

## MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 26 AUGUST 2008

### 1. COMMENCEMENT

The President declared the meeting open at 10:30am.

At 10:30am Mr Peter Wright, Shire Planner, entered the Chambers.

### 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 **Building - Lot 886 Bennetts Road, Beverley (Items 8.2.1.1 to 8.2.1.3) (File Reference: BEN 439)**

At 10:33am Mr Frank Buise, Manager, Health & Building Services, entered the Chambers.

Mr Coffey advised his situation in regard to the building on his son's property.

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

**3.2 Proposed Motocross Park – Lot 3588 Westdale Road, Beverley (Item 8.1.1.15) (File Reference: WES 51103)**

Mr Frank Borgward enquired as to whether an Environmental Impact study was carried out on Water Erosion emanating from the earth works?

Mr Peter Wright, Shire Planner, advised that no Environmental Impact study was carried out on Water Erosion, as the matter was not raised in any submission. It was deemed unlikely that there would be any significant external environmental impact.

Mr Mike Eviston asked would Council take the State Administrative Tribunal to court if they uphold the appeal?

The Shire President, Cr Jim Alexander advised no, it would be unlikely there would be any grounds to appeal and it would be extremely difficult to justify the expense of appealing the decision to ratepayers.

Mr Kim Nash asked what were the noise level results on the day of testing?

Mr Peter Wright, Shire Planner, advised that noise levels at all testing areas were under Environmental Protection Authority requirements

Several residents expressed their views in regard to the proposed Motocross Park at Lot 3588 Westdale Road and in particular to the impact on the environment and livestock, the property use, noise levels and the lifestyle affect on their rural area and the number of events per year.

Mr Steve Pretzel, of Trail Bike Management addressed Council on behalf of the applicants in regard to the Development Application.

Mr Lycholit addressed Council in support of the application.

**4. CONDOLENCES**

BARNESLEY

Bevan

7 August 2008

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

**6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN  
COUNCIL CHAMBERS ON TUESDAY 29 JULY 2008**

**COUNCIL RESOLUTION**

**M1/0808 Moved Cr Foster** **Seconded Cr Gogol**  
**That the Minutes of the Ordinary Meeting of Council held in**  
**Council Chambers on Tuesday 29 July 2008, be confirmed.**  
**CARRIED 9-0**

**BUSINESS ARISING**

Nil.

At 11:10am Mr Frank Buise, Manager, Health & Building Services, left the Chambers.

Council agreed to bring Item 8.1.1.15 forward to this point in the meeting.

### **8.1.1 TOWN PLANNING ITEMS**

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.15</b>
<b>REPORT DATE:</b>	<b>19 August 2008</b>
<b>SUBJECT:</b>	<b>PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>P Lycholit and R Peart</b>
<b>FILE REFERENCE:</b>	<b>WES 51103</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 1: Submission Table; and  
State Administrative Tribunal Orders dated 27 June 2008

#### **BACKGROUND**

On the 12 October 2007, an application for a Motocross Park was lodged for Lot 3588 Westdale Road, Westdale.

The subject site is approximately 40 ha in area and zoned Farming. Access is provided from Westdale Road via an easement through Lot 100 Westdale Road.

Initial advertising of the application occurred between 10 – 31 January 2008 with the application being referred to surrounding landowners for comment. Eight submissions/objections were received.

At its 22 January 2008 meeting Council resolved to advertise the application for a second time to allow for wider consultation. The second advertising period closed on 29 February 2008, with 18 submissions being received. Refer attached submission table.

During the advertising period the application was modified to reduce the impact of the proposal on neighbouring properties. The modified proposal was not included in the advertising, as it was not received until after the second advertising period had commenced.

Council considered the application at its 25 March 2008 meeting and resolved to:

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

- “A. Refuse the application for a Motocross Park on Lot 3588 Westdale Road, Westdale for the following reasons: -
1. The proposed land use is not consistent with the purpose of the Farming zone and does not comply with Clause 3.5 of the Shire of Beverley Town Planning Scheme No 2 as it will not assist with *continued viability of agricultural production, is not a land use ancillary to agricultural activity, does not directly service the travelling public or tourists, or maintain rural character and amenity.*
  2. There is potential for land use conflict to occur between the proposed motorbike park, which introduces a non-rural activity, and continued farming/agricultural activities.
- B. Advise the applicant that they may have a right of appeal to the State Administrative Tribunal if aggrieved by the Council's decision.
- C. Write to all people who lodged a submission and advise them of the Council's decision.”

It was also resolved:

“That Council suggest to the applicant that he liaise with the Beverley Off Road Motor Sports Association with a view to utilising part of the area behind the landfill site.”

Subsequent to Council's determination of the application, the applicant applied to the State Administrative Tribunal (SAT) for a review of the decision. At a Directions Hearing held at the SAT on 14 May 2008, Member Peter McNab issued the following orders:

1. The matter is adjourned for on-site mediation in accordance with these orders.
2. Mediation shall take place with a Senior Sessional Member of the Tribunal on Saturday, 14 June 2008 at 12 noon.
3. The President of the Shire is invited to attend and/or nominate one or more councillors and/or the Chief Executive Officer (or their nominee) of the respondent to attend that mediation.
4. The respondent Shire shall arrange an invitation to attend the mediation to be sent to any relevant neighbour, together with a copy of these orders.

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

5. The Shire shall make arrangements for the expert noise testing on 14 June 2008, and the applicant may make similar arrangements with his sport's governing body (or any other expert).
6. The matter is adjourned for further directions at 4 pm on 18 June 2008.

The on-site mediation session occurred on 14 June 2008. In the opinion of staff present, the on-site mediation meeting resulted in a generally negative response from representatives of the surrounding community.

At the SAT Directions Hearing on the 18 June 2008, orders were issued (attached) which required the applicant to submit by 15 August 2008 a modified detailed proposal, consistent with the tenor of discussions at the tribunal. The orders instructed Council to reconsider the revised application at its 26 August 2008 meeting. It should be noted the tenor of the discussions included providing the Shire with the opportunity to engage its own Acoustic Engineer and independently assess the noise levels emanating from the site during a motocross meeting. The Shire was not afforded this opportunity.

A provisional hearing date has been set by the SAT should Council not approve the proposal.

### **COMMENT**

#### **Council Determination of the application**

The proposal is a use not listed under the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). As such Council had three options when determining the application. These are summarised below:

- Option 1: Determine the use is consistent with the purpose and objectives of the farming zone and approve the application.
- Option 2: Determine the use may be consistent with the purpose and objectives of the farming zone and advertise the proposal.
- Option 3: Determine the use is not consistent with the purpose and objectives of the zone and refuse the application.

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

At its 22 January 2008 meeting through its resolution to advertise the application, Council has accepted the use may be consistent with the purpose and objectives of the Farming zone, subject to Council's discretion. Council exercised its discretion at its 25 March 2008 meeting and resolved that the proposal:

1. Is not consistent with the purpose of the Farming zone; and
2. Does not comply with Clause 3.5 of TPS 2 because the application:
  - Will not assist with continued viability of agricultural production; or
  - Is not a land use ancillary to agricultural activity; or
  - Does not service the traveling public or tourists; and
  - Does not maintain rural character or amenity.

Council further resolved the proposal was a non-rural activity, which had the potential to cause land use conflict with continued farming/agricultural activities. In determining the application Council considered, among other aspects, the generally negative response from surrounding landowners.

Since the above matters were given as reasons for refusal, when determining the application Council should primarily consider whether the matters have been addressed to Council's satisfaction.

#### **Continued viability of agricultural production**

The applicant asserts that the property will continue to be used for agricultural purposes in conjunction with the motocross park. Currently approximately 60% of the property is used alternatively for hay crop and grazing of cows. It is further claimed the owner of the cows confirms the motorcycles have no negative impact on the livestock.

Staff inspection of the site confirms that cropping of the site does occur and a section of the site is not viable for agriculture due to terrain constraints, however the proposed land use will impact on the amount of viable agricultural land available. Whilst the land would continue to be used for agricultural production, it would be at a reduced scale.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.15**

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

External impacts on agricultural production are difficult to quantify. It is unlikely that the proposal would have any impact on cropping in the area. The applicant asserts the motorcycles have no impact on adjacent livestock and comments received during the advertising period (3c of the summary of submissions) state it is not in the interest of farmers to have stock subjected to noise for over 7.5 hours. No specific comment was received relating to negative impact on livestock.

Clause 3.5 of TPS 2 states Council will support land use proposals, which are consistent with the continued viability of agricultural production. The Clause does not state all land use on the property must relate to agricultural production. Although at a reduced scale, it is open to Council to consider the property is continuing to be used for agriculture and therefore the proposed land use is consistent with the continued viability of agricultural production.

#### **Land use ancillary to agricultural activity**

The applicant does not contend the land use is ancillary to agricultural activity.

#### **Land use required to service the traveling public or tourists**

Although there may be some minor tourism potential, the applicant does not contend the proposal will service the traveling public or tourists.

#### **Rural character**

None of the submissions received during the advertising period mentioned any impact on the rural character of the area. All objections received raised concerns over continued agricultural production, amenity or land values. As the nearest proposed for motorcycle activity, with the exception of the beginners trail, is proposed to be over 500 metres from Westdale Road, is to occur only 16 days per year and agricultural activity will continue to occur on the property, it is recommended that Council consider the impact of the proposal on the rural character of the area, to be minor.



## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

To aid in maintaining the rural character of the area, should Council approve the application, it will be recommended that no person remain on the property outside the hours of operation, with the exception those persons exercising the domestic enjoyment of the property, as a condition of approval.

#### **Amenity of the area**

Amenity appears to be a matter of much concern to the surrounding landowners. The principle matters of concern are:

- Noise
- Dust; and
- Traffic

The applicant claims noise has been addressed through individual motorcycles having a maximum decibel rating of 96 db (A) and a report by Herring Storer Acoustics. In the conclusion of the report it is stated:

“Noise levels received at the closest noise sensitive premises from the motocross track is predicted to comply with the *Environmental Protection (Noise) Regulations 1997* for daytime hours (0700 – 1900) Monday to Saturday.”

This conclusion is consistent with preliminary noise readings taken by Shire staff at the 14 June 2008 mediation meeting using portable equipment. It should be noted that the equipment used by the Shire staff provided an indication only and as has been mentioned earlier in this report, the Shire was not afforded an opportunity to obtain its own acoustic report.

It is claimed by the applicant that noise such as that emanating from trucks, tractors and other equipment used in rural pursuits, is common in rural areas. However it is open to Council to consider the constant noise produced by continuous motorcycle riding to be additional to noise that may be anticipated in a rural area.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.15**

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

Of further concern regarding noise is the southern section of the “Beginners Trail”. This particular section of track is closest to dwellings and was not a component of the original application. Should Council approve the application, it will be recommended that the Beginners Trail be modified in order that it is no closer to Westdale Road than other motorcycle tracks, as a condition of approval.

Although some comments from surrounding landowners reveals concern over noise levels, it appears that the levels of noise are within acceptable environmental (noise) guidelines. Of relevance is the applicant’s claim to have operated a non-commercial operation on the property for two years without the Shire receiving a complaint.

To further mitigate the effect of noise on surrounding amenity, it is recommended, should Council approve the application, that restrictions on hours of operation and noise levels where appropriate, be imposed as conditions of approval.

Some respondents to the advertising have mentioned dust as matter of concern. Dust may be anticipated as a normal component in a rural environment, particularly during dry periods of weather. The applicant has sought to minimize any disturbance to amenity produced by not operating in the summer months and proposing to acquire a 7,000 litre water trailer to dampen the track.

It is anticipated dust will have a minor or no impact on the amenity of surrounding properties. To aid in the prevention of any potential impact from dust, should Council approve the application, it will be recommended a dust management plan, which includes the proposed 7,000 litre water trailer, be imposed as a condition of approval.

