

MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 27 FEBRUARY 2007

1. COMMENCEMENT

The President declared the meeting open at 10.00am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

Cr J M Schilling	President	West Ward
Cr N J McLean	Deputy President	South Ward
Cr M G Roberts		South Ward
Cr W S McDonald		South Ward
Cr B M Foster		West Ward
Cr A D Bailey		West Ward
Cr V A Szczecinski		North Ward
Cr J D Alexander		North Ward
Cr S Leonhardt		North Ward
Mr K L Byers	Chief Executive Officer	
Mr S P Gollan	Deputy Chief Executive Officer	
Mrs S Collins	Senior Administration Officer	

Apologies

Nil

Leave of Absence

Nil

3. PUBLIC QUESTION TIME

3.1 AVON RIVER - STENCH

Mrs Jill Pascoe asked how long ago did Council spend money on the Avon River stench problem and whether Council could remove the rocks, under the Vincent Street bridge, to enable the stagnant water to drain.

Cr Schilling advised that there is nothing that can be done about the odour from the Town Pool until there has been a significant amount of rain. The river had been dredged 6 or 7 years ago and Council will be looking into re-dredging it after the rains.

3.2 PROPOSED GARAGE AND SHED

Mr Barry Knight raised concern regarding his application to construct a shed as it had been recommended for refusal because it was marginally in excess of the 55 square metre area outlined in Council's outbuilding policy. Mr. Knight drew Council's attention to the fact that a shed of much larger size than his proposal had been constructed on a property in close proximity to his. Letters of no objection to the proposal, from adjoining landowners was tabled.

The Chief Executive Officer advised that Council is in the process of examining the policy for outbuildings at this meeting and that the 55m² restriction may be changed, thus allowing this application to proceed.

3.3 RANGER - AVAILABILITY

Mr Ron Glassby enquired as to when the Ranger is able to be contacted and expressed concern in regard to some sheep that were not being properly cared.

The Chief Executive Officer advised that Council Ranger duties are carried out on an as needs basis and the correct protocol is to call the Shire who will contact the Ranger. The Shire can provide a telephone number for RSPCA issues.

3.4 FIREBREAKS WITHIN THE TOWN BOUNDARY

Mr Ron Glassby enquired as to whether firebreaks outside of the Town boundary are compulsory.

The Chief Executive Officer advised that landowners outside of the Town boundary do not have to provide firebreaks around the perimeter of their property, but are required to provide firebreaks around buildings, fuel supplies, etc.

3.5 SEA CONTAINERS

Mrs Jill Pascoe enquired in regard to Council's policy on sea containers.

The Chief Executive Officer advised that Council is in the process of examining the policy for outbuildings at this meeting of Council and this policy covers sea containers.

Mrs Pascoe believed there was an inconsistency in Council's actions of having a sea container at the rubbish tip.

Council agreed that the Chief Executive Officer write to Mrs Pascoe advising that as the rubbish tip is outside the Town boundary there is no inconsistency in Council's actions in having a sea container at the rubbish tip.

3.6 TRACTOR PULL – RESIDENT'S ISSUES AND PETITION

Mr Patrick Yates raised the following resident's issues in regard to Tractor Pull events:

- Whether organisers had been given a time to quit the venue.
- The time the events are run to.
- There is a lot of dust, excessive noise, and a stink of burning rubber during an event.
- There should be a buffer zone - a few trees do not provide a buffer.
- The amount of water that is put onto the grounds for an event.

The Chief Executive Officer advised that he believed the Tractor Pull and motorcycle events are required to finish between 6pm and 7pm.

Cr Schilling advised that the WA Tractor Pull Association were preparing a submission for consideration by Council at the next Council Meeting, and that residents would be made aware of the proposal when it becomes available.

Mr Dave McKenzie, President, Perth Tractor Pull Association, commented that the water is used to suppress dust problems and that the February event started a little earlier, at 1.30pm, and events are run till 6pm.

