating without prior approval of the Beverley Rifle Club.**



**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.15**

**NON CONFORMING USE – AIRFIELD – LOT 29705 LUKIN STREET,  
BEVERLEY  
(continued)**

2. The Beverley Soaring Society is to implement an emergency communication system, for communication with the Beverley Rifle Club.
3. The emergency communication system, the subject of Condition 2, is to be manned and operated continuously, when the Beverley Soaring Society and Beverley Rifle Club are operating at the same time.
4. No more than 30 caravans in total are to be stored on site.
5. Should the number of caravans be required to be in excess of a maximum number of 30 for a specific event, prior written approval of the Shire Planner is required.
6. 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.

**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 for any building works.
3. It is the applicants responsibility to determine when the Beverley Rifle Club is operating.
4. With regard to Condition 1, verbal approval is acceptable.
5. With regard to condition 5 any approval will be of a limited duration only.

**CARRIED 9-0**

### 8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

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**SUBMISSION TO:** October Council Meeting 28 October 2008  
**AGENDA ITEM:** 8.3.1.1  
**REPORT DATE:** 21 October 2008  
**SUBJECT:** ROAD SEALING TENDER 2008/2009  
**FILE REFERENCE:** FM 009  
**AUTHOR:** Chief Executive Officer – Keith Byers

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#### BACKGROUND

An advertisement was placed in the West Australian on 23<sup>rd</sup> August 2008 calling for tender submissions and closed on the 10<sup>th</sup> September 2008.

Tenders were received from RNR Contracting Pty Ltd & Boral Asphalt.  
Tendered prices received:

	<i>Quairading</i>	<i>Brookton</i>	<i>Beverley</i>	<i>York</i>	<i>Cunderdin</i>	<i>Total</i>
<b>BORAL (1)</b>	\$493,725.60	\$178,529.60	\$567,561.11	\$459,959.85	\$302,613.65	\$2,002,389.81
<b>BORAL (2)</b>	\$481,100.40	\$175,529.00	\$553,580.51	\$449,246.70	\$294,828.60	\$1,954,285.21
<b>RNR (1)</b>	\$517,276.00	\$201,960.00	\$578,516.75	\$521,737.25	\$317,062.50	\$2,136,552.50
<b>RNR (2)</b>	\$462,656.00	\$179,690.00	\$506,853.75	\$458,291.75	\$277,540.00	\$1,885,031.50
1	Boral (1) is a fixed price for the product for the 2008/2009 year.					
2	Boral (2) is an alternative tender and is based on current GMP of bitumen \$821 per tonne ex Kwinana.					
2	RNR (1) is a fixed price for the product for the 2008/2009 year.					
3	RNR (2) is an alternative tender and is based on current GMP of bitumen \$830 per tonne ex North Fremantle.					
	Rise and Fall in GMP will apply.					

Graeme Fardon (Shire of Quairading - CEO) presented a summary of the tenders received from RnR and Boral at the last CEO's SEAVROC meeting on the 2<sup>nd</sup> October 2008 in York.

The purpose of the tender was to get a bulk rate for the five (5) Shires. However, as SEAVROC is not currently recognised as a formal ROC (it cannot contract), each individual Local Government must accept the tender.

**8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS**  
**Item 8.3.1.1**  
**ROAD SEALING TENDER 2008/2009**  
**(continued)**

Rates received for Beverley works only:

	<b>Reseals</b>	<b>Asphalt</b>	<b>Primer Seals</b>	<b>Total</b>
Square Metres	97,661	800	42,145	
BORAL (1)	\$3.91	\$27.73	\$3.88	
BORAL (2)	\$3.81	\$27.73	\$3.78	
RNR (1)	\$4.00	\$26.75	\$3.95	
RNR (2)	\$3.50	\$24.55	\$3.45	
<b><i>Total \$ Cost</i></b>				
BORAL (1)	\$381,854.51	\$22,184.00	\$163,552.60	<b>\$567,591.11</b>
BORAL (2)	\$372,088.41	\$22,184.00	\$159,308.10	<b>\$553,580.51</b>
RNR (1)	\$390,644.00	\$21,400.00	\$166,472.75	<b>\$578,516.75</b>
RNR (2)	\$341,813.50	\$19,640.00	\$145,400.25	<b>\$506,853.75</b>

**COMMENT**

An assessment of the tender was undertaken at the last CEO's SEAVROC meeting by all member CEO's and the following table provides the results of this assessment:

		<b>BORAL</b>	<b>RNR</b>
Relevant Experience	30%	20	25
Key Personnel Skills	15%	10	10
Tenderer Resources	35%	25	30
Demonstrated Understanding	20%	15	15
	<b>100%</b>	<b>70</b>	<b>80</b>

RNR Contractors received the best combined result against the tender assessment criteria and appear to be the most advantageous tender.