It is considered restricting the hours of operation may further enhance the amenity of the area. The applicant has produced a proposed calendar for 2009, which restricts the number of operating days to 16. It is also proposed riding only occur between 8.30 am and 6 pm with a lunch break between 11 am and 1 pm. For safety reasons it may be considered that riding should finish by 5 pm, due to the sun setting prior to 6 pm in winter months.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.15**

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

Should Council approve the application, it will be recommended a calendar of events containing no more 16 events be approved prior to December 1 of the preceding year and riding be restricted to between 8.30 am – 11am and 1 pm - 5 pm, as conditions of approval.

#### **Safety**

Traffic impact is a matter that should be considered by Council. On the dates an event is proposed to occur, up to 100 riders and ancillary persons may be accessing and egressing the property. Access to the property is provided from Westdale Road via an easement through Lot 100 Westdale Road.

To address any potential concerns regarding traffic entering or leaving Westdale Road or vehicles traversing the easement, should Council approve the application, it will be recommended the easement and crossover to Westdale Road be upgraded to Minor Road B standard, as a condition of approval. To ensure the easement and crossover is maintained to an acceptable standard, it will be further recommended an easement in gross be created to the benefit of the Shire over the access easement, as a condition of approval.

Due to the number of persons attending and number of motorcycles operating on the property, there is potential for inadvertent fires to occur. The applicant advises a 15 metre firebreak will be maintained at the boundary of the property and each riding area will also have a fire boundary. To further enhance protection against fire, should Council approve the application, it will be recommended a fire management plan be incorporated as a condition of approval.

Motorcycle riding, in particular the type proposed for this application, may be considered to contain inherent danger and as a consequence there is potential for injuries to occur. The applicant proposes to have an appropriately sized area cordoned off as an emergency helicopter landing pad and emergency vehicle access maintained around and between each riding area.

In addition to the above measures Council may consider it necessary to have an appropriately staffed and equipped first aid facility on-site. Should Council approve the application, it will be recommended the helicopter landing pad, emergency vehicle access, first aid facility and an emergency medical treatment plan, be conditions of approval.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.15**

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

##### **Other considerations**

With the number of person potentially attending events on-site and the possibility of an inadvertent fire, the provision of an on-site potable water supply may be considered essential. If Council approves the application, it will be recommended the provision of a 120,000 litre water tank, in compliance with Clause 4.14 of TPS 2, be a condition of approval.

Given the number of persons anticipated on-site during events, it may be considered the provision of toilets to be essential for the maintenance of environmental health. The relevant provision of the Shire's Outbuilding Policy No. 8 states that ablution facilities shall not be provided unless in association with a commercial business. Therefore if Council approves the application, it will be recommended the provision of ablution facilities, be a condition of approval. However as there is no habitable building on-site, it will also be recommended that no person is to reside on property, as a condition of approval.

The applicant is proposing a voluntary limit on patrons of 100 riders per day, 30 riders at any one time and 20 riders per circuit. It may be considered that these limits enhance amenity, safety and maintaining rural character. Therefore, should Council approve the application, it will be recommended the voluntary limits of riders be formalized as conditions of approval.

A substantial body of evidence has been included with the modified application supporting the contention that a facility such as the one proposed, is required within Western Australia. Although this may not be seen to specifically benefit the local community, it should be noted that a local benefit is arguably, the promotion of the Shire of Beverley at a state and possibly national level, without any cost to the Shire.

At a local level the applicant claims the proposal includes the following benefits to the community:

- A high quality BMX track will be available for use by local residents, free of charge at all times when the park is open;
- Local residents and their families will be invited to watch Freestyle MX shows free of charge; and
- Local community organizations are to be invited to provide catering as a fund raising project.

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

Given the number of objections received during the advertising period, it is unclear if the local community will utilise the proposed benefits. It should be noted that only the proposed BMX track could be included as a condition of approval. Should Council approve the application, it will be recommended the provision of the BMX track be a condition of approval.

Of particular concern with regard to both the modified and original proposals is the fact that at no stage have acceptable site plans been submitted. Although the plans and documentation submitted have been satisfactory for assessment of the application, submitted plans have not provided sufficient detail to be considered adequate for final approval. Should Council approve the application, it will be recommended as a condition of approval, the applicant, submit appropriate plans as a matter of urgency.

#### **Conclusion**

With regard to the modified proposal Council may confirm the resolution of its 25 March 2008 meeting and refuse the application. This option will trigger a SAT hearing in which the SAT will make a determination on the application. Should the proposal be approved, the SAT will then impose conditions it considers appropriate.

Alternatively Council may approve the modified application, with or without conditions. As Council has already determined the land use may be consistent with the objectives and purpose of the zone, to approve the proposal Council must be satisfied the appropriate provisions of Clause 3.5 of TPS 2 have been met and the impact on rural character and amenity is acceptable.

The modified proposal for a Motocross Park at Lot 3588 Westdale Road, Beverley is supported for the following reasons:

- Agricultural production will continue to be viable on the site and therefore the proposal is consistent with Clause 3.5 of TPS 2;
- The impact on rural character and amenity is considered acceptable or may be addressed through conditions of approval;
- Safety concerns, including access and egress from the site, may be addressed through conditions of approval;
- The proposal is of substantial benefit to Western Australia; and
- Some local community benefit has been identified.

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

It will therefore be recommended the proposal be granted planning approval subject to appropriate conditions.

#### **STATUTORY ENVIRONMENT**

Subject to Council determination, the application complies with the Shire of Beverley's Town Planning Scheme No. 2.

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

Moved Cr Foster

Seconded Cr Roberts

That Council grant Planning Approval for a Motocross Park at Lot 3588 Westdale Road, Beverley, 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.
3. 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 development, existing and proposed, contours, access and any other relevant information, to the satisfaction of the Shire Planner.
4. Submitted site plans are to show the "Beginner's Trail" no closer to Westdale Road than the Level 1 MX track, to the satisfaction of the Shire Planner.

#### Site Works

5. A BMX track is to be constructed and maintained for use, free of charge, by surrounding residents and their families at all times during the hours the facility is operating, to the satisfaction of the Shire Planner.

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

##### Site Works (continued)

6. A 120,000 litre water tank or other storage facility as approved by the Shire, is to be installed on-site prior to commencement of use, to the satisfaction of the Manager Building Services.
7. Ablution facilities are to be constructed prior to the commencement of use, to the satisfaction of the Shire's Environmental Health Officer.
8. Within 90 days of Council granting approval for this application, the applicant is to lodge floor and elevation plans for the ablution facilities, the subject of Condition 7, to the satisfaction of the Shire Planner.
9. Ablution facilities are to be connected to an approved wastewater treatment system, which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region. The approved system is not to be used for disposal of industrial liquid waste or other non-ablution wastes (refer to Advice Note 4).
10. No drainage is to flow onto adjoining properties. All drainage is to be contained on-site or directed to an approved drainage system, to the satisfaction of the **Manager Building Services**.

##### Agricultural Production

11. A minimum 60% of the property is to be used for continued agricultural production, to the satisfaction of the Shire Planner.

##### Operating Conditions

12. A calendar of events for the following year must be submitted and approved by the Shire Planner prior to 1 December.
13. The approved calendar of events is to be distributed to surrounding landowners by the applicant, at the applicant's expense, prior to 31 January of the year the events are to occur, to the satisfaction of the Shire Planner.
14. Motorcycle riding hours of operation are to be between 8.30 am to 11 am and 1 pm to 5 pm.
15. No motorcycles are to be ridden on the property outside of approved event days and approved hours of operation.
16. There is to be a maximum of 100 motorcycle riders attending the property on any single event day, unless prior approval is granted, to the satisfaction of the Shire Planner.
17. There is to be a maximum of 30 motorcycle riders using the tracks at any one time, unless prior approval is granted, to the satisfaction of the Shire Planner.

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

##### Operating Conditions (continued)

18. There is to be a maximum of 20 motorcycle riders using any individual track at any one time, unless prior approval is granted, to the satisfaction of the Shire Planner.
19. Except on approved event days, no person is to remain on the property, unless in connection with the domestic enjoyment of the property or maintenance of the facility or agricultural production.
20. The existing outbuilding on the property is not to be used for habitation.

##### Amenity

21. A dust management plan is to be submitted and approved prior to the commencement of use, to the satisfaction of the Shire Planner.
22. A 7,000 litre water trailer is to be available for use in dust suppression at all times during hours of operation, to the satisfaction of the Shire Planner.
23. Noise levels at any noise sensitive premises on surrounding properties are not to exceed the regulations of the Environmental Protection (Noise) Regulations 1997.
24. No individual motorcycle is to have a decibel rating above 96 db (A).

##### Access

25. The access easement through Lot 100 Westdale Road and the crossover to Westdale Road are to be upgraded and maintained to a Minor Road B standard prior to commencement of use, to the satisfaction of the Shire Works Supervisor.
26. At the applicant's expense, an easement in gross to the Shires benefit, is to be placed over the access easement through Lot 100 Westdale Road, for the purpose of ensuring the easement is maintained to a suitable standard prior to commencement of use, to the satisfaction of the Shire Planner.

##### Safety

27. A fire management plan is to be submitted, approved and implemented prior to the commencement of use, to the satisfaction of the Shire Planner.
28. An emergency medical treatment plan is to be submitted and approved prior to commencement of use, to the satisfaction of the Shire Planner.



## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.15

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

##### Safety (continued)

29. An appropriately sized area is to be cordoned off and maintained for the purposes of an emergency helicopter-landing pad at all times during event days, to the satisfaction of the Shire Planner.
30. Emergency vehicle access is to be maintained at all times around and between all motorcycle riding tracks, to the emergency helicopter-landing pad and on the access easement through Lot 100 Westdale Road, to the satisfaction of the Shire Planner.
31. A first aid facility is to be equipped and staffed with an appropriately qualified person(s) at all times during event days, 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 and 8, the applicant is advised to liaise with the Shire Planner, prior to lodgement of plans.
4. With regard to Condition 9 an application is to be submitted to the Council's Environmental Health Section in conjunction with the Building Licence application.
5. With regard to Condition 12, the applicant is advised the calendar of events is to contain no more than 16 events per year, with each event is to be of one-day duration, unless otherwise approved by the Shire Planner.
6. With regard to Condition 27, the Fire Management Plan is to include a 15-metre firebreak at the boundary of the property, fire separation boundaries around each track and other such measures as considered appropriate by the Shire.

Councillor Murray advised he wished to move an amendment to the Officer's Recommendation.

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.15**

**PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD,  
BEVERLEY  
(continued)**

**COUNCIL RESOLUTION**

**M2/0808 Moved Cr Shaw  
That the motion lay on the table.**

**Seconded Cr Foster**

**CARRIED 9-0**

At 11:31am Councillor Murray and Mr Peter Wright, Shire Planner, left the Chambers.

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

**6.2 MINUTES OF THE AGED CARE ACCOMMODATION COMMITTEE  
MEETING HELD IN COUNCIL CHAMBERS ON TUESDAY 5  
AUGUST 2008**

Appendix 2

**COUNCIL RESOLUTION**

**M3/0808 Moved Cr Flood Seconded Cr Roberts  
That the Minutes of the Aged Care Accommodation Committee  
Meeting held in Council Chambers on Tuesday 5 August 2008, be  
received.**

**CARRIED 8-0**

**BUSINESS ARISING**

The President gave a verbal report of the Aged Care Accommodation Committee Meeting held on 19 August 2008 and advised that the meeting had met with members of the Frail Aged Lodge.