Mr Bob Mead commented that the Tractor Pull is only held 4 to 5 times a year and Council should let them have a go as it is better to keep the kids on the track instead of on the road.

Mr Ron Glassby commented about the water used and noise.

Mr Fred Randall commented that the Tractor Pull has been going for years. Why complain now?

Mrs Jill Pascoe advised she had made attempts to get feedback on the Tractor Pull from surrounding residents, although some people were not home at the time.

Mrs Jill Pascoe advised that Lions are now catering for the event and that both Town Delis were open during the time of the last event.

Mr Dave McKenzie, President of Perth Tractor Pull Association tabled the following petition containing approximately 750 names and signatures.

6.2 MINUTES OF THE ANNUAL ELECTORS MEETING FOR THE FINANCIAL YEAR ENDED 30 JUNE 2006 HELD IN THE LESSER HALL ON MONDAY 5 FEBRUARY 2007

Appendix 1

M2/0207 Moved Cr Foster Seconded Cr Roberts
That the Annual Electors Meeting for the Financial Year Ended 30 June 2006, held in the Lesser Hall on Monday 5 February 2007, be received.

CARRIED 9-0

BUSINESS ARISING

6.2.1 HISTORY OF BEVERLEY (Item 5.1)

M3/0207 Moved Cr Szczecinski Seconded Cr Schilling
That Council include with the rate notices an invitation to landowners to provide Council with a background of the history of their property(s).

CARRIED 8-1

6.2.2 TOWN CONCERNS (Item 5.4)

Crime

M4/0207 Moved Cr Leonhardt Seconded Cr Alexander
That Council advise Mrs Vicky Fregon that the matter of security patrols will not be added to this year's budget deliberations.

CARRIED 9-0

Caravan Park

M5/0207 Moved Cr Leonhardt Seconded Cr Bailey
That Council advise Mrs Vicky Fregon that it is not considering a caretaker for the Beverley Caravan Park.

CARRIED 9-0

Rubbish Bins

M6/0207 Moved Cr Schilling Seconded Cr Foster
That Council advise Mrs Vicky Fregon that, should suitable arrangements be made with Avon Waste, businesses will be asked to relocate their green sulo bins to the rear of their premises for collection.

CARRIED 9-0

6.2.3 CROPPING COMMITTEE LEASES (Item 5.10)

- M7/0207** Moved Cr Schilling Seconded Cr Foster
That Council agree that in future all advertisements for tenders for Cropping Committee leases state a minimal amount that covers all Council expenses for the land.
CARRIED 9-0

6.3 MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE MEETING HELD IN COUNCIL CHAMBERS ON FRIDAY 9 FEBRUARY 2007

Appendix 2

- M8/0207** Moved Cr Foster Seconded Cr Roberts
That the Minutes of the Development Services Committee Meeting held in the Council Chambers on Friday 9 February 2007, be received.
CARRIED 9-0

BUSINESS ARISING

6.3.1 PROPOSED COMMUNITY CENTRE (Item 3)

- M9/0207** Moved Cr Szczecinski Seconded Cr Schilling
That Council agree that the Chief Executive Officer obtain a costing to construct the same building as the Wickepin Community Centre with and without change rooms.
CARRIED 9-0

- M10/0207** Moved Cr Schilling Seconded Cr Roberts
That Council obtain a cost to replace the plumbing of the existing change rooms at the Recreation Grounds.
CARRIED 9-0

6.3.2 TRACTOR PULL (Item 4)

- M11/0207** Moved Cr Schilling Seconded Cr Roberts
That Council write to the WA Tractor Pull Association providing the following guidelines for their submission of a lease agreement, for the Old Race Course, for Council consideration at the March Council Meeting:
- No cars to be raced
 - No adult bikes to be raced
 - Less dust
 - Noise suppression
 - Finish time definitely to be 6pm
 - Lease tenure to be 5 years