Council has made provision in its 2008/09 Annual Budget for the proposed road works.

**8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS**  
**Item 8.3.1.1**  
**ROAD SEALING TENDER 2008/2009**  
**(continued)**

Comparison of last year's supply rates (2007/08) vs. current year rates (2008/09):

Activity	RNR		RNR		Difference		%
	2007/08		2008/09		(Increase)/ decrease		Increase
Reseal	\$2.65	m <sup>2</sup>	\$ 3.50	m <sup>2</sup>	(\$0.85)	m <sup>2</sup>	25%
Primer	\$2.55	m <sup>2</sup>	\$ 3.45	m <sup>2</sup>	(\$0.90)	m <sup>2</sup>	27%
Asphalt	\$18.40	m <sup>2</sup>	\$24.55	m <sup>2</sup>	(\$6.15)	m <sup>2</sup>	26%

Alternate Tender #2 - Rise and Fall Formula

In the event of the rise and fall adjustment being applied, using the base rate (\$830 per tonne), RNR would use the following formula:

$$\text{Old Rate} - \text{New Rate} = \text{adjustment/tonne} + \text{GST}$$

Example;

$$\text{Tendered Rate } \$830.00/\text{tonne} - \text{New Rate } \$810.00/\text{tonne} = \$20.00/\text{tonne} \text{ or } \$0.02 \text{ per litre} + \text{GST}$$

It was hoped that the combined works would provide for more buying and negotiating power in the future. However, to date (2007/08) this does not appear to have occurred and there was discussion that it might be best for each member local government to tender separately in future.

**STATUTORY ENVIRONMENT**

Local Government Act s. 3.57

Local Government (Functions and General) Regulations 1996 – Part 4  
Tenders for providing goods or services

**8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS**  
**Item 8.3.1.1**  
**ROAD SEALING TENDER 2008/2009**  
**(continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

- M20/1008**      **Moved Cr Flood**      **Seconded Cr Roberts**
- A.**      That Council accept the tender (Rise and Fall Formula) from RNR Contracting Pty Ltd for the 2008/2009 financial year, being:
- |             |    |         |
|-------------|----|---------|
| Reseal      | \$ | 3.50m2  |
| Primer Seal | \$ | 3.45m2  |
| Asphalt     | \$ | 24.55m2 |
- B.**      That all tenderers be advised that RNR Contracting Pty Ltd has been awarded the 2008/2009 Road Sealing Works Program.

**CARRIED 9-0**

### 8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

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**SUBMISSION TO:** October Council Meeting 28 October 2008  
**AGENDA ITEM:** 8.3.1.2  
**REPORT DATE:** 21 October 2008  
**SUBJECT:** CREW CAB REPLACEMENT  
**FILE REFERENCE:** PE 003  
**AUTHOR:** Works Supervisor – Steve Vincent

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Appendix 8

#### BACKGROUND

Quotes have been received for the change over of the Isuzu NPR crew cab (BE016). There is an allocation in the budget for, \$55,000 less trade \$22,000. Net cost to Council \$33,000.

The specification sent out asked for a heavy duty tow hitch, this was requested so that this vehicle would be capable of towing the bobcat trailer. An allowance will need to be made for the electric brakes if this was to proceed.

#### COMMENT

The following Quotes were received:

Company	Truck Quoted	Price Ex Gst	Trade Ex Gst	Change over Ex Gst
Skipper Trucks	Mitsubishi Fuso FE84DEWSRFAB Crew Cab	\$51,100.00	\$20,227.00	\$30,873.00
Skipper Trucks	Mitsubishi Fuso (new) 2007 model Less \$2 750			\$28,123.00
JEM Trucks	Isuzu NH NPR 300 Crew Cab	\$54,654.00	\$21,472.00	\$33,182.00
WA Hino	Hino 300 Series 716 Crew Cab	\$52,466.00	\$18,182.00	\$34,284.00
WA Hino	Hino 300 Series 816 Crew Cab	\$55,455.00	\$18,182.00	\$37,273.00

**8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS**  
**Item 8.3.1.2**  
**CREW CAB REPLACEMENT**  
**(continued)**

Specification Comparisons:

	Isuzu NH NPR 300	Hino 300 Series 716	Fuso FE84DEWSRFAB
Max engine power	114 kW	110kW	110kW
Max engine torque	419Nm	397Nm	471Nm
Transmission	6 speed	6 speed	5 speed
Tray Length	5 m	3.5m	3.5m
Warranty	36 months / 100,000 km	36 months / 100,000 km	36 months / 100,000 km
Delivery	15/10/08 + body builders build time, 2-3 weeks	Ex stock + body builders build time, 4-5 weeks	Ex stock + body builders build time, 5-6 weeks

Option from JEM Trucks to fit the electric brakes would be \$1,250.00.