**6.3 MINUTES OF THE PLANT AND WORKS COMMITTEE MEETING  
HELD IN COUNCIL CHAMBERS ON TUESDAY 19 AUGUST 2008**

Appendix 3

**COUNCIL RESOLUTION**

**M4/0808 Moved Cr Shaw Seconded Cr McDonald  
That the Minutes of the Plant and Works Committee Meeting held  
in Council Chambers on Tuesday 19 August 2008, be received.**

**CARRIED 8-0**

**BUSINESS ARISING**

Regional Road Group – 5-Year Program

**COUNCIL RESOLUTION**

**M5/0808 Moved Cr Roberts Seconded Cr McDonald  
That the draft 5 Year Regional Road Group Plan be adopted and  
forwarded to Main Roads Western Australia for consideration.**

**CARRIED 8-0**

**6. CONFIRMATION OF MINUTES & BUSINESS ARISING (continued)**  
**6.3 MINUTES OF THE PLANT AND WORKS COMMITTEE**  
**MEETING HELD IN COUNCIL CHAMBERS ON TUESDAY 19**  
**AUGUST 2008 (continued)**

**BUSINESS ARISING (continued)**

Afron Cherry Picker

**COUNCIL RESOLUTION**

**M6/0808 Moved Cr Shaw Seconded Cr Gogol**  
**That Council arrange for the Afron Cherry Picker be examined for**  
**cracks and metal fatigue at a cost of \$5,000.**  
**CARRIED 8-0**

Corberding, York-Williams and Westdale Road – Clay Trucks

**COUNCIL RESOLUTION**

**M7/0808 Moved Cr Flood Seconded Cr Foster**  
**That Council hold discussions with Austral Bricks regarding the**  
**damage being created on Council roads from carting Kaolin.**  
**CARRIED 8-0**

**7. REPORTS**

**7.1 PRESIDENT'S REPORT**

The President provided the following report at the meeting:

Proposed Recreation Ground Committee

One person has approached me and there is a letter attached to an item in this agenda (Item 8.5.1.5 - on page 58) about the facilities at the recreation ground.

Perhaps it is time for a committee to be formed to prioritize the structure and planning of the whole recreation ground and also the town hall is a large meeting/gathering room, which is complementary.

As it would be a big cost project, which may have to be sold to the community, I would prefer to chair this committee with possibly three other Councillors. I would suggest that Councillors Ridgway, Shaw and Murray also be on this committee as they have a lot of experience on this subject. This committee would call on outside opinion or expertise as the need arose.



**7. REPORTS (continued)**

**7.2 COUNCILLORS REPORT**

Councillor Gogol gave an update on matters in regard to the Tourist Bureau and Avondale.

**RESOLVED that the report be received.**

**7.3 INFORMATION BULLETIN REPORT - COUNCILLORS**

Councillor Ridgway reported that designs have been received for the garden for the 100<sup>th</sup> Year Centenary Water Tap area.

**RESOLVED that the information be received.**

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

At 11:55 Mr Frank Buise, Manager, Health & Building Services entered the Chambers and Councillors Foster and Gogol left the Chambers.

## 8.2.1 HEALTH & BUILDING SERVICES ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.2.1.1</b>
<b>REPORT DATE:</b>	<b>12 August 2008</b>
<b>SUBJECT:</b>	<b>HOUSE UNFIT ORDER, AND PULL DOWN AND REMOVE ORDER</b>
<b>LOCATION:</b>	<b>LOT 886 BENNETTS ROAD, BEVERLEY</b>
<b>FILE REFERENCE:</b>	<b>BEN 439</b>
<b>AUTHOR:</b>	<b>Manager, Health &amp; Building Services – Frank Buise</b>

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### BACKGROUND

I have had occasion in early 2007 to visit the property, and was appalled at the state of the humpy, which is being used by the occupier for living in. I wrote to the owner on 5 April 2008 advising him of my concerns regarding the accommodation and other aspects of the property.

I inspected the property again on 12 August 2008, with Police Sergeant Paul Daly, and found the occupier cooking breakfast in the humpy.

I advised the occupier that I considered the humpy Unfit for Human Habitation and that he would have to seek alternate accommodation as soon as possible. I would also seek from Council an Order to Pull Down and Remove the partly built steel framed dwelling that was erected some 10 to 12 years ago.

The humpy is an old timber framed one room building. The property is rundown. There are no sanitary fixtures or septic tanks. There is power connected. The dwelling is considered to be Unfit for Human Habitation.

Section 135 states;

(1) Any local government may, of its own motion, and shall, when required by order of the Executive Director, Public Health by notice in writing, declare that any house, be inhabited or any specified part thereof, is unfit for human habitation.

(2) The notice may direct that such house or part thereof shall not, after a time to be specified in the notice, be inhabited or occupied by any person.

## 8.2.1 HEALTH & BUILDING SERVICES ITEMS

### Item 8.2.1.1

#### HOUSE UNFIT ORDER, AND PULL DOWN AND REMOVE ORDER – LOT 886 BENNETTS ROAD, BEVERLEY (continued)

(3) The notice shall be affixed to some conspicuous part of the house, and a copy of such notice shall be served upon the owner or occupier thereof.

Section 136 states;

Any person who, after the expiration of the specified time, inhabits or occupies, or suffers to be inhabited or occupied, such house or part thereof, commits an offence.

Section 137 states;

A notice may be served by the local government upon the owner of such house directing him, within a time limited by such notice, either to amend the same in some specified manner or take down and remove the same.

Provided that –

- (1) the notice may direct the owner to take down and remove the house, without giving him the alternative of amending the same; and
- (2) any person aggrieved by any notice under this section shall have a right of appeal against such notice, and, in relation to any such appeal, the provisions of section 36 shall *mutatis mutandis* apply.

It is not possible to draft a list of defects, as the humpy is so dilapidated.

#### COMMENT

Discussions with the occupier (who is the father of the owner) have been ongoing for nearly 18 months. There is no water or toilet, sink or laundry in the humpy. On inspection there was littered over the floor, filth and food matter. The occupier answered the door in his jocks and tee shirt. The occupier was asked what he did for a toilet and he reply 'I used a bucket and poured it over the trees'.



**8.2.1 HEALTH & BUILDING SERVICES ITEMS**  
**Item 8.2.1.1**  
**HOUSE UNFIT ORDER, AND PULL DOWN AND REMOVE ORDER –**  
**LOT 886 BENNETTS ROAD, BEVERLEY**  
**(continued)**

**COMMENT (continued)**

I would be negligent in my duties if this matter was not acted upon, so bad are the conditions. Unfortunately I took several photos, which did not reproduce clearly.

**STATUTORY ENVIRONMENT**

Health Act 1911 (as amended) sections 135, 136, 137

At 11:57am Councillor Gogol returned to the Chambers.

**COUNCIL RESOLUTION**

**M9/0808 Moved Cr Flood Seconded Cr Roberts**  
**That the Council move into committee.**  
**CARRIED 7-0**

At 11:58am Councillor Foster returned to the Chambers.

**OFFICER'S RECOMMENDATION**

That Council resolve –

To issue an order under section 135 of the Health Act 1911 (as amended), on the owner of Lot 886 Bennetts Road, Beverley, declaring the dwelling Unfit for Human Habitation, and further, shall not be inhabited after 26 August 2008. Further, an order be issued under section 137 of the Health Act 1911 (as amended), on the owner to Pull Down and Remove the Building within 90 days of the notice.

**COUNCIL RESOLUTION**

**M10/0808 Moved Cr Foster Seconded Cr Roberts**  
**That Council issue an order under section 135 of the Health Act 1911 (as amended), on the owner of Lot 886 Bennetts Road, Beverley, declaring the dwelling Unfit for Human Habitation, and further, shall not be inhabited after 30 days from the 1<sup>st</sup> September 2008. Further, an order be issued under section 137 of the Health Act 1911 (as amended), on the owner to Pull Down and Remove the Building within 90 days of the notice.**  
**CARRIED 8-0**

## 8.2.1 HEALTH & BUILDING SERVICES ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.2.1.2</b>
<b>REPORT DATE:</b>	<b>12 August 2008</b>
<b>SUBJECT:</b>	<b>PROPOSED PROSECUTION</b>
<b>LOCATION:</b>	<b>LOT 886 BENNETTS ROAD, BEVERLEY</b>
<b>FILE REFERENCE:</b>	<b>BEN 439</b>
<b>AUTHOR:</b>	<b>Manager, Health &amp; Building Services – Frank Buise</b>

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### BACKGROUND

The owner of the property allows his father to live on the farm. The farm is run down. The father lives in a humpy that has no sanitary fixtures (sink, toilet, shower, hand basin, and laundry). There is no hot or cold water, or effluent disposal system. Upon inspection on 12 August 2008 the humpy was littered with rubbish, food, and filth.

I have been in contact with the occupier for the last eighteen months, and sent a letter to the owner stating my concerns over the living conditions and state of the property.

The occupier has been invited to address Council at its next meeting.

The Shire of Beverley Health Local Laws in parts states:

#### Interpretation

“adequate supply of water” means a flow of water of not less than 0.076 litres per second.

“hot water” water at a temperature of at least 75 degrees Celsius.

#### Dwelling House

- 2.1.2 (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.
- (2) A room in which a toilet is located shall have adequate lighting.

#### Bathrooms

- 2.2.1 (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that -
- (a) is adequately lined with an impervious material and has an adequate ceiling;
  - (b) complies with the Health Act (Laundries and Bathrooms) Regulations; and

## 8.2.1 HEALTH & BUILDING SERVICES ITEMS

### Item 8.2.1.2

#### PROPOSED PROSECUTION – LOT 886 BENNETTS ROAD, BEVERLEY (continued)

- (c) is equipped with -
  - (1) a wash basin; and
  - (2) either a shower in a shower recess or a bath
  - (3) all baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

#### Laundries

- 2.2.2 (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that -
  - (a) is properly enclosed and roofed
  - (b) is adequately lined with an impervious material
  - (c) deleted
  - (d) deleted
  - (e) is not a room in which food is stored, prepared, served or consumed.
  - (f) is provided with adequate ventilation.
- (2) The laundry referred to in subsection (1) must conform to the provisions of the Building Code.

#### Kitchens

- 2.2.4 (1) In this section, "a cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with -
  - (a) an electric, gas wood, or other fuel-burning stove;
  - (b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres;
  - (c) a sink, which shall -
    - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
    - (ii) have an adequate supply of hot and cold water.

## 8.2.1 HEALTH & BUILDING SERVICES ITEMS

### Item 8.2.1.2

#### **PROPOSED PROSECUTION – LOT 886 BENNETTS ROAD, BEVERLEY (continued)**

#### **Penalties**

- 10.1.1 (1) A person who contravenes a provision of these Local Laws commits an offence.
- (2) A person who commits an offence under subsection (1) is liable to -
- (a) a penalty which is not more than \$1,000 and not less than -
    - (i) in the case of a first such offence, \$100;
    - (ii) in the case of a second such offence, \$200; and
    - (iii) in the case of a third and subsequent such offence, \$500; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50 for each day during which the offence continues.

There is no right of appeal for the owner or occupier.

#### **COMMENT**

Discussions have been ongoing for the past eighteen-month with no change in the occupier's situation. The occupier has tried to seek accommodation in the Shire's retirement complex without success. The occupier has advised me that he has been looking for somewhere to live, and has indicated that there are at least two people in the Shire that allow him to use their facilities. This has yet to be confirmed. There is a caravan on the property that could be placed on Council's Caravan Park, but this has not been done.

#### **STATUTORY ENVIRONMENT**

Local Government (Miscellaneous Provisions) Act 1960  
Shire of Beverley Health Local Laws

**8.2.1 HEALTH & BUILDING SERVICES ITEMS**

**Item 8.2.1.2**

**PROPOSED PROSECUTION – LOT 886 BENNETTS ROAD,  
BEVERLEY  
(continued)**

**COUNCIL RECOMMENDATION**

That Council resolve -

To prosecute the occupier of Lot 886 Bennetts Road, Beverley, for breaches of the Shire of Beverley Health Local Laws and further, authorise the Manager Health & Building Services to instigate legal proceedings.