- **Public Liability Insurance**
 - **No burn outs**
 - **Nominal lease figure to be 10 percent of gate takings**
- CARRIED 9-0**

6.3.3 BEVERLEY RETIREMENT VILLAGE (Item 8)

- M12/0207 Moved Cr Foster** **Seconded Cr Roberts**
That Council advise Mr R Boyle that they will accept his application to reside at the Beverley Retirement Village when a unit becomes available.
- CARRIED 5-4**

6.3.4 SWIMMING POOL MANAGER'S HOUSE (Item 9)

- M13/0207 Moved Cr Foster** **Seconded Cr Szczecinski**
That Council obtain quotes for either a 3 x 2 or a 3 x 1 transportable home to be sited on Council land at Lot 35 Wright Street, Beverley.
- CARRIED 9-0**

6.3.5 BEVERLEY CARAVAN PARK REDEVELOPMENT (Item 10)

- M14/0207 Moved Cr Foster** **Seconded Cr Roberts**
That Council agree that the Environmental Health Officer/ Building Surveyor expend up to \$5,000 for concept plans to be drawn up for a new ablution block at the caravan park.
- CARRIED 8-1**

Council adjourned for Lunch at 12.30pm

Council reconvened from Lunch at 1.10pm

6.3.6 WASTE DISPOSAL SITE (Item 15)

- M15/0207 Moved Cr Foster** **Seconded Cr Leonhardt**
That Council agree that the Tip Manager carry out cleaning up and alterations and that appropriate one-way signs be erected at the Waste Disposal Site.
- CARRIED 9-0**

6.3.7 AMENITIES BUILDING (Item 16.2)

- M16/0207 Moved Cr Schilling** **Seconded Cr McLean**
That Council agree that the Environmental Health Officer/ Building Surveyor arrange for a new exhaust canopy for the Amenities Building at a cost of \$3,140.
- CARRIED 5-4**

Mr Warwick Carter, Shire Planner, entered Council Chambers at 2.15pm

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.9
DATE:	20 February 2007
SUBJECT:	PROPOSED SHED – 126 FORREST STREET, BEVERLEY
FILE REFERENCE:	FOR 235
AUTHOR:	Shire Planner – Warwick Carter

Appendix 11

BACKGROUND

Address: 126 Forrest Street, Beverley
Zoning: TPS2 - Residential R10
Area: 1,932 M²

COMMENT

The applicant proposes to construct a shed on the subject property. The house is setback a minimum of 1.5m from the nearest boundary. This complies with the requirements of the Residential Design Codes.

The shed is 60m² in area and is 2.4m to the wall and 2.9m to the gable. The Shire's Outbuilding Policy stipulates a maximum floor area of 55m².

It is recommended that the application be approved with a condition requiring the shed to be reduced in area.

M26/0207 Moved Cr Schilling Seconded Cr Leonhardt
That Council approve the application for a Shed at 126 Forrest Street, Beverley subject to the following condition:

- 1. The development shall be in complete accordance with the approved plans numbered 170107, prepared by the applicant and endorsed by Council's Shire Planner.**

CARRIED 9-0

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.10
DATE:	20 February 2007
SUBJECT:	PROPOSED SUBDIVISION – 218 (LOT 2) RIGOLL ROAD, BEVERLEY
OWNER:	P Carter
FILE REFERENCE:	Subdivision 133599
AUTHOR:	Shire Planner – Warwick Carter

Appendix 12

BACKGROUND

Address: 218 (Lot 2) Rigoll Road, Beverley
Zoning: TPS2 - Farming
Area: 207.4 ha

COMMENT

The WAPC has requested comment on the proposed subdivision of the above-mentioned lot into 5 separate titles all approximately 40 hectares in size.

The applicant has supplied a land capability study examining the potential of the lots for ongoing agricultural production. The report fails to confirm ongoing sustainable water sources, or how the proposed lots can be used for agricultural production despite being heavily vegetated.