All of the Council's truck fleet are currently Isuzu, the amount over budget for this truck would be \$182.00.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M21/1008 Moved Cr Gogol** **Seconded Cr Shaw**  
**That Council accept the changeover of \$33,182.00 (ex GST) from JEM Trucks, to supply an Isuzu NH NPR300 Crew Cab and arrange to have the brake controller fitted locally.**

**CARRIED 9-0**

## **8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR**

### **8.3.2.1 GENERAL – PLANT AND WORKS**

#### **8.3.2.1.1 Oval, Parks and Gardens**

- Turf Development have recently completed renovation work on the Oval, which included two heavy passes with a verti mower, sweeping two remove all the dead thatch, verti draining, gypsum spread and swept in and fertiliser spread.
- The lawn areas in Vincent Street have been verti mowed and fertilised.
- Slashing is ongoing around town on reserves and road verges.
- Mulch is currently being placed around the plants at the Caravan Park. A community worker who had 80 hours community work to complete has completed some of this work.
- The reticulation has been disconnected on the lawn area at the rear of the Doctor's Surgery.

#### **8.3.2.1.2 York-Williams Road Signage**

I have requested that Main Roads WA inspect the crossroads at Westdale Road, and Waterhatch Road to see if it is possible to change these two Give Way controlled intersections to a Stop Sign. I have received concerns that vehicles are not slowing down to go through these intersections.

#### **8.3.2.1.3 Cemetery Trees**

There are two very large trees at the Anglican Cemetery which have caused concern limbs may fall damaging headstones and overhead power lines.

I have arranged for Randle Bevis from Specialised Tree Services to advise us of the best outcome for these trees.

He has advised that these trees are very sound and that this variety is not known for dropping limbs, however because of the age and size maintenance sound be carried at regular intervals (3-5 years).

This would involve removing the dead timber and a few of the lower limbs that are at risk of falling onto power lines, and to balance the tree by pruning limbs overhanging graves. An estimate for this work would be \$2,000.



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

**8.3.2.1.4 York Gums South of the Bowling Club**

It has been requested by the Bowling Club to severely lop or remove the trees south of the club as they dropping leaves on the playing surface when the wind is blowing from the south.

These trees are native to the area and are not posing a threat to people or property, as I understand they will require approval from the Department of Environment and Conservation if anything is to be done with them.

I have suggested that the Bowling Club get in touch with the Department and obtain their advise on what action can be taken, and for them to explain what they propose to do in regards to these trees.

**COUNCIL RESOLUTION**

**M22/1008 Moved Cr Flood** **Seconded Cr Foster**  
**That Councillor Murray attends the next meeting of the Bowling Club to ascertain their requirement for the York Gums South of the Bowling Club.**

**CARRIED 9-0**

**8.3.2.1.5 Mandiakon Road**

A complaint has been received regarding the condition of Mandiakon Road after recent rain. After inspecting this road, there is a section at the start that requires gravel, which can be carried out through our maintenance program. The remainder of the road was in reasonable condition, however if further work were required this would be more than just maintenance and would require further funding.

**8.3.2.1.6 Cherry Picker**

From last meeting it was suggested that enquiries be made into extension for the ten inspections, which is due on our cherry picker.

I have been in touch with Downer EDI, they are unaware of any extensions and suggested that I get in touch with the company that inspects their machines.

They use the same company as we do for our annual inspection. I have already spoken to Bev Daws from LiftHi and he is unaware of the ten year extension.



At 12:10pm Mr Peter Wright, Shire Planner, entered the Chambers.

**8.1.2 INFORMATION BULLETIN - SHIRE PLANNER**

(Refer pages 1 to 3) of the October Information Bulletin provided under separate cover.)

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M24/1008 Moved Cr Foster** **Seconded Cr Gogol**  
**That the Information Bulletin Report from the Shire Planner be received.**

**CARRIED 9-0**

At 12:25pm Mr Peter Wright, Shire Planner left the Chambers.