**COUNCIL RESOLUTION**

**M11/0808 Moved Cr Roberts** **Seconded Cr McDonald**  
**That this matter be deferred to the September Meeting of Council.**  
**CARRIED 8-0**

## 8.2.1 HEALTH & BUILDING SERVICES ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.2.1.3</b>
<b>REPORT DATE:</b>	<b>12 August 2008</b>
<b>SUBJECT:</b>	<b>UNCOMPLETED BUILDING</b>
<b>LOCATION:</b>	<b>LOT 886 BENNETTS ROAD, BEVERLEY</b>
<b>FILE REFERENCE:</b>	<b>BEN 439</b>
<b>AUTHOR:</b>	<b>Manager, Health &amp; Building Services – Frank Buise</b>

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### BACKGROUND

I have been in discussions with the occupier of the property for the past eighteen months as to the state of the property. The owner has been given the opportunity to submit a building licence to complete the steel framed structure, which was erected some 12 years ago (at the time a building licence was not required).

The structure has a steel base and steel wall framing and has been erected to plate height.

I inspected the property on 12 August 2008 and no further work has been undertaken.

The structure can be made to comply with the current BCA.

Section 409A Uncompleted buildings states;

- (1) Where the erection of a building has been commenced but not completed within the time prescribed by the local laws, if any, made under section 433 (39), that are applicable to the building, the local government may, by notice served on the owner of the building, requiring him to show cause, within 60 days of the service of the notice, why the building should not be demolished and removed.
- (2) Where an owner on whom a notice has been served pursuant to subsection (1) fails, within 60 days of the service of the notice, or within such further time as the local government allows for the purpose, to satisfy the local government that there are good and sufficient reasons for the failure to complete the erection of the building within the time referred to in subsection (1) the local government may -

## 8.2.1 HEALTH & BUILDING SERVICES ITEMS

### Item 8.2.1.3

#### **UNCOMPLETED BUILDING - LOT 886 BENNETTS ROAD, BEVERLEY (continued)**

- (a) by order served on the owner require him to have the building demolished and removed within such reasonable time as the local government specifies in the order; and
  - (b) subject to subsection (3), where the owner fails to comply with the terms of the order referred to in paragraph (a), demolish and remove the building, and recover the costs incurred on account of the demolition and removal as a debt due to it.
- (3) An owner on whom an order is served pursuant to subsection (2)(a) may, within 15 days of the service upon him of the order, by causing notice in writing setting out his grounds to be served upon the Minister, appeal against the making of the order.
- (4) The Minister shall consider the appeal and confirm or set aside the making of the order, and may in confirming the order, if he thinks fit, extend the time specified in the order for compliance with the order, and the provisions of subsection (2)(b) apply in relation to the order as so confirmed or as so confirmed and varied, as the case requires.

The owner has the right of appeal.

#### **COMMENT**

The structure is not habitable, as it needs considerable work to bring it up to present day standards. The owner, and occupier have chosen not to apply for a Building Licence therefore, it would be prudent for Council to issue an order under section 409A.

#### **STATUTORY ENVIRONMENT**

Local Government (Miscellaneous Provisions) Act 1960

**8.2.1 HEALTH & BUILDING SERVICES ITEMS**

**Item 8.2.1.3**

**UNCOMPLETED BUILDING - LOT 886 BENNETTS ROAD,  
BEVERLEY  
(continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M12/0808 Moved Cr Gogol Seconded Cr McDonald**  
That Council issue an order under Section 409A (1) on the owner of Lot 886 Bennetts Road, Beverley, requiring him to show cause within 60 days as why the structure should not be demolished and removed, further, issue an order under section 409A (2a) to demolish and remove the structure within 60 days if the order under section 409A (1) is not satisfied.

**CARRIED 8-0**

At 12:10am Councillor Murray and Mr Peter Wright, Shire Planner returned to the Chambers.

**COUNCIL RESOLUTION**

**M13/0808 Moved Cr Flood Seconded Cr Gogol**  
That the Council move out of Committee.

**CARRIED 9-0**



Council agreed to proceed with Item 8.1.1.15 Proposed Motocross Park – Lot 3588 Westdale Road, Beverley (File Reference: WES 51103)

Councillor Murray outlined the following amendments to be incorporated into the Officer's Recommendation:

Replace Operating Condition number 15 with the following:

15. No motorcycles are to be ridden on the property outside of approved event days and approved hours of operation, with the exception of a maximum of 2 motorcycles to be used for domestic enjoyment of the property or maintenance of the facility or agricultural production.

Insert an additional Advice Note number 7 as follows:

7. With regard to Operating Condition number 15, domestic enjoyment of the property, maintenance of the facility and agricultural production does not include use of the approved motorcycle tracks.

Insert an additional Operating Condition number 32 as follows:

32. No firearms are to remain on the property during event days.

Insert an additional Advice Note number 8 as follows:

8. With regard to Operating Condition number 27, the approved fire management plan must include an approved fire unit.

Insert a new Operating Condition number 28 prior to number 28 as follows and renumber all further Operating Conditions thereafter, including the original number 28.

28. On event days the property is to be a non-smoking venue.

Renumber Operating Conditions 28 to 29, 29 to 30, 30 to 31, 31 to 32 and 32 to 33.

Insert additional Operating Conditions numbers 34, 35 and 36 as follows:

34. A landscape plan providing a 3 metre buffer to the exterior of the approved motorcycle riding area, is to be submitted and approved within 60 days of the date of this approval, to the satisfaction of the Shire Planner.
35. All landscaping is to be installed prior to the commencement of use, to the satisfaction of the Shire Planner.

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.15**

**PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD,  
BEVERLEY  
(continued)**

Insert additional Operating Conditions numbers 34, 35 and 36 as follows:  
(continued)

36. Landscaping is to be maintained to the satisfaction of the Shire.

Replace Operating Condition number 6 with the following:

6. A 120,000 litre water tank or other storage facility as approved by the Shire, is to be installed on-site prior to the commencement of use, and filled prior to the first event day in any calendar year, to the satisfaction of the Manager of Building Services.

Amend Advice Note number 5 from 16 events to 8 events to now read as follows:

5. With regard to Condition 12, the applicant is advised the calendar of events is to contain no more than 8 events per year, with each event is to be of one-day duration, unless otherwise approved by the Shire Planner.

**COUNCIL RESOLUTION**

**M14/0808 Moved Cr Murray Seconded Cr Foster**  
**That Council grant Planning Approval for a Motocross Park at Lot 3588 Westdale Road, Beverley, 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.**

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.15**

#### **PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD, BEVERLEY (continued)**

- 3. 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 development, existing and proposed, contours, access and any other relevant information, to the satisfaction of the Shire Planner.**
- 4. Submitted site plans are to show the “Beginner’s Trail” no closer to Westdale Road than the Level 1 MX track, to the satisfaction of the Shire Planner.**

#### **Site Works**

- 5. A BMX track is to be constructed and maintained for use, free of charge, by surrounding residents and their families at all times during the hours the facility is operating, to the satisfaction of the Shire Planner.**
- 6. A 120,000 litre water tank or other storage facility as approved by the Shire, is to be installed on-site prior to the commencement of use, and filled prior to the first event day in any calendar year, to the satisfaction of the Manager of Building Services.**
- 7. Ablution facilities are to be constructed prior to the commencement of use, to the satisfaction of the Shire’s Environmental Health Officer.**
- 8. Within 90 days of Council granting approval for this application, the applicant is to lodge floor and elevation plans for the ablation facilities, the subject of Condition 7, to the satisfaction of the Shire Planner.**
- 9. Ablution facilities are to be connected to an approved wastewater treatment system, which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region. The approved system is not to be used for disposal of industrial liquid waste or other non-ablution wastes (refer to Advice Note 4).**

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.15**

**PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD,  
BEVERLEY  
(continued)**

- 10. No drainage is to flow onto adjoining properties. All drainage is to be contained on-site or directed to an approved drainage system, to the satisfaction of the Manager Building Services.**

**Agricultural Production**

- 11. A minimum 60% of the property is to be used for continued agricultural production, to the satisfaction of the Shire Planner.**

**Operating Conditions**

- 12. A calendar of events for the following year must be submitted and approved by the Shire Planner prior to 1 December.**
- 13. The approved calendar of events is to be distributed to surrounding landowners by the applicant, at the applicant's expense, prior to 31 January of the year the events are to occur, to the satisfaction of the Shire Planner.**
- 14. Motorcycle riding hours of operation are to be between 8.30 am to 11 am and 1 pm to 5 pm.**
- 15. No motorcycles are to be ridden on the property outside of approved event days and approved hours of operation, with the exception of a maximum of 2 motorcycles to be used for domestic enjoyment of the property or maintenance of the facility or agricultural production.**
- 16. There is to be a maximum of 100 motorcycle riders attending the property on any single event day, unless prior approval is granted, to the satisfaction of the Shire Planner.**
- 17. There is to be a maximum of 30 motorcycle riders using the tracks at any one time, unless prior approval is granted, to the satisfaction of the Shire Planner.**
- 18. There is to be a maximum of 20 motorcycle riders using any individual track at any one time, unless prior approval is granted, to the satisfaction of the Shire Planner.**

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.15**

**PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD,  
BEVERLEY  
(continued)**

- 19. Except on approved event days, no person is to remain on the property, unless in connection with the domestic enjoyment of the property or maintenance of the facility or agricultural production.**
- 20. The existing outbuilding on the property is not to be used for habitation.**

**Amenity**

- 21. A dust management plan is to be submitted and approved prior to the commencement of use, to the satisfaction of the Shire Planner.**
- 22. A 7,000 litre water trailer is to be available for use in dust suppression at all times during hours of operation, to the satisfaction of the Shire Planner.**
- 23. Noise levels at any noise sensitive premises on surrounding properties are not to exceed the regulations of the Environmental Protection (Noise) Regulations 1997.**
- 24. No individual motorcycle is to have a decibel rating above 96 db (A).**

**Access**

- 25. The access easement through Lot 100 Westdale Road and the crossover to Westdale Road are to be upgraded and maintained to a Minor Road B standard prior to commencement of use, to the satisfaction of the Shire Works Supervisor.**
- 26. At the applicant's expense, an easement in gross to the Shires benefit, is to be placed over the access easement through Lot 100 Westdale Road, for the purpose of ensuring the easement is maintained to a suitable standard prior to commencement of use, to the satisfaction of the Shire Planner.**

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.15**

**PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD,  
BEVERLEY  
(continued)**

**Safety**

- 27. A fire management plan is to be submitted, approved and implemented prior to the commencement of use, to the satisfaction of the Shire Planner.**
- 28. On event days the property is to be a non-smoking venue.**
- 29. An emergency medical treatment plan is to be submitted and approved prior to commencement of use, to the satisfaction of the Shire Planner.**
- 30. An appropriately sized area is to be cordoned off and maintained for the purposes of an emergency helicopter-landing pad at all times during event days, to the satisfaction of the Shire Planner.**
- 31. Emergency vehicle access is to be maintained at all times around and between all motorcycle riding tracks, to the emergency helicopter-landing pad and on the access easement through Lot 100 Westdale Road, to the satisfaction of the Shire Planner.**
- 32. A first aid facility is to be equipped and staffed with an appropriately qualified person(s) at all times during event days, to the satisfaction of the Shire Planner.**
- 33. No firearms are to remain on the property during event days.**
- 34. A landscape plan providing a 3 metre buffer to the exterior of the approved motorcycle riding area, is to be submitted and approved within 60 days of the date of this approval, to the satisfaction of the Shire Planner.**
- 35. All landscaping is to be installed prior to the commencement of use, to the satisfaction of the Shire Planner.**
- 36. Landscaping is to be maintained to the satisfaction of the Shire.**

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.15**

**PROPOSED MOTOCROSS PARK – LOT 3588 WESTDALE ROAD,  
BEVERLEY  
(continued)**

**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 and 8, the applicant is advised to liaise with the Shire Planner, prior to lodgement of plans.**
- 4. With regard to Condition 9 an application is to be submitted to the Council's Environmental Health Section in conjunction with the Building Licence application.**
- 5. With regard to Condition 12, the applicant is advised the calendar of events is to contain no more than 8 events per year, with each event is to be of one-day duration, unless otherwise approved by the Shire Planner.**
- 6. With regard to Condition 27, the Fire Management Plan is to include a 15-metre firebreak at the boundary of the property, fire separation boundaries around each track and other such measures as considered appropriate by the Shire.**
- 7. With regard to Operating Condition number 15, domestic enjoyment of the property, maintenance of the facility and agricultural production does not include use of the approved motorcycle tracks.**
- 8. With regard to Operating Condition number 27, the approved fire management plan must include an approved fire unit.**

**THE AMENDMENT WAS PUT AND**

**CARRIED 9-0**

**THE AMENDMENT THEN BECAME THE MOTION  
AND WAS PUT AND**

**LOST 2-7**

At 12:25pm the meeting adjourned for lunch and Mr Peter Wright left the Chambers.