The proposed 1.5km long cul-de-sac exceeds the *Planning for Bushfire Protection* requirement that culs-de-sac in rural areas be no longer than 200m.

Given that the applicant has not demonstrated the subdivision complies with the Shire's planning scheme and strategy requirements, it is recommended that the application be refused.

M27/0207 Moved Cr McLean Seconded Cr Roberts
That Council recommend to the Western Australian Planning Commission to refuse the application for the following reasons:

- 1. The applicant has not demonstrated that the subdivision would not adversely effect agricultural production.**
- 2. The proposed cul-de-sac is too long.**

CARRIED 9-0

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.13
DATE:	20 February 2007
SUBJECT:	PROPOSED SIGNAGE – CNR OF WESTDALE AND BUTCHERS ROAD, BEVERLEY
OWNER:	J & P Oldfield
FILE REFERENCE:	TT 011
AUTHOR:	Shire Planner – Warwick Carter

Appendix 15

BACKGROUND

Address: Cnr Westdale Road and Butchers Road, Beverley
Zoning: TPS2 - Farming

COMMENT

The applicant wishes to place a sign at the intersection of Westdale Road and Butchers Road. Council has no policy or local law on this matter and Council must give thought to the issue of signage on the entry into the town and along major roads.

As the sign does not relate to a business on the property that the sign is to be erected in front of, there is the issue of whether Council will accept third party advertising.

Also, as the sign is located in a 100km/h area, Council has to determine whether signage is safety issue, or whether drivers would be better off concentrating on the road.

M30/0207 **Moved Cr Foster** **Seconded Cr Szczecinski**
That Council approve the application to place a sign at the intersection of Westdale Road and Butchers Road, Beverley.
LOST 1-8

M31/0207 **Moved Cr Schilling** **Seconded Cr Bailey**
That Council not approve the application to place a sign at the intersection of Westdale Road and Butchers Road, Beverley.
CARRIED 9-0

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.14
DATE:	21 February 2007
SUBJECT:	COMPLAINT – LOT 802 SPRINGHILL ROAD, BEVERLEY
FILE REFERENCE:	SPR 51108
AUTHOR:	Shire Planner – Warwick Carter

BACKGROUND

Address: Lot 802 Springhill Road, Beverley
Zoning: TPS2 - Farming

COMMENT

Council has received complaints regarding unauthorised works on the above-mentioned property. Specifically the complaints relate to works in a watercourse and clearing vegetation.

Previously complaints have been made about people riding motorcycles on the property. It has been established that the riding is for recreational purposes and the Shire Planner has taken no further action.

With regard to the vegetation, there was no evidence on a site inspection undertaken in January that there had been any recent clearing on the site. There were some old trees on the site, but appeared to have been there for some time.

With regard to the watercourse, the owner had expanded the area around a soak hole on the site with an excavator. This was to make the area safe, as it was previously a several metre drop into a water filled hole. Minimal works were undertaken to add a slope to the edge of the water, as the owner was concerned that his children may fall in. This is considered to be work urgently required for public safety, and therefore exempt from planning approval under Town Planning Scheme No.2.

The further complaint was made about jumps for the motorbikes being installed. These jumps are approximately 0.5m to 1m in height and appear to be little more than a pile of sand.

Given that the works are so minor, it is considered to be a waste of Council resources to investigate this matter further. The complainant has been informed that Shire staff will take no further action unless directed to do so by Council or a new complaint arises.

M32/0207 Moved Cr Schilling Seconded Cr Foster
That Council note the information and that no action, be taken.
CARRIED 9-0

Mr Warwick Carter, Shire Planner, left Council Chambers at 2.45pm

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 2.45pm

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.1
DATE:	16 February 2007
SUBJECT:	NEGLECTED BUILDING – (LOT 85) 116-120 VINCENT STREET, BEVERLEY
FILE REFERENCE:	VIN 46
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

Appendix 16

BACKGROUND

Former EHO Mike Woods issued a works order on 15 July 2000.