Council agreed to deal with the staff matter in the President's Report (Item 7.1) on resuming the meeting after lunch and advised staff that they will go into Committee at that time.

At 12:30pm Council adjourned for lunch and Cr Murray left the meeting.

At 1:36pm the meeting reconvened from lunch without Mr Keith Byers, Chief Executive Officer, Mr Stephen Gollan, Deputy Chief Executive Officer and Mrs Sue Collins, Senior Administration Officer in attendance.

**7. PRESIDENT AND COUNCILLOR REPORTS**

**7.1 PRESIDENT'S REPORT  
(continued)**

Chief Executive Officer Assessment

**COUNCIL RESOLUTION**

**M25/1008 Moved Cr Foster** **Seconded Cr Roberts**  
**That Council go into Committee.**

**CARRIED 8-0**

**COUNCIL RESOLUTION**

**M26/1008 Moved Cr Foster** **Seconded Cr Roberts**  
**That a Remuneration Committee be formed to recommend to Council the Chief Executive Officer's salary.**

**CARRIED 8-0**

**COUNCIL RESOLUTION**

**M27/1008 Moved Cr Flood** **Seconded Cr Roberts**  
**That the Committee Members on the Remuneration Committee be Councillors Alexander, Shaw and Ridgway.**

**CARRIED 8-0**

**7. PRESIDENT AND COUNCILLOR REPORTS**  
**7.1 PRESIDENT'S REPORT**  
**(continued)**

**COUNCIL RESOLUTION**

**M28/1008 Moved Cr Flood Seconded Cr Roberts**  
**That Council come out of Committee.**  
**CARRIED 8-0**

At 2:10pm Mr Keith Byers, Chief Executive Officer, Mr Stephen Gollan, Deputy Chief Executive Officer, and Mrs Sue Collins, Senior Administration Officer returned to the meeting and Mr Frank Buise, Manager, Health & Building Services entered the Chambers.

**8.2.1 HEALTH & BUILDING SERVICES ITEMS**

Council had been provided with a late item and decided to deal with the matter later in the meeting.

**8.2.2 INFORMATION BULLETIN REPORT – MANAGER, HEALTH & BUILDING SERVICES**

**8.2.2.1 GENERAL**

General correspondence, duties and communications for Environmental Health Officer/Building issues; General duties with complaints, building activities follow-ups, food recalls, Building returns, Builders Registration Board returns.

**8.2.2.2 BUILDING LICENSES ISSUED**

Building licenses issued up to 20 October 2008:

Lic No	7 08/ 09	Lic No	12 08/ 09
Lot No	81 Dempster St	Lot No	130 Vincent St
Building	Dwelling	Building	Patio
Value	\$150,000	Value	\$19,990
Lic No	25 08/ 09	Lic No	16 08/ 09
Lot No	6 Brookton Hwy	Lot No	46 Smith St
Building	Dwelling	Building	Garage
Value	\$150,000	Value	\$8,000
Lic No	27 08/ 09	Lic No	28 08/ 09
Lot No	95 Westdale Rd	Lot No	105 York-Williams Rd
Building	Shed	Building	Garage
Value	\$10,000	Value	\$9,000

**8.2.2 INFORMATION BULLETIN REPORT – MANAGER, HEALTH & BUILDING SERVICES**

**8.2.2.2 BUILDING LICENSES ISSUED  
(continued)**

Lic No 29 08/ 09  
Lot No 21 Great Southern Hwy  
Building Patio  
Value \$14,990

**8.2.2.3 REPAIRS/MAINTENANCE REPORT**

The Shire Maintenance Officer will provide his bi-monthly report to the November Council meeting.

The Manager, Health & Building Services provided the following further Information Bulletin reports:

**8.2.2.4 CONCERT – WESTDALE ROCK** (File Ref: BUT 51004 & RC 019)  
The Manager, Health & Building Services gave a verbal report on the Westdale Rock Concert.

**COUNCIL RESOLUTION**

**M29/1008 Moved Cr Foster** **Seconded Cr Roberts**  
**That Council write a letter to the organisers of the Westdale Rock Concert congratulating them on the manner in which they ran the Concert.**

**CARRIED 8-0**

**8.2.2.5 CARAVAN PARK** (File Ref: VIN 1624B)  
There are 5 permanent residents in the Beverley Caravan Park.

**It was agreed that the Development Services Committee meet with the Manager, Health & Building Services on Friday 7 November 2008 at the Beverley Caravan Park for an on-site meeting.**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M30/1008 Moved Cr Roberts** **Seconded Cr McDonald**  
**That the Information Report from the Manager, Health & Building Services, be received.**

**CARRIED 8-0**

Council agreed to deal with Health & Building Services late item 8.2.1.1 at this point in the meeting.