At 1:25pm the meeting reconvened with Mr Frank Buise, Manager, Health & Building Services in attendance.

Councillors Ridgway, Murray and Shaw returned to the Chambers at 1:41pm.

Council agreed to continue with the Health & Building Services Items.

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

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.2.1.4</b>
<b>REPORT DATE:</b>	<b>15 August 2008</b>
<b>SUBJECT:</b>	<b>BUILDING FEES</b>
<b>LOCATION:</b>	<b>WHOLE OF SHIRE</b>
<b>FILE REFERENCE:</b>	<b>BD 004</b>
<b>AUTHOR:</b>	<b>Manager, Health &amp; Building Services – Frank Buise</b>

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### **BACKGROUND**

The state government has gazetted increases in the fees payable for building licences from 1 July 2008.

The fee increases are for the Builders Registration Board Levy from \$37.00 to \$39.00 per application. This levy is collected by the Shire and forwarded onto the Builders Registration Board and cannot be altered.

The second part is the minimum fee, which has been increased from \$40.00 to \$85.00 per application. This amount is retained by the Shire to cover the costs of processing the application.

The old minimum fee (\$40.00) was based on any building work up to the value of \$12,000. \$12,000 being the old threshold figure for the value of works which if exceeded required a person to be a registered builder, or take out an owner builder's certificate. The \$12,000 figure was increased earlier in the year to \$20,000.

The new \$85.00 figure is based loosely on the \$20,000 threshold. This amount is collect for the Shire.

Building fees and charges are set by the state government and gazetted to make them legal. However, Council may resolve to lower the fee (\$85.00 only) it collects for itself.



**8.2.1 HEALTH & BUILDING SERVICES ITEMS**  
**Item 8.2.1.4**  
**BUILDING FEES**  
**(continued)**

**COMMENT**

There are a number of people who will be disadvantaged with these new fees. A typical example would be a person submitting a building application, for a patio/verandah, or any such works with a value up to \$3,000.

The old fee would be set at \$37.00 (BRB Levy) plus \$40.00 (minimum fee), being a total of \$77.00.

The new fees would be set at \$124.00 (\$47.00 dearer).

There is the possibility that the public will see the increase in fees as unacceptable, and undertake the works without the approval.

Council can only deal with the minimum building licence fee \$85.00.

**STATUTORY ENVIRONMENT**

Local Government Act 1960

**OFFICER'S RECOMMENDATION**

For Council's information.

**RESOLVED that the information be received.**

## 8.2.1 HEALTH & BUILDING SERVICES ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.2.1.5</b>
<b>REPORT DATE:</b>	<b>15 August 2008</b>
<b>SUBJECT:</b>	<b>ILLEGAL WORKS AND FENCE</b>
<b>LOCATION:</b>	<b>LOT 32 MONGER STREET, BEVERLEY</b>
<b>OWNER:</b>	<b>J CURTIS</b>
<b>FILE REFERENCE:</b>	<b>MON 5123</b>
<b>AUTHOR:</b>	<b>Manager, Health &amp; Building Services – Frank Buise</b>

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### BACKGROUND

Council at its meeting on 29 July 2008 resolved to hold this matter over to this month's meeting.

The dwelling has been inspected with the builder. All outstanding items and a request for a certificate from a practising Structural Engineer have been conveyed to the builder in writing.

No written response has yet been received.

### STATUTORY ENVIRONMENT

Building Regulations 1989. Section 13  
Local Government Act 1960

### OFFICER'S RECOMMENDATION

For Council's consideration.

### COUNCIL RESOLUTION

<b>M15/0808</b>	<b>Moved Cr Flood</b>	<b>Seconded Cr Gogol</b>
	<b>That Council prosecute the owner of Lot 32 Monger Street, Beverley for illegal works.</b>	
		<b>CARRIED 5-4</b>

### COUNCIL RESOLUTION

<b>M16/0808</b>	<b>Moved Cr Gogol</b>	<b>Seconded Cr Roberts</b>
	<b>That Council serve an order on the owner requesting him to pull down and remove the fence at Lot 32 Monger Street, Beverley, as it does not comply with Council's Local Laws.</b>	
		<b>CARRIED 9-0</b>

## **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, water sampling, Builders Registration Board Returns.

### **8.2.2.2 BUILDING LICENSES ISSUED**

Building licenses issued up to 15 August 2008:

Lic No	90 07/ 08	Lic No	91 07/ 08
Lot No	453 Vincent St	Lot No	50 Deep Pool Rd
Building	Shed	Building	Garage
Value	\$9,053	Value	\$19,500
Lic No	93 07/ 08	Lic No	98 07/ 08
Lot No	2523 Rogers Rd	Lot No	35 Wright St
Building	Shed	Building	Dwelling
Value	\$39,000	Value	\$221,320
Lic No	102 07/08	Lic No	1 08/ 09
Lot No	129 Hamersley St	Lot No	2157 Greenhills Sth Rd
Building	Swimming Pool	Building	Renovation
Value	\$3,000	Value	\$15,000
Lic No	2 08/ 09	Lic No	4 08/ 09
Lot No	105 York-Williams Rd	Lot No	165 Richardson St
Building	Shed	Building	Garage
Value	\$40,680	Value	\$12,000
Lic No	5 08/ 09	Lic No	6 08/09
Lot No	139 Maitland Rd	Lot No	3988 Beringer Rd
Building	Shed	Building	Shed
Value	\$18,500	Value	\$9,000

### **8.2.2.3 REPAIRS/MAINTENANCE REPORT**

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

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

**8.2.2.4 PROPOSED PROSECUTION - LOT 58 HAMERSLEY STREET, BEVERLEY (File Reference: HAM 63)**

This matter was before Council's July meeting.

The Manager, Health & Building Services provided Council with a list of Items Outstanding in regards to the dwelling at Lot 58 Hamersley Street.

**8.2.2.5 WASTE & RECYCLE 2008 CONFERENCE**

The Manager, Health & Building Services tabled a brochure on the Waste & Recycle 2008 Conference "The Heat is On: No Time to Waste" to be held at the Convention Centre, Esplanade Hotel, Fremantle from 8 to 12 September 2008.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M17/0808 Moved Cr Flood** **Seconded Cr Murray**  
**That the Information Report from the Manager, Health & Building Services, be received.**

**CARRIED 9-0**

At 2:14pm Mr Frank Buise, Manager, Health & Building Services, left the Chambers.

Council agreed to continue with the Town Planning Items.

At 2:14pm Mr Peter Wright, Shire Planner, entered the Chambers.

## 8. OFFICERS' REPORTS

### 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEMS:</b>	<b>8.1.1.1 – 8.1.1.9</b>
<b>REPORT DATE:</b>	<b>5 August 2008</b>
<b>SUBJECT:</b>	<b>PROPOSED OUTBUILDINGS AND PATIOS ON VARIOUS PROPERTIES</b>
<b>APPLICANTS:</b>	<b>Multiple</b>
<b>FILE REFERENCE:</b>	<b>Multiple</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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#### 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	Maureen Cole	34 York Road, Beverley	Outbuilding (Carport)	YOR1 856
2	Helen Wilcox	55 (Lot 165) Richardson Street, Beverley	Patio	RIC1 651
3	K Michler & M Rimbeck	Lot 6746 Mawson Road, Beverley	4 Outbuildings (Sea Containers)	MAW 1356
4	J & M Willson	Lot 110 Little Hill Road, Waterhatch	2 Outbuildings (Sheds)	LIT 814
5	Richard Belkner	Lot 3330 East Kokeby Road, Beverley	Outbuilding (Shed Extension)	KOK1 1371
6	J & T Hawke	Lot 996 Westdale Road, Dale	Patio and Outbuilding (Garage)	YOR 1093
7	M McCallum & T Thorne	100 (Lot 103) Steve Edwards Road, Bally Bally	Outbuilding (Farm Storage Shed)	STE 1556
8	Frank Buise	17 (Lot 35) Hope Street, Beverley	Outbuilding (Shed)	HOP 1049
9	The Ruthven Trust	Lot 400 York- Williams Road, Beverley	Outbuilding (Hay and General Purpose Shed)	YOR2 51217

**8.1.1 TOWN PLANNING ITEMS**  
**Items 8.1.1.1 – 8.1.1.9**  
**PROPOSED OUTBUILDINGS ON VARIOUS PROPERTIES**  
**(continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M18/0808 Moved Cr Flood Seconded Cr Foster**  
That Council approve applications 8.1.1.1 to 8.1.1.9 as shown above for Development as listed in the body of the report, subject to the following conditions and advice notes:

**Conditions:**

- 1. The development shall be in complete accordance with the approved plans, prepared by the applicant and endorsed by Council's Shire Planner.**
- 2. The approval be valid for a period of two years only.**

**Advice Notes:**

- 1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws at 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 only for Item 8.1.1.1 above – 34 York Road, Beverley and Item 8.1.1.2 above – 55 (Lot 165) Richardson Street, Beverley and Item 8.1.1.8 above – 17 (Lot 35) Hope Street, Beverley:**

- 3. Cladding for the proposed development is to be Colourbond, in a colour, which is in harmony with the existing built form in the area, to the satisfaction of the Shire Planner.**

**Additional Condition only for Item 8.1.1.3 above – Lot 6746 Mawson Road, Beverley:**

- 3. The exterior of the sea containers is to be finished in an approved colour, which is in harmony with the amenity of the area, prior to commencement of use and maintained thereafter, to the satisfaction of the Shire Planner.**

**CARRIED 9-0**

## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.10</b>
<b>REPORT DATE:</b>	<b>5 August 2008</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – SINGLE DWELLING – LOT 6 BROOKTON HIGHWAY, WESTDALE</b>
<b>APPLICANTS:</b>	<b>C &amp; C Carvalho</b>
<b>FILE REFERENCE:</b>	<b>BRO5 51131</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 4

### BACKGROUND

The applicants are proposing to construct a “Barn Style” single dwelling at Lot 6 Brookton Highway, Westdale. The lot is vacant and zoned Farming under Town Planning Scheme No. 2. Currently the lot contains an existing outbuilding. Brookton Highway is adjacent to the lot, with the western boundary of the lot forming a part of the Westdale Road intersection.

### COMMENT

Under Clause 4.13 of Town Planning Scheme No. 2 Council approval is required for colours or finishes if they are likely to injure the amenity of the locality. Given the proximity of the proposed development to Brookton Highway, which therefore makes the dwelling visible to travellers on a major road, there is potential for the amenity of the locality to be disturbed. To address this matter it will be recommended, should Council approve the application, that a schedule of colours and finishes be submitted and approved prior to the issue of a Building License, as a condition of approval.

### STATUTORY ENVIRONMENT

With the exception of the matter discussed above, the application complies with the Shire of Beverley’s Town Planning Scheme No. 2.