Council raised the issue of the neglected, dilapidated shops at their February 2003 meeting.

I have had contact with the owner on several occasions during 2003 concerning the lack of maintenance, and have also requested the owner to carry out minor maintenance to the outside of the building especially on the Railway Street side. No work has been undertaken to date.

I have had contact with the owner again in early February 2007. The owner suggested that we should be working together to achieve a suitable outcome.

Regulation 407 states:

“neglected building” means a building which is ruinous, or so dilapidated as to be unfit for use or occupation, or which is from neglect or otherwise in a structural condition prejudicial to property in, or to inhabitants of, the neighbourhood in which it is situated.

Regulation 408 states:

- (1) Where a local government is of the opinion that a building in its district is a neglected building it may cause written notice to be served on the owner or occupier of the building requiring him immediately –
 - (a) to put the building or part into such state of repair and good condition as is to the satisfaction of the local government;
 - (b) deleted
 - (c) to take the building down.

The owner has the right of appeal.

The owner must respond in 35 days, if he fails to do so, a court of petty sessions may order him to carry out the works.

COMMENT

The owner has failed in the past to carry out any maintenance. The building has suffered further deterioration both internally and externally.

In 2003 the Council wanted the building to be demolished. The front portion of the shop is in reasonable condition and would take little effort to carry out the repairs. However, the rear portion internally has had numerous partitions built in over the years, and these are now severely deteriorated, and could be considered dangerous.

The exterior at the rear is also badly neglected. As can be seen by the list of works, maintenance would be costly.

The rear portion of the building is in such a state that it should be demolished. However, if this course of action were to be pursued, the tenant would have to be relocated.

There is a serious potential fire threat within this building, due to the types of disused materials, timber, cardboard and other items. There also exists a serious risk to an occupant should they be caught in the rear of the building when a fire breaks out.

There is no requirement for fire safety in such an old building.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960, Sections 408, 409

M33/0207

Moved Cr Foster

Seconded Cr Leonhardt

That Council issue an order under Section 409 of the Local Government (Miscellaneous Provisions) Act 1960 ordering the owner of (Lot 85) 116-120 Vincent Street, Beverley to carry out the necessary maintenance as listed in the attached Schedule of Works within six months from the date of issue.

CARRIED 9-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.2
DATE:	16 February 2007
SUBJECT:	PROPOSED PROSECUTION – LOT 7 LUKIN STREET, BEVERLEY
FILE REFERENCE:	LUK 1213
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

I undertook a site inspection of the property on Thursday 15 February 2007 after noticing a tradesman's vehicle parked in the front yard. On entering the premises an electrician was installing a light in the main passage way. There were no smoke detectors fitted. The property was unoccupied.

I inspected the premises and noting that the floorboards had been sanded back and sealed. It appears that the interior of the premises has been freshly painted. Both the toilet and bathroom appeared to have had new fixtures fitted and new floor tiling. New kitchen cupboards have been fitted and a split stove had been installed. New laundry cupboards and laundry trough had been fitted.

Arriving back at the office and checking the records, no building application had been received by this office. The original use of the premises was for a Convent operated by the Catholic Church.

There was some months ago, a verbal complaint being made against the person in question concerning renovation works being carried out in Beverley, York, and Pingelly.

The current owner Ms Sue Schmidt purchased the property, with the Shire being advised that settlement would be on 30 November 2006.

The building is listed on the Shire of Beverley Municipal Heritage Inventory.

There are issues that need to be addressed as the property operates on a septic tank system. When a property undergoes a major renovation such as this has, then the septic system needs to be upgraded to a combined system, and the appropriate effluent disposal system installed. There are other building issues to consider.