## **8.2.1 HEALTH & BUILDING SERVICES ITEMS**

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.2.1.1</b>
<b>REPORT DATE:</b>	<b>28 October 2008</b>
<b>SUBJECT:</b>	<b>(Late Item) LOT 123 GREAT SOUTHERN HIGHWAY - COMPLETION OF WORKS</b>
<b>OWNER:</b>	<b>Christopher Puttick</b>
<b>FILE REFERENCE:</b>	<b>GRE2 798</b>
<b>AUTHOR:</b>	<b>Manager, Health &amp; Building Services</b>

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### **BACKGROUND**

Council dealt with this matter on 22 January 2008. Council resolved to issue an order to pull down and remove an illegal shed, which did not comply with the building code. The owner of the property was also prosecuted and fined in the Northam court.

The owner addressed Council in May and Council resolved to retain the fine and give the owner till 10 October 2008 to rectify the works at the property.

The shed was inspected on Saturday 25 October 2008 and was found to be compliant.

### **COMMENT**

The owner has now rectified the works on the shed as requested by Council. The works have been inspected and deemed to comply.

Council must now reconsider whether to retain the fines monies or cancel the debt. It should be noted that the fine must be paid in full as it is being collected by the Fines Enforcement agency. The logical way to deal with this is to get the owner to pay off the fine, then the Shire reimburse him for the amount of the fine only and not the costs.

The Manager, Health & Building Services commented at the meeting that the owner, Mr C Puttick, has been advised that any work to be done on the property requires a building licence.

### **STATUTORY ENVIRONMENT:**

Local Government (Miscellaneous Provisions) Act 1960.

**8.2.1 HEALTH & BUILDING SERVICES ITEMS**  
**Item 8.2.1.1**  
**LOT 123 GREAT SOUTHERN HIGHWAY – COMPLETION OF**  
**WORKS**  
**(Continued)**

**OFFICER'S RECOMMENDATION**

For Council's Consideration.

**COUNCIL RESOLUTION**

**M31/1008 Moved Cr Gogol** **Seconded Cr Foster**  
**That at the completion of Mr C Puttick, paying the fine and legal**  
**fees awarded to Council, Council then reimburse the amount of**  
**the fine only.**

**CARRIED 7-1**

**COUNCIL RESOLUTION**

**M32/1008 Moved Cr Shaw** **Seconded Cr Flood**  
**That Council investigate what fines have been withdrawn in the**  
**last two years and a list be prepared of all outstanding fines.**

**CARRIED 8-0**

The Shire President, Cr Jim Alexander, on behalf of Council wished Mr Frank Buise, Manager, Health & Building services all the best, as Frank will not be renewing his contract with Council. Frank will be leaving on Monday 10 November 2008.

Council agreed to hold a farewell function for Mr Frank Buise on Friday 7 November 2008 commencing at 5:00pm.

At 2:32pm Mr Frank Buise, Manager, Health & Building Services, left the Chambers.





## 8.4.1 FINANCE ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.4.1.3</b>
<b>REPORT DATE:</b>	<b>14 October 2008</b>
<b>SUBJECT:</b>	<b>INVESTMENT OF SURPLUS FUNDS</b>
<b>FILE REFERENCE:</b>	<b>FM 008</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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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 September 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
1357716001	3 Months	8.05%	\$ 358,462.00	29/10/2008
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

**8.1.1 FINANCE ITEMS**  
**Item 8.4.1.3**  
**INVESTMENT OF SURPLUS FUNDS**  
**(Continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M35/1008 Moved Cr Foster** **Seconded Cr Roberts**  
**That the Investment Report for the month of September 2008, be**  
**received.**

**CARRIED 8-0**

## 8.4.1 FINANCE ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.4.1.4</b>
<b>REPORT DATE:</b>	<b>22 October 2008</b>
<b>SUBJECT:</b>	<b>RUBBISH RECYCLING</b>
<b>FILE REFERENCE:</b>	<b>WM 027 and CR 012</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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### **BACKGROUND**

An invitation was extended to Mr Ashley Fisher, of Avon Waste to address Council at the September meeting on introducing recycling in the Shire.