### OFFICER’S RECOMMENDATION/COUNCIL RESOLUTION

**M19/0808**      **Moved Cr Flood**      **Seconded Cr Ridgway**  
**That Council approve the construction of a single dwelling at Lot 6 Brookton Highway, Westdale, subject to the following conditions and advice notes:**

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.10

#### DEVELOPMENT APPLICATION – SINGLE DWELLING – LOT 6 BROOKTON HIGHWAY, WESTDALE (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.
3. The premise is to be connected to an approved wastewater treatment system, which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region. The approved system is not to be used for disposal of industrial liquid waste or other non-ablution wastes (refer to Advice Note 3).
4. A minimum 120,000 litre water storage tank or other approved water supply and storage facility, is to be installed and operational prior to the occupation of the dwelling, to the satisfaction of the Shire Planner.
5. 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.
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**



## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.11</b>
<b>REPORT DATE:</b>	<b>6 August 2008</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – PATIOS – 130 (LOTS 238 &amp; 336) VINCENT STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>Ronald &amp; Sandra Howell</b>
<b>FILE REFERENCE:</b>	<b>VIN 804</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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### Appendix 5

#### **BACKGROUND**

It is proposed to construct a patio to the rear and side of the Post Office building at 130 Vincent Street Beverley. The lot is zoned Town Centre and is within the Town Centre Design Control area. The building is on the State Heritage Register and the proposal has been referred to the Heritage Council, which supported the application subject to the following condition:

“Advice from a qualified horticulturalist should be obtained prior to the selection of a creeper for the pergola area. Such advice will ensure that the potential root zone of the plant does not interfere with the foundations of the post office and quarters.”

The building has not been included in the Shire of Beverley’s Municipal Heritage Inventory.

#### **COMMENT**

When determining an application in the Town Centre Design Control Area, under Clause 4.8 of Town Planning Scheme No. 2 Council is to consider among other matters:

- That the local amenity will not be affected and character of the land will be enhanced;
- Colour and texture of external building materials;
- Size, height, bulk and roof pitch of the proposed development;
- Setback and location of the development on the lot;
- Architectural style and design details;
- Function of the development;
- Relationship to surrounding development; and
- Any other characteristic Council considers being relevant.

The proposed development will in part be clearly visible from Vincent Street and the adjoining Old Pre Primary School Site, therefore there is potential impact on the visual amenity of the locality.

## 8.1.1

### **TOWN PLANNING ITEMS**

#### **Item 8.1.1.11**

#### **DEVELOPMENT APPLICATION – PATIOS – 130 (LOTS 238 & 336) VINCENT STREET, BEVERLEY (continued)**

The submitted site plans show a gable-roofed patio behind the Post Office building with flat roofed patios to the side of the building. Elevations submitted to the Heritage Council are of a gable roofed patio only, with the pitch matching the Telstra building. As the proposed flat roof area of the patio is the portion most visible externally and the Telstra building is not easily seen from outside the site, should Council approve the application, it will be recommended the proposed patios be of a pitch that matches the Post Office building.

To enhance visual amenity in the locality and harmonise the proposed development as far as practical with existing development. If Council approves the development it will be recommended a Schedule of Colours and finishes be submitted and approved prior to the issue of a Building License, as a condition of approval.

As the proposed patios are to be constructed entirely of steel and the walls of the existing development are predominately brick, landscaping could be used to compliment the previously mentioned Schedule of Colours and Finishes to further enhance visual amenity and partially screen the proposed development. Under Clause 4.8.6 of Town Planning Scheme No. 2 Council may consider using landscaping to complement the appearance of a proposed development in the town centre. The condition from the Heritage Council mentions landscaping and recommends advice be obtained from a qualified horticulturalist. Therefore, if Council approves the application it will be recommended the submission and approval of a landscaping plan prior to the issue of a Building License be a condition of approval.

### **STATUTORY ENVIRONMENT**

The application complies with the provisions of Town Planning Scheme No. 2, although Council should consider the matters mentioned above. It should be noted that due to the building not being contained in the Municipal Heritage Inventory, the provisions under Clause 6.6 relating to preservation of buildings, objects or places (heritage), do not apply.

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.11**

**DEVELOPMENT APPLICATION – PATIOS – 130 (LOTS 238 & 336)  
VINCENT STREET, BEVERLEY  
(continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M20/0808 Moved Cr Foster Seconded Cr Roberts**  
**That Council approve the construction of patios at 130 (Lots 238 & 336) Vincent 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.**
- 3. All patio roofs are to have a pitch similar to the roof pitch of the existing Post Office building, to the satisfaction of the Shire Planner.**
- 4. 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.**
- 5. A landscape plan 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.**
- 3. With regard to Condition 5, should the services of a qualified horticulturist be required to assess the landscape plan, the applicant is required to pay the cost of such services prior to the condition being cleared.**

**CARRIED 9-0**

### 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.12</b>
<b>REPORT DATE:</b>	<b>6 August 2008</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – OUTBUILDING (STUDIO) – 40 (LOT 197) RICHARDSON STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>K &amp; M Kennedy</b>
<b>FILE REFERENCE:</b>	<b>RIC 1528</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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#### **BACKGROUND**

It is proposed to construct an outbuilding (studio) behind the main dwelling at 40 (Lot 197) Richardson Street, Beverley. The lot is zoned Rural Residential and contains a single dwelling with an existing outbuilding.

#### **COMMENT**

The proposed outbuilding complies with the Shire of Beverley's Town Planning Scheme No. 2 and Outbuilding Policy. As the outbuilding is situated behind the dwelling it is considered there will be no impact on the amenity of the locality.

However, as the outbuilding is to be a studio, there is potential for commercial use and/or some form of residential use. To address this matter, should Council approve the application, it will be recommended that no commercial or residential use be permitted, as a condition of approval.

#### **STATUTORY ENVIRONMENT**

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

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

**M21/0808**      **Moved Cr Foster**      **Seconded Cr McDonald**  
**That Council approve the construction of an Outbuilding (Studio)**  
**at 40 (Lot 197) Richardson Street, Beverley, subject to the**  
**following conditions and advice notes:**

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.12**

**DEVELOPMENT APPLICATION – OUTBUILDING (STUDIO) – 40  
(LOT 197) RICHARDSON STREET, BEVERLEY  
(continued)**

**Conditions:**

- 1. The development shall be in complete accordance with the approved plans, prepared by the applicant and endorsed by Council's Shire Planner.**
- 2. The approval is valid for a period two years only.**
- 3. The outbuilding is not to be used for habitation and/or commercial activity.**
- 4. The outbuilding is to be setback a minimum 1.8 metres from the dwelling and any effluent disposal system.**

**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

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.13</b>
<b>REPORT DATE:</b>	<b>8 August 2008</b>
<b>SUBJECT:</b>	<b>DEVELOPMENT APPLICATION – SINGLE DWELLING AND GARAGE – 47 (LOT 31) SMITH STREET, BEVERLEY</b>
<b>APPLICANTS:</b>	<b>Barry Mackie</b>
<b>FILE REFERENCE:</b>	<b>SMI2 1523</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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Appendix 6

### BACKGROUND

It is proposed to construct a single dwelling and garage at 47 (Lot 31) Smith Street, Beverley. The lot is vacant, 954m<sup>2</sup> in area and slopes toward the front Boundary. Current zoning for the property is Residential R10.

### COMMENT

Under Town Planning Scheme No. 2 residential development on Residential zoned land is to comply with the Residential Design Codes 2008 (R-Codes). The R-Codes comprise of Performance Criteria, against which a discretionary assessment of the application made and the Acceptable Development criteria which, if met, is deemed to comply.

The proposal generally complies with the Acceptable Development provisions of the R-Codes, however assessment under the Performance Criteria is required under Clause 6.6.1, Excavation or Fill and Clause 6.10.1, Outbuildings.

Under the Acceptable Development provision of Clause 6.6.1 fill behind a street setback line and within 1 metre of a common boundary is not to be more than 0.5 metres above natural ground level. Fill and associated retaining wall at the boundary adjacent to the northeast corner of the dwelling is proposed to be 1 metre above natural ground level. The Performance Criteria for this Clause against which the application must be assessed, states:

“Development that retains the visual impression of the natural level of the site, as seen from the street or other public place, or from an adjoining property.”

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.13**

#### **DEVELOPMENT APPLICATION – SINGLE DWELLING AND GARAGE – 47 (LOT 31) SMITH STREET, BEVERLEY (continued)**

Correspondence has been received from the affected neighbour stating that although they had no objection in relation to the visual appearance, there was some concern in relation to the ability to construct a boundary fence and the potential for the retaining wall to channel drainage onto the neighbour's property. The applicant has addressed the fence matter by modifying the proposal to include a 600mm setback for the retaining wall. Concerns expressed by the neighbour do not directly relate to the R-Code Clause under consideration. However, as these concerns are valid off-site impacts should Council approve the application it is recommended they be addressed in the conditions of approval.

The applicant asserts that due to the variation in natural ground level, the retaining wall to one side of the property is required and will retain the appearance of the natural level. As the retaining wall is required to allow construction of the dwelling and may be considered to retain the appearance of natural ground level, it is recommended Council consider the Performance Criteria for R-Codes Clause 6.6.1 has been met.

Under the Acceptable Development provision of Clause 6.10.1 outbuildings are not to exceed a wall height of 2.4 metres. The submitted wall height for the outbuilding is 3 metres. Under the Performance Criteria outbuildings are not to detract from streetscape or the visual amenity of residents or neighbouring properties.

The proposed outbuilding complies with the Shire of Beverley's Outbuilding Policy and is located to the rear of the property thereby minimizing any external impact on amenity. It is therefore recommended that Council consider the Performance Criteria has been met.

### **STATUTORY ENVIRONMENT**

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

**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.13**

**DEVELOPMENT APPLICATION – SINGLE DWELLING AND GARAGE – 47 (LOT 31) SMITH STREET, BEVERLEY  
(continued)**

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M22/0808 Moved Cr Flood Seconded Cr McDonald**  
That Council grant Planning Approval for the construction of a single dwelling and outbuilding (garage) at 47 (Lot 31) Smith 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.**
- 3. The premise is to be connected to an approved wastewater treatment system, which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region. The approved system is not to be used for disposal of industrial liquid waste or other non-ablution wastes (refer to Advice Note 3).**
- 4. No drainage is to flow onto adjoining properties. All drainage is to be contained on-site or directed to the street drainage system, to the satisfaction of the Manager Building Services.**
- 5. The retaining wall on the boundary is to be setback 600 mm to allow for a boundary fence, 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.**



**8.1.1 TOWN PLANNING ITEMS**

**Item 8.1.1.13**

**DEVELOPMENT APPLICATION – SINGLE DWELLING AND GARAGE – 47 (LOT 31) SMITH STREET, BEVERLEY  
(continued)**

**Advice Notes: (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**

## 8.1.1 TOWN PLANNING ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.1.1.14</b>
<b>REPORT DATE:</b>	<b>15 August 2008</b>
<b>SUBJECT:</b>	<b>AMENDMENT 14 TO TOWN PLANNING SCHEME NO. 2</b>
<b>APPLICANTS:</b>	<b>Shire of Beverley</b>
<b>FILE REFERENCE:</b>	<b>LUP 010 14</b>
<b>AUTHOR:</b>	<b>Shire Planner – Peter Wright</b>

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### BACKGROUND

At its December 2006 meeting Council resolved through Resolution M13/1206, to adopt Amendment 14 to Town Planning Scheme No. 2 for the purpose of:

1. Exempting single dwellings and outbuildings from generally requiring Planning Approval except under specific circumstances; and
2. Introducing delegated authority provisions giving Council power to delegate authority to a Committee or Chief Executive Officer,

After a period of time had passed it came to the attention of the Chief Executive Officer that the resolution had not been acted upon. Advice was then sought from planning consultants Gray and Lewis regarding matters of concern with the amendment. As a consequence of the time passed and advice received, at its 16 April 2008 meeting Council resolved to rescind Resolution M13/1206 and replace the rescinded resolution with:

A The Shire of Beverley Council under and by virtue of the power conferred upon it in that behalf by the Planning and Development Act 2005 hereby adopts Amendment 14 of Town Planning Scheme No. 2 by: -

1. Inserting Clauses 4.1.2(g) and 4.1.2(h) as follows: -

- (g) The erection on a lot of a single house including any extension, except where -
- i) the proposal requires the exercise of a discretion by the local government under the Scheme; or
  - ii) the proposal requires the exercise of a discretion by the local government to vary the provisions of the Residential Design Codes; or
  - iii) the development will be located in a heritage area designated under the Scheme; or
  - iv) the lot does not have frontage to a constructed gazetted road; or

**8.1.1**

**TOWN PLANNING ITEMS**

**Item 8.1.1.14**

**AMENDMENT 14 TO TOWN PLANNING SCHEME NO. 2**

**(continued)**

- v) the single house does not comply with Clause 4.13.1; or
  - vi) the single house involves the use of second hand material to clad the exterior of the building subject to Clause 4.13.2; or
  - vii) the single house is a relocated second hand dwelling or building subject to Clause 4.13.4.
- (h) the erection of an outbuilding on a lot including any extension, except where –
- i) the proposal requires the exercise of a discretion by the local government under the Scheme;
  - ii) the proposal requires the exercise of a discretion by the local government to vary the provisions of the Residential Design Codes; or
  - iii) the development will be located in a heritage area designated under the Scheme; or
  - (iv) the lot does not have frontage to a constructed gazetted road; or
  - v) the outbuilding does not comply with Clause 4.13.1; or
  - vi) the outbuilding involves the use of second hand material to clad the exterior of the building subject to Clause 4.13.2; or
  - vii) the outbuilding does not comply with the relevant Shire of Beverley Local Planning Policy;
  - viii) the outbuilding is proposed to be used for habitation;
  - ix) the lot is vacant and the outbuilding is not ancillary to a single house.