Section 374 of the Local Government (Miscellaneous Provision) Act 1960 states:

374 Plans of buildings to be approved by local government

- (1) No person shall -
 - (a) lay out for building, or commence or proceed with a building on, land in a district; or
 - (b) in respect of the structure of a building already erected on land in a district, amend, alter, extend, or enlarge, or commence or proceed with the amendment, alteration, extension, or enlargement of the structure of the building,

until he has cause to be submitted to the local government, and the local government has approved by the issue to the person of a building licence in the prescribed form and on payment of the prescribed fee, a copy of the specifications of, and a plan showing clearly, the building or the building proposed to be built, or the amendment, alteration, extension, or enlargement proposed to be made, as the case may be, and the area of land to be occupied by each building, or by the amendment, alteration extension or enlargement of the existing buildings, as the case may be, and the position of the privies and drains and unless he complies with the conditions, if any, that are specified in the licence.

Penalty: maximum penalty of \$5,000 and in addition a maximum daily penalty of \$100 for each day during which the offence continues; minimum penalty of \$200 and in addition a minimum daily penalty of \$20 for each day during which the offence continues.

COMMENT

The owner of the property has purchased other properties in Beverley. One of those properties was 75 Vincent Street. The new owner (Mr Stan Brown) of 75 Vincent Street has raised several issues relating to alterations of the drainage to the septic system of the property immediately prior to the sale. During the discussions with the previous owner, Ms Schmidt was advised that should she undertake any other renovations on dwellings within the Shire, then a building licence would be needed for the proposed works. In fact a building licence was issued on 22 August 2006 (19 06/ 07) for yet another property at Lot 70 (12) Forrest Street. There are issues with this property, which are yet to be finalised.

Section 374 1 (b) is the key to this report. The owner has undertaken to alter, or amend the existing structure.

It would therefore be prudent for Council to prosecute the owner for failing to obtain a building licence.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 Section 374
(1)

Council agreed to defer the matter until the March Council Meeting.

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.3
DATE:	16 February 2007
SUBJECT:	ILLEGAL STRUCTURE – LOT 188 LANGSFORD STREET, BEVERLEY
FILE REFERENCE:	LAN 783
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The previous owner of the property has placed on the property a 6.0 metre steel sea container without any formal planning, or building permission.

The property is zoned Rural Residential 1.

The property was sold on 19 October 2006, and the new owners have insisted that the sea container remain.

The Shire of Beverley is in the process of adopting sea containers within their Outbuildings Policy.

Council has in the past refused applications for sea containers within the townsite.

There is a right of appeal by the property owner.

The Local Government (Miscellaneous Provisions) Act 1960 Section 401 states:

401. Notice of required alteration

- (1) A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything, in the construction of the building –
 - (a) which tends to render the building unsafe or prejudicial to the public interest
 - (b) which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act; or
 - (c) which, where permission of the local government is required for carrying it out, has been carried out without that permission;

and requiring him to pull down or so alter the building as to remove the cause of the objection and on being served with the notice the builder or owner shall comply with the requisition, unless where he has a right of appeal against the requisition, he exercises the right with due diligence, and the referees mentioned in Division 19 or the Minister, as the case may be, quash the requisition on appeal.

COMMENT

A sea container is considered to be a permanent structure due to its size. Once placed on site, the sea container remains in the same position. It can be argued that because of this, it becomes a permanent structure and is subjected to the requirements of the Local Government Act.

There is no formal application for the sea container, therefore it must be treated as an illegal building. Section 401 (1) sets out the procedure to rectify the situation.

The previous owner of the property was aware that it was an illegal structure and was to have it removed. However, the new owners insisted that it remain.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1).

M34/0207

Moved Cr Schilling

Seconded Cr Roberts

That Council issue an order under Section 401 (1) of the Local Government (Miscellaneous Provisions) Act 1960, for the owner of Lot 188 Langsford Street, Beverley, to pull down and remove the sea container from the property.