### **COMMENT**

Council requested Mr Fisher to provide a cost on recycling options available.

Mr Fisher has supplied the following information:

#### ***Bulk Recycling***

This option involves placing a 4.5 cubic metre bin in a convenient location in the Townsite (or School) to allow people to drop off recycling. This bin can be emptied either monthly or twice monthly depending on our needs. The bin caters for the same material that can be recycled in a yellow top wheelie bin namely paper and cardboard, glass bottles, plastic cool drink and milk containers, steel and aluminium cans.

The cost of this service includes the placement of the bin, is \$1,500.00 excluding GST per annum per bin.

In addition to this service other shires have added a cardboard only style bin either alongside the co-mingled bin or at a location / business that generates a lot of cardboard. The cost of this bin is the same as for a co-mingled bin.

#### ***Kerbside Recycling***

Surrounding shires have introduced a second yellow top 240 litre wheelie bin as a recycling bin to compliment their general waste collection. These bins are collected twice per month and cater for the same material that can be placed in the bulk recycling bins.

The main reason shires have taken this approach is to reduce the amount of waste going to the landfill site in an effort to extend the life of their site.

**8.1.1 FINANCE ITEMS**  
**Item 8.4.1.4**  
**RUBBISH RECYCLING**  
**(Continued)**

***Kerbside Recycling (continued)***

As discussed at the September Council meeting there are variables in providing this service, which would need to be outlined in the Tender Specifications, however as an indication Avon Waste can provide this service for \$1.50 per week (\$78.00 per annum) per bin for all ratepayers currently receiving a waste collection.

***Replace 240 litre bins to 140 litre bins***

Some shires have decided to reduce the capacity of the bins from 240 litres to 140 litres. The idea is that this makes people change their habits in relation to waste disposal and hence furthers the effectiveness of the recycling programme. Although this adds to the collection rate for waste disposal, it pays for itself in the reduced waste entering the landfill site.

It is anticipated that an increase of 15 cents per collection to the changeover to occur.

The Shire of York has retained the 240 litre bins, however any new service and the replacement of bins are now 140 litre bins. This has not resulted in any increase in collection rate.

**BUDGET IMPLICATIONS**

There is no money allocated in the 2008 / 2009 budget for offering a Bulk Recycling service.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M36/1008 Moved Cr Flood** **Seconded Cr Shaw**  
**That Council Implement Bulk Recycling immediately at a cost of \$3,000.00 excluding GST. This being for a cardboard only and co-mingled type bins and that these be collected twice monthly.**  
**CARRIED 8-0**

**M37/1008 Moved Cr Foster** **Seconded Cr Roberts**  
**1. Implement a kerbside collection programme commencing from 1 July 2009.**  
**2. Adopt a policy of "any new rubbish service or the replacement of 240 litre bins now be issued with 140 litre bins". This to come into effect from 1 July 2009.**

**VOTE 4-4**

**The President exercised his casting vote and voted against the motion.**

**LOST 5-4**

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.1</b>
<b>REPORT DATE:</b>	<b>21 October 2008</b>
<b>SUBJECT:</b>	<b>PROPOSAL TO PURCHASE PORTION OF RESERVE 8799 MOUNT KOKEBY</b>
<b>FILE REFERENCE:</b>	<b>GRE2 772 and MOU 8799</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 10

### **BACKGROUND**

The owner of freehold Lot 61 in Mount Kokeby, Mr Maurice Ricks, has requested to purchase portion of Reserve No. 8799 as depicted on the attached map.

Reserve 8799 is designated “Parklands” and is under the management of the Shire of Beverley.

Mr Ricks wishes to obtain the additional area so that he has sufficient room, in accordance with Council’s Town Planning Scheme No. 2, to construct a residence and the Department for Planning and Infrastructure seeks Council’s comments.

### **COMMENT**

In September 1999 Council opted not to forgo the management of all of Reserve 8799, as it was concerned that it could be developed for residential or rural residential purposes.

Council has continuously opposed the development of Kokeby for residential purposes, as this would place additional pressure upon the Shire to provide additional services. I believe that to permit Reserve 8799 to be subdivided and a portion amalgamated with Lot 61 would not be a good planning practise.

As Council’s Town Planning Scheme No. 2 with its set back requirements makes small lots extremely difficult, if not impossible, to develop, consideration might be given to substantially reducing the minimum rate of 60.0.00.