2. Inserting Clause 7.7 as follows: -

**7.7 DELEGATIONS OF AUTHORITY**

- 7.7.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

## 8.1.1 TOWN PLANNING ITEMS

### Item 8.1.1.14

#### AMENDMENT 14 TO TOWN PLANNING SCHEME NO. 2 (continued)

7.7.2 The Chief Executive Officer may delegate to any employee of the local government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under clause 7.7.1.

7.7.3 The exercise of the power of delegation under clause 7.7.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.

7.7.4 Sections 5.45 and 5.46 of the Local Government Act 1995 and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

B That the amendment be forwarded to:

(1) The Environmental Protection Authority for comment, pursuant to Section 82 of the Planning and Development Act 2005 (as amended); and

(2) The WA Planning Commission for comment.

C Subject to no objections being received in response to B above, the amendment be advertised for public comment pursuant to Regulation 25(2) of the Town Planning Regulations 1967 for a period of 42 days.

D The amendment be referred back to Council at the conclusion of the advertising period, together with a schedule of all submissions received.

#### COMMENT

The proposed amendment was referred to the Environmental Protection Authority, which advised that assessment under the *Environmental Protection Act 1986* was not required. Subsequently the proposed amendment was advertised between 18 June 2008 and 31 July 2008, in compliance with the Town Planning Regulations 1967. No submissions were received.

## **8.1.1 TOWN PLANNING ITEMS**

### **Item 8.1.1.14**

#### **AMENDMENT 14 TO TOWN PLANNING SCHEME NO. 2 (continued)**

Since no submissions were received in response to the advertising and the requirements of the Town Planning Regulations have been complied with, it will be recommended Council grants final adoption to the proposed amendment and forwards the proposed amendment to the Western Australian Planning Commission for approval by the Minister for Planning and Infrastructure.

#### **STATUTORY ENVIRONMENT**

Scheme amendments to the Shire of Beverley's Town Planning Scheme No. 2 are made under s75 of the Planning and Development Act 2005 and approved under s87 of the Planning and Development Act 2005. The scheme amendment was progressed in compliance with the Town Planning Regulations 1967.

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

**M23/0808 Moved Cr Flood** **Seconded Cr Gogol**  
**That Council: -**

- 1. Approve the final adoption of Amendment 14 to Town Planning Scheme No. 2 for the purpose of exempting single dwellings and outbuildings from the requirement of obtaining Planning Approval except in specific circumstances and inserting delegated authority provisions.**
- 2. Forward the scheme documents pursuant to s87 of the Planning and Development Act 2005, to the Western Australian Planning Commission for assessment, and approval by the Minister of Planning and Infrastructure.**

**CARRIED 9-0**

## **8.1.2 INFORMATION BULLETIN REPORT – SHIRE PLANNER**

Nil.

At 2:45pm Mr Peter Wright, Shire Planner, left the Chambers.

Council agreed to continue with the President's Report (Item 7.1).

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

Proposed Recreation Ground Committee

**COUNCIL RESOLUTION**

**M24/0808 Moved Cr Roberts Seconded Cr Foster**  
**That a Council Committee be formed to prioritise future**  
**developments at the recreation ground.**  
**CARRIED 9-0**

**COUNCIL RESOLUTION**

**M25/0808 Moved Cr Flood Seconded Cr Roberts**  
**That Councillors Alexander, Ridgway, Shaw and Murray be**  
**members on this committee.**  
**CARRIED 9-0**

Senior's Luncheon

**COUNCIL RESOLUTION**

**M26/0808 Moved Cr Foster Seconded Cr Roberts**  
**That Council hold a Senior's Luncheon this year at the Town Hall**  
**and a Council Committee be formed to organise the Luncheon.**  
**The committee to comprise of Councillors Ridgway Foster and**  
**Flood.**  
**CARRIED 9-0**

Deputy President Allowance

**COUNCIL RESOLUTION**

**M27/0808 Moved Cr Shaw Seconded Cr Roberts**  
**That Council agree to pay a Deputy Presidential Allowance.**  
**CARRIED 6-3**  
**ABSOLUTE MAJORITY**

Councillor's Sitting Fee

**COUNCIL RESOLUTION**

**M28/0808 Moved Cr Roberts Seconded Cr McDonald**  
**That Councillors sitting fee be set at \$3,000.00 and the Presidents**  
**sitting fee be set at \$6,500.00 per annum.**  
**CARRIED 5-4**  
**ASOLUTE MAJORITY**

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

Nil.

### **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**

- The oval has been sprayed for broadleaf weeds, and it is scheduled that in October it is to be verti mowed, verti drained and spread with gypsum.
- Show grounds prepared for the annual show.
- Gardens at the doctor's house cut back and cleaned up.
- Banners in the main street changed.
- Slashed the pony club grounds.

##### **8.3.2.1.2 Spraying**

Rural road spraying is continuing

##### **8.3.2.1.3 Bitumen Roads Patched**

Various bitumen roads have been patched and potholes filled in.

##### **8.3.2.1.4 Roads Graded**

After the recent rains a number of roads have had to be regarded. Other roads graded are: Bateman, Beringer, Butchers, Cookes, Clulows, Corberding, Dongadilling, Ferguson, Glencoe, Hobbs, Lupton, Vallentines, York-Williams.

##### **8.3.2.1.5 Open Drain Cleaned**

The open drain that runs through the Shire blocks on Monger Street has been cleaned out with the backhoe to allow the storm water to run off quicker.

##### **8.3.2.1.6 Airstrip**

The grass that has grown through old bitumen at the southern end of the airstrip has been sprayed, cut off with the grader and carted away.

##### **8.3.2.1.7 Queen Street Footpath**

A complaint has been received regarding the condition of the old cement slab footpath along Queen Street.

This footpath is the same condition as the slabs on Forrest Street and requires replacing. In time all these old slab footpaths should be replaced to avoid pedestrians tripping. In the short term any dangerous sections should be removed and replaced with gravel until funds are available to replace them.

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

### **Item 8.3.2.1**

#### **GENERAL – PLANT AND WORKS (continued)**

##### **8.3.2.1.8 Side Tipping Trailer**

The new side-tipping trailer is almost complete. 22nd Aug 2008 is the end of the 12 week delivery date when quoted. However SFM are now saying that it will be ready by the end of August.

##### **8.3.2.1.9 Plant report**

The Works Supervisor provided a Plant Report.

##### **8.3.2.1.10 Regional Road Group Funding**

Appendix 7

Copy of the 5 Year road program, which is to be submitted to MRWA.

##### **8.3.2.1.11 2008 – 2009 Proposed Work Schedule**

Appendix 8

Proposed work schedule that has been prioritized into the order deemed by the plant and works committee on the 19 August 2008. We will endeavour to complete all jobs listed, however if the construction jobs are held up due to the weather or for any reason there is a possibility they may not all be completed as this is a very large construction program.

## **8.3.2.2 CONSTRUCTION**

### **8.3.2.2.1 Caravan Park**

The reticulation pipes and wiring have been laid. Levelling of the ground is almost complete. The areas to be planted require the soil to be improved before planting commences, it is anticipated planting will begin on 25/8/08.

### **8.3.2.2.2 Barrington Road**

Dead timber removed from the road verge between Glencoe and Bateman Roads.

### **8.3.2.2.3 Greenhills South Road**

Work is currently under way clearing dead timber away from the drain lines in preparation for gravel sheeting.







#### 8.4.1 FINANCE ITEMS

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**SUBMISSION TO:** August Council Meeting 26 August 2008  
**AGENDA ITEM:** 8.4.1.3  
**REPORT DATE:** 18 August 2008  
**SUBJECT:** INVESTMENT OF SURPLUS FUNDS  
**FILE REFERENCE:** FM 0808  
**AUTHOR:** Deputy Chief Executive Officer – Stephen Gollan

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#### BACKGROUND

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

#### COMMENT

Listed below are surplus funds that have been invested during the month of July 2008 with Esanda and ANZ Investments.

▪ 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

The Investment terms are as follows:

Certificate#	Term	Interest Rate	Amount	Expires
1357709007	1 Month	7.63%	\$ 441,292.00	29/08/2008
1357717002	2 Months	7.76%	\$ 448,566.00	29/09/2008
1357716001	3 Months	8.05%	\$ 358,462.00	29/10/2008
ANZ Bank	4 Months	7.95%	\$ 399,698.00	29/11/2008

#### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

**M32/0808**      **Moved Cr Roberts**      **Seconded Cr Shaw**  
**That the Investment Report for the month of July 2008, be received.**

**CARRIED 9-0**

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.1</b>
<b>REPORT DATE:</b>	<b>8 August 2008</b>
<b>SUBJECT:</b>	<b>LAND RESUMPTION – TALBOT WEST ROAD, BEVERLEY</b>
<b>FILE REFERENCE:</b>	<b>WO TAL2</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 10

### BACKGROUND

Part of the 2008/2009 Road Program is to realign and seal the Talbot West Road at the boundary of the Shire of York. To achieve this aim requires the resumption of portions of Avon Location 3959 Lot 6, Avon Location 11225 and Avon Location 3959 Lot 303, as shown on drawing 2357A (FR Rodda & Co) from PN Fleay, CP Roediger and GS & RK Moulton respectively.

Agreement has been reached with all parties in relation to compensation.

### COMMENT

To proceed with the matter, Council must formally resolve to take the land as shown on the attached drawing and dedicate it as a road.

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

**M33/0808**      **Moved Cr Gogol**      **Seconded Cr Murray**  
That Council concur to the Taking of Land "portion of Avon Location 3959 being Lot 6, Avon Location 11225 and Avon Location 3959 being Lot 303, being the subject of FR Rodda & Co Drawing 2357A, for dedication as a road under section 56 of the Land Administration Act and that the Department of Planning and Infrastructure be indemnified against any claim as a result of this action.

**CARRIED 9-0**

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.2</b>
<b>REPORT DATE:</b>	<b>18 August 2008</b>
<b>SUBJECT:</b>	<b>SYSTEMIC SUSTAINABILITY STUDY “THE JOURNEY”</b>
<b>FILE REFERENCE:</b>	<b>GOV 013</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

The Systemic Sustainability Study draft report “The Journey: Sustainability Into The Future” was released on 28 February 2008.

The SSS Taskforce invited feedback from local governments and other stakeholders on the draft report with submissions closing on 16 June 2008.

WALGA received 105 submissions dealing with the themes and content of the report, raising some common concerns with specific recommendations and themes.

Member comments have guided the editing process and have led to a number of significant amendments to the recommendations of the report.

Recommendations have been reduced from sixty-one to thirty nine in response to sector feedback.