CARRIED 9-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.4
DATE:	16 February 2007
SUBJECT:	ILLEGAL STRUCTURE – LOT 186 COURTNEY STREET, BEVERLEY
FILE REFERENCE:	COU 640
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The occupants of the property have placed on the property a 6.0metre steel sea container without any formal planning, or building permission.

The property is zoned Rural Residential 1.

The Shire of Beverley is in the process of adopting sea containers within their Outbuildings Policy.

Council has in the past refused applications for sea containers within the townsite.

The Local Government (Miscellaneous Provisions) Act 1960 Section 401 states:

401. Notice of required alteration

- (1) A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything, in the construction of the building –
 - (a) which tends to render the building unsafe or prejudicial to the public interest
 - (b) which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act; or
 - (c) which, where permission of the local government is required for carrying it out, has been carried out without that permission;

and requiring him to pull down or so alter the building as to remove the cause of the objection and on being served with the notice the builder or owner shall comply with the requisition, unless where he has a right of appeal against the requisition, he exercises the right with due diligence, and the referees

mentioned in Division 19 or the Minister, as the case may be, quash the requisition on appeal.

There is a right of appeal by the property owner.

COMMENT

A sea container is considered to be a permanent structure due to its size. Once placed on site, the sea container remains in the same position. It can be argued that because of this, it becomes a permanent structure and is subjected to the requirements of the Local Government Act.

There is no formal application for the sea container, therefore it must be treated as an illegal building. Section 401 (1) sets out the procedure to rectify the situation.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1)

M35/0207

Moved Cr Leonhardt

Seconded Cr Foster

That Council issue an order under Section 401 (1) of the Local Government (Miscellaneous Provisions) Act 1960, for the owner of Lot 186 Courtney Street, Beverley, to pull down and remove the sea container from the property.

CARRIED 9-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.5
DATE:	16 February 2007
SUBJECT:	ILLEGAL STRUCTURE – LOT 26 VINCENT STREET, BEVERLEY
FILE REFERENCE:	
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owner of the property has placed on the property two 12.0metre steel sea container without any formal planning, or building permission.

The property is zoned Town Centre.

The Shire of Beverley is in the process of adopting sea containers within their Outbuildings Policy.

Council has in the past refused applications for sea containers within the townsite.

The Local Government (Miscellaneous Provisions) Act 1960 Section 401 states:

401. Notice of required alteration

- (1) A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything, in the construction of the building –
 - (a) which tends to render the building unsafe or prejudicial to the public interest
 - (b) which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act; or
 - (c) which, where permission of the local government is required for carrying it out, has been carried out without that permission;

and requiring him to pull down or so alter the building as to remove the cause of the objection and on being served with the notice the builder or owner shall comply with the requisition, unless where he has a right of appeal against the requisition, he exercises the right with due diligence, and the referees

mentioned in Division 19 or the Minister, as the case may be, quash the requisition on appeal.

There is a right of appeal by the property owner.

COMMENT

A sea container is considered to be a permanent structure due to its size. Once placed on site, the sea container remains in the same position. It can be argued that because of this, it becomes a permanent structure and is subjected to the requirements of the Local Government Act.

There is no formal application for the sea container, therefore it must be treated as an illegal building. Section 401 (1) sets out the procedure to rectify the situation.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1).

M36/0207

Moved Cr Roberts

Seconded Cr Foster

That Council request the landowner of 26 Vincent Street, Beverley to submit a building application for the existing sea containers on his property.

CARRIED 9-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.6
DATE:	19 February 2007
SUBJECT:	ILLEGAL STRUCTURE – LOT 55 HAMERSLEY STREET, BEVERLEY
FILE REFERENCE:	HAM 13
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owner of the property has placed on the property a 6.0metre steel sea container without any formal planning, or building permission.

The property is zoned Residential R5.

The Shire of Beverley is in the process of adopting sea containers within their Outbuildings Policy.

Council has in the past refused applications for sea containers within the townsite.