**8.1.1 ADMINISTRATION ITEMS**

**Item 8.5.1.1**

**PROPOSAL TO PURCHASE PORTION OF RESERVE 8799 MOUNT  
KOKEBY  
(Continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M38/1008 Moved Cr Flood** **Seconded Cr Ridgway**  
That Council advise the Department for Planning and Infrastructure it opposes the subdivision of the proposal to subdivide portion of Reserve 8799 and amalgamate this with Lot 61 Mount Kokeby, as it deems ad-hoc development of the Kokeby Townsite, which has limited services available, to be a poor planning practise.

**CARRIED 8-0**

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.2</b>
<b>REPORT DATE:</b>	<b>21 October 2008</b>
<b>SUBJECT:</b>	<b>SEAVROC - MOU</b>
<b>FILE REFERENCE:</b>	<b>GR 018G and IM 004</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 11

### **BACKGROUND**

The contents of the SEAVRO MOU was originally formulated July 2006.

SEAVROC at its Ordinary meeting held on the 21/09/06 (Item 14.1 SEAVROC – Memorandum of Understanding) resolved as follows:

*That Council accept the Memorandum of Understanding for the participation of the Shire of Cunderdin in the South East Avon Voluntary Regional Organisation of Councils and that the Shire President sign the MOU at the appropriate time*

### **COMMENT**

The Memorandum of Understanding has now been in place for approximately (2) two years without review, therefore, it was decided at the last SEAVROC meeting held in Cunderdin on the 6<sup>th</sup> August 2008 that a review should be undertaken by all member local governments.

#### **Commentary**

Review of Memorandum of Understanding by HEADINGS

**PURPOSE** – still the same, no change recommended

**PARTIES TO THE MOU** - still the same, no change recommended

**OBJECTIVES** - still the same, no change recommended

**PRINCIPLES** - no change recommended

### **SEAVROC MEMBERSHIP COMMITTEE**

#### **Chairperson**

*“There will be a rotational Chairperson who will be an elected member of the host Local Government.”*

**8.1.1 ADMINISTRATION ITEMS**  
**Item 8.5.1.2**  
**SEAVROC - MOU**  
**(Continued)**

The current provision under this item is no longer considered appropriate, as SEAVROC has now matured as an organisation. In the coming 6 -12 months, all going well it should achieve the formation of a legally recognised (corporate) entity, whether on a pilot or permanent basis (subject to legislative complexities). It makes sense that an entity should have a Chairperson appointed for a fixed period as currently applies to local governments or any other corporate entity.

*It is recommended that a chairperson be appointed for a 12 month period to expire in line with local government election dates to allow for a smooth transition between chairpersons.*

**Note:**

The charter provides the following:

*“13.3 In the absence of the President from a meeting, an Acting Chairperson for that meeting only shall be appointed by the delegates present.”*

**Decision Making Process**

It is recommended that the following new provision be added:

- (d) *All member representatives must have authority from their respective Councils to make decisions on their behalf in relation to matters for the advancement of SEAVROC that do not require financial or resource commitments. Where such commitments are required they will need to be referred back to the individual member Council's for consideration and endorsement prior to any formal action being taken by SEAVROC.*

**FINANCIAL CONTRIBUTIONS** - no change recommended

**PROJECTS**

It is recommended that the following new provision be added

**Project Participation**

*Low participation rate from member councils will not be a barrier or a reason for a project not to be undertaken by SEAVROC, provided proposal agreements have been established and entered into by the participating Councils. Thereby excluding non-participating members from any contributions or consequences of the proposed project.*



**8.1.1 ADMINISTRATION ITEMS**  
**Item 8.5.1.2**  
**SEAVROC - MOU**  
**(Continued)**

**TERM & TERMINATION** - no change recommended

**WITHDRAWAL OF A PARTY** - no change recommended

**ADMITTING NEW MEMBERS** - no change recommended

**DISPUTE RESOLUTION** - no change recommended

**APPENDIX 2 – HUMAN RESOURCE PLAN** - needs to be reviewed by SEAVROC

**PUBLIC RELATIONS PLAN** – needs to be reviewed by SEAVROC

The Public Relations Plan is very limited in its current form; it needs attention as this will play an important role in positively promoting the future of the group to our communities and other external entities/agencies. Positive self promotion can create many opportunities for the group.