Endorsement of the amendment is proposed prior to printing and releasing of the final report.

### COMMENT

At the Annual General Meeting agenda items prepared by the Shires of Dardanup and Sandstone were put and passed, requesting that a Special Forum be conducted prior to the report being adopted.

The requested Forum is scheduled to be held at the City of Stirling on Monday 15 September 2008.

Whether the report is adopted in full or with amendments I believe that local government reform is necessary and it would be a far better outcome if local governments drive the agenda rather than the State Government impose their own methods.

*The final report was provided under separate cover for Council's consideration.*

**8.5.1 ADMINISTRATION ITEMS**  
**Item 8.5.1.2**  
**SYSTEMIC SUSTAINABILITY STUDY “THE JOURNEY”**  
**(continued)**

**OFFICER’S RECOMMENDATION**

That Council resolve –

That the final report “The Journey: Sustainability Into the Future” be considered by Council and that two delegates be nominated to attend the Forum to be held at the City of Stirling on Monday 15 September 2008.

**COUNCIL RESOLUTION**

**M34/0808 Moved Cr Flood** **Seconded Cr Gogol**  
That the final report “The Journey: Sustainability Into the Future” be considered by Council and Councillors Alexander and Ridgway be Council’s delegates to attend the Forum to be held at the City of Stirling on Monday 15 September 2008.

**CARRIED 9-0**



## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.4</b>
<b>REPORT DATE:</b>	<b>18 August 2008</b>
<b>SUBJECT:</b>	<b>BALLY BALLY HALL – PUBLIC LIABILITY INSURANCE</b>
<b>FILE REFERENCE:</b>	<b>BAL2 8783 &amp; RM 006</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

The Bally Bally Hall Committee was established some years ago to maintain the Bally Bally Hall. The venue is vested with the group and over time they have been involved in restoration works, general maintenance and the taking of bookings.

The number of the Committee has over time reduced and the only two persons who continue to be involved are Kathryn McLean and Ingrid Bell.

Council has been paying the insurance for the building, but have now received a request to cover the public liability insurance, which is \$727.00.

### COMMENT

I suspect Council has three options –

- (a) Do nothing;
- (b) Have the Committee declared a Committee of the Council and as such Council's present public liability insurance would cover the costs; or
- (c) Reimburse the Committee either in part or in full for the insurance cover.

If Council were to adopt Option (b) it would likely be necessary to reclaim ownership and therefore responsibility for long term insurance of the Hall.

### OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

**M36/0808 Moved Cr Flood** **Seconded Cr Murray**  
**That Council reimburses the Bally Bally Hall Committee the premium of \$727.00 for public liability insurance.**  
**CARRIED 9-0**



## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.5</b>
<b>REPORT DATE:</b>	<b>18 August 2008</b>
<b>SUBJECT:</b>	<b>MULTI PURPOSE RECREATION CENTRE</b>
<b>FILE REFERENCE:</b>	<b>FOR 1623</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 12

### **BACKGROUND**

At the July Council meeting it was resolved that the attached letter from Aliasha Murray, requesting Council to research the development of a multi purpose recreation centre, be discussed at the August meeting.

Mrs Murray suggested that a meeting be scheduled inviting the existing Committee that was previously formed in 2006 and new interested parties so that the district can be informed as to Council's attitude to a multi purpose recreation centre.

### **COMMENT**

In June 2007, Council received an estimate to build a Changerooms/function centre, similar to that at Wickepin, of \$1.8million to \$2.1 million.

Although a sum of \$10,000 was placed in the 2007/08 budget for plans to be drawn the matter did not proceed.

**RESOLVED that the information be received.**

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.6</b>
<b>REPORT DATE:</b>	<b>19 August 2008</b>
<b>SUBJECT:</b>	<b>RESTORATION OF WATER COURSE LOT 50 (REAR OF CARAVAN PARK)</b>
<b>FILE REFERENCE:</b>	<b>HUN L50</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

The Department of Water has offered to assist Council beautify the watercourse behind the Caravan Park. The Department has agreed to prepare a restoration plan for the area, and can provide the Shire with suitable plants for revegetation.

This can be done over several years for example:

#### 2008:

Commencement of weed control with removal of the bamboo and spraying of the exotic sedge (*Juncus acutus*).

Introduction of native sedges such as *Juncus kraussii* and *Cyperus gymnocaulis* to the dam area adjacent to Hunt Road.

#### 2009:

Continuation of the weed removal program.

Revegetation of the waterways between Hunt Road and the railway line.

#### 2010:

Restoration and revegetation of the Crown Reserve to the east of the railway line.

### COMMENT

Prior to Council and the Department of Water being able to commence the program as outlined above the following issues need to be addressed.

**8.5.1 ADMINISTRATION ITEMS**

**Item 8.5.1.6**

**RESTORATION OF WATER COURSE – LOT 50 (REAR OF CARAVAN PARK  
(continued)**

- (a) Portion of the area from Hunt Road to the railway line is owned by a Henry Edmeads (probably deceased). Council would need to acquire his land under section 52 of the Land Administration Act 1997; and
- (b) The feasibility of annexing the northern section of Lot 427 (proprietor – Shire of Beverley) and including in a reserve as part of the watercourse.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION**

**M37/0808**

**Moved Cr Foster**

**Seconded Cr Flood**

**That Council: -**

- (a) **Agree to accept the offer of the Department of Water to beautify the watercourse behind the Beverley Caravan Park in principle, subject to being able to acquire Lot 50;**
- (b) **Relinquish the portion of Lot 427, currently forming part of the waterway, so that it can be part of the reserve along with Lot 50; and**
- (c) **Take steps to acquire Lot 50 under section 52 of the Land Administration Act for the purpose of a Waterway Reserve.**

**CARRIED 9-0**

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.7</b>
<b>REPORT DATE:</b>	<b>19 August 2008</b>
<b>SUBJECT:</b>	<b>ADVERTISING SIGN - PERTH TRACTOR PULL ASSOCIATION</b>
<b>FILE REFERENCE:</b>	<b>RC 002 &amp; VIN 3378</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 13

### **BACKGROUND**

The Perth Tractor Pull Association has requested permission to erect a 1.2 metre by 1.8 metre securely mounted advertising sign as per the attached e-mail.

### **COMMENT**

It is proposed to erect the sign advertising fixture dates immediately inside the Old Racecourse at the corner of Hamersley and Vincent Streets.

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

**M38/0808**      **Moved Cr Foster**      **Seconded Cr Flood**  
**That the Perth Tractor Pull Association be permitted to erect a sign advertising fixture dates as outlined, and any future signs be referred to staff.**

**CARRIED 9-0**



## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.9</b>
<b>REPORT DATE:</b>	<b>19 August 2008</b>
<b>SUBJECT:</b>	<b>RECOGNISED BIOSECURITY GROUPS</b>
<b>FILE REFERENCE:</b>	<b>GR 006</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

The Department of Agriculture and Food has advised that with the enactment of the Biosecurity and Agricultural Management Act Agricultural Zone Control Authorities (ZCA) have been wound up.

Though the ZCA network, Council representations had an involvement in landscape-based, pest issues (mainly concerning invasive species, weeds and feral animals). In future this will be managed by Recognised Biosecurity Groups (RBGs).

In addition, where required, the new RBGs will have scope to address a broader spectrum of biosecurity threats, by virtue of the more fully encompassing definition of “declared pest” which the new Biosecurity and Agriculture Management Act 2007 embraces.

### COMMENT

The Department of Agriculture and Food would like to discuss with Local Government the possibility of establishing an informal group, which would meet to consider these issues. Three options have been proposed for consideration for future involvement in managing biosecurity threats in the District.

#### Option 1.

An informal meeting of elected representatives, held annually, to discuss biosecurity threats, existing and potential (invasive species, weeds and feral animals) and provide advice to the Biosecurity and Agriculture Management Council as an interim measure until a Recognized Biosecurity Group is established.

#### Option 2.

A meeting of elected representatives will be called as biosecurity threats are identified and require discussion.

#### Option 3.

No action is taken, but as issues are highlighted, contact is made with a member of the District Biosecurity Team to discuss and develop an action plan.



At 3:25pm Councillor JD Alexander declared an interest in item 8.5.1.10, being a proximity interest, and left the Chambers.

At 3:25pm Councillor Alexander vacated the Chair.

At 3:25pm Councillor Ridgway assumed the Chair.

## 8.5.1 ADMINISTRATION ITEMS

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<b>SUBMISSION TO:</b>	<b>August Council Meeting 26 August 2008</b>
<b>AGENDA ITEM:</b>	<b>8.5.1.10</b>
<b>REPORT DATE:</b>	<b>25 August 2008</b>
<b>SUBJECT:</b>	<b>GATES ACROSS PUBLIC THOROUGHFARES – MANUELS AND JACKSONS ROADS</b>
<b>FILE REFERENCE:</b>	<b>WO MAN3 &amp; WO JAC1</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

Mr Peter Wansbrough has requested permission to place gates across Manuels and Jacksons Roads as opposed to fencing his paddocks along Manuels Road. Should he be required to replace the boundary fence it will result in the removal of approximately 80 white gum trees and other native vegetation.

Mr Wansbrough advised he has contacted relevant landowners, Mr Tim Alexander, Mr Wayne Smith and Mr Roy Jackson, all of whom have no objection to the proposal.

### COMMENT

In accordance with the Local Government (Uniform Land Provisions) Regulations 1996 – Sch. 9

- “(1) A person may apply to the local government for permission to have across a public thoroughfare under the control or management of the local government a gate or other device that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.*
- (2) The local government may, before dealing with the application, require the applicant to publish notice of the application in such manner as the local government thinks fit.*
- (3) Permission granted by the local government under this regulation is required to specify the period for which it is granted and may be renewed from time to time.*







**10. TABLED CORRESPONDENCE (continued)**

- WORSLEY ALUMINA PTY LTD
  - Community Environmental Information – Efficiency and Growth Project Management Plans: Air Quality Management, Greenhouse Gas Emission Management, and Biodiversity Investigation
- AUSTRALIAN GOVERNMENT
  - Living Heritage Magazines – Vol. 1 No. 1 Winter 2007 & Vol. 1 No. 2 Winter 2008
- LANDCORP
  - Review Magazine – July 2008

**11. OTHER BUSINESS**

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<b>ITEM NUMBER:</b>	<b>11.1</b>
<b>SUBJECT:</b>	<b>RAILWAY STATION ENTRANCE STATEMENT – SCULPTURED CLOCK DESIGN</b>
<b>FILE REFERENCE:</b>	<b>RC 015</b>

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Council viewed the drawing provided by Jenny Broun of a sculptured clock for an entrance statement to the Railway Station.

**RESOLVED that Council advise the Art Gallery Committee of their concerns that it considered the design was not in keeping with the heritage design of the area and Council request the Committee to provide another design for an entrance statement to the Railway Station gardens.**

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<b>ITEM NUMBER:</b>	<b>11.2</b>
<b>SUBJECT:</b>	<b>YENYENING LAKES - SIGNAGE</b>
<b>FILE REFERENCE:</b>	<b>WO SKI</b>

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**COUNCIL RESOLUTION**

**M43/0808 Moved Cr Gogol** **Seconded Cr Shaw**  
That Council erect a sign at the entrance to Ski Road and ask CALM to place a sign at the Ski Area of the Lakes requesting people not to take glass into the vicinity of the lake and to take all of their rubbish away.

**CARRIED 9-0**

**11. OTHER BUSINESS (continued)**

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<b>ITEM NUMBER:</b>	<b>11.2</b>
<b>SUBJECT:</b>	<b>BORMSA LEASE</b>
<b>FILE REFERENCE:</b>	<b>NIC 231</b>

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**RESOVED that Councillors Alexander, Ridgway, McDonald and Shaw arrange a meeting with the President of BORMSA to discuss their lease.**

**12. CLOSURE**

**There being no further business the meeting closed at 3:50pm.**

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

**Presiding Member**

**Date**