**PROJECT PROPOSAL PLAN** - no change recommended

**Statutory Implications**

There are no statutory implications in considering this item

**Policy Implications**

There are no policy implications in considering this item

**Financial Implications**

There are no financial implications in considering this item

**Strategic Implications**

There are no strategic implications in considering this item

**VOTING REQUIREMENT**

*Simple Majority.*



**8.1.1 ADMINISTRATION ITEMS**

**Item 8.5.1.2**

**SEAVROC - MOU**

**(Continued)**

- (c) To advise SEAVROC that it believes the Public Relations Plan is very limited in its current form; it needs attention, as this will play an important role in positively promoting the future of the group to our communities and other external entities/agencies.**

**CARRIED 8-0**



## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.4</b>
<b>REPORT DATE:</b>	<b>22 October 2008</b>
<b>SUBJECT:</b>	<b>PERMISSION TO KEEP DOGS</b>
<b>FILE REFERENCE:</b>	<b>EDW 177 AND LE 012</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 13

### BACKGROUND

An application has been received from Ms Gaenor Carter requesting permission to keep four (4) dogs at 199 Richardson St, Beverley. Three (3) of the said dogs are greyhounds and will be kept at the property on a temporary basis of approximately three (3) months.

### COMMENT

It is a requirement of the Beverley Shire Council's Dogs Local Law that the maximum number of dogs that can be kept on a premise within a Townsite is two unless an exemption is granted by Council under the provisions of section 26(3) of the Dog Act 1976 (as Amended).

The applicant needs to advise all adjoining neighbours of the request made to Council to house the dogs and Council will need to be provided with correspondence supporting the proposal.

Council's Ranger has liaised with Racing and Wagering Western Australia in relation to kennel regulations required by the property owner in which the dogs reside.

The Shire Ranger has carried out an internal inspection of the property and advises that there has been one written complaint received with regards to the noise and numbers being kept and therefore recommends against the application.

The property is at 199 Richardson St, Beverley and is on 1.6819Ha.

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

**M41/1008**      **Moved Cr Foster**      **Seconded Cr Gogol**  
**That Council refuse the application to keep four (4) dogs at 199 Richardson Street, Beverley and that the landowner be required to reduce the number of dogs kept or ordinarily kept at the property to 2 (two) within 28 days of the notice.**

**CARRIED 8-0**

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>October Council Meeting 28 October 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.5</b>
<b>REPORT DATE:</b>	<b>28 October 2008</b>
<b>SUBJECT:</b>	<b>BEVERLEY MEN'S SHED – PROPOSED SHED</b>
<b>FILE REFERENCE:</b>	<b>RC 015 and VIN 1114</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 14

### **BACKGROUND**

Councillors received a copy of a letter from Mr Fred Bremner on behalf of the Beverley Men's Shed, regarding erecting a shed adjacent to the Old Fire Station.

**M42/1008 Moved Cr Flood** **Seconded Cr Shaw**  
**That Council approve in principle for the Beverley Men's Shed to erect a shed on the Old Fire Station land, subject to conforming to all planning and building requirements.**

**CARRIED 8-0**

**8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER**  
(Refer pages 5 and 6 of the October Information Bulletin provided under separate cover.)

**Item 8.5.2.3**

**Lots 530 & 54 Vincent Street, Beverley** (File Ref: VIN 51105)

Council is in receipt of a complaint about the untidy state of Lots 530 and 54 Vincent Street, owned by Mr Saville Wright and Ms Vincenti.

Correspondence was forwarded to the owners by the Manager, Health and Building Services on the 23 May 2008 requesting the boundary fence be repaired and the lots tidied. To date nothing has taken place.

Extract of letter from the Manager, Health & Building Services, to Mr Saville Wright dated 23 May 2008 follows:

*“... I write to advise you that Council at its meeting on 22 April 2008 resolved to allow an extension of the building licence issued 13 March 200 to 13 November 2008.*

*Council resolved:*

*That Council extend the owners building licence, for Lot 54 Vincent Street, Beverley, for a period of six months, and request that all works to be carried out as per building licence 48 05/ 06 issued on 13 March 2006.*

*Council further resolved:*

*That the Manager Health & Building services, write to the owner of Lot 54 Vincent Street, Beverley, requesting that he tidy up the fencing and yards on this property by 1 July 2008.... “*

**OFFICER'S RECOMMENDATION**

For Council's information.

**COUNCIL RESOLUTION**

**M43/1008 Moved Cr Flood** **Seconded Cr Roberts**  
**That Council advise Mr Saville Wright that as he has not complied with Council's request to tidy up the yard and fence on his property by 1 July 2008. If this request is not complied with, within 30 days of writing, further action will be taken.**  
**CARRIED 8-0**