The Local Government (Miscellaneous Provisions) Act 1960 Section 401 states:

401. Notice of required alteration

- (1) A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything, in the construction of the building –
 - (a) which tends to render the building unsafe or prejudicial to the public interest
 - (b) which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act; or
 - (c) which, where permission of the local government is required for carrying it out, has been carried out without that permission;

and requiring him to pull down or so alter the building as to remove the cause of the objection and on being served with the notice the builder or owner shall comply with the requisition, unless where he has a right of appeal against the requisition, he exercises the right with due diligence, and the referees

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.8
DATE:	20 February 2007
SUBJECT:	ILLEGAL STRUCTURE – LOT 200 HAMERSLEY STREET, BEVERLEY
FILE REFERENCE:	HAM 359
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owner of the property has either placed on the property, or has inherited a 6.0metre steel sea container when he purchased the property, without any formal planning, or building permission.

The property is zoned Residential R5.

The Shire of Beverley is in the process of adopting sea containers within their Outbuildings Policy.

Council has in the past refused applications for sea containers within the townsite.

The Local Government (Miscellaneous Provisions) Act 1960 Section 401 states:

401. Notice of required alteration

- (1) A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything, in the construction of the building –
 - (a) which tends to render the building unsafe or prejudicial to the public interest
 - (b) which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act; or
 - (c) which, where permission of the local government is required for carrying it out, has been carried out without that permission;

and requiring him to pull down or so alter the building as to remove the cause of the objection and on being served with the notice the builder or owner shall comply with the requisition, unless where he has a right of appeal against the requisition, he

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.9
DATE:	20 February 2007
SUBJECT:	PROPOSED PROSECUTION – 3717 MANDIAKIN ROAD, BEVERLEY
FILE REFERENCE:	MAN 765
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

I undertook a site inspection of the property and noted that the following building activities had commenced:

- Shed-steel frame had been erected
- Sand pad-for a dwelling was in place
- Donga-old donga being on site, and
- Ablution humpy

No building licences had been issued prior to 19 February 2007, when a building licence was issued for the remainder of the works associated with the shed.

Section 13 of the Building Regulations 1989 states:

- 13(1) A builder shall not commence to construct, alter, add to or underpin any building and shall not commence any earthworks, necessary for, or incidental to, that construction, alteration, addition or underpinning until-
- (a) the plans, drawings and specifications have been approved;
 - (b) the building surveyor has stamped the plans, drawings and specifications with the official stamp showing the number of the approval and the date of approval;
 - (c) the builder has paid the appropriate fee prescribed in the Table to regulation 24; and
 - (d) a license has been issued in the form of Form 4 or 5.

The penalty for the offence is a fine not exceeding \$5,000.

COMMENT

The owner of the property has undertaken at least three different building activities, without any formal approval. I have been unable to establish how long the donga has been onsite.

STATUTORY ENVIRONMENT

Building Regulations 1989. Section 13

M39/0207 Moved Cr McLean Seconded Cr Leonhardt
That Council prosecute the owners of Loc 3717 Mandiakin Road, Beverley, for illegal building works under Section 13 of the Building Regulation 1989, and further, Council authorise the Principal Environmental Health Officer/Building Surveyor to instigate legal action.

CARRIED 9-0

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 3.45pm

8. INFORMATION BULLETIN

8.2 ENVIRONMENTAL HEALTH OFFICER / BUILDING SURVEYOR

Nil.

Council adjourned at 3.45pm

Council reconvened at 3.55pm

Mr Steve Vincent, Works Supervisor, entered Council Chambers at 3.55pm

- M44/0207 Moved Cr McLean Seconded Cr Leonhardt**
- 1. Amalgamated Asphalt be engaged to asphalt both driveways of the two shire houses located Lot 25 Dawson Street at the same time as the footpaths.**
 - 2. The Works Supervisor look into surfacing the various crossovers in Dawson Street should property owners wish this to be undertaken at their expense.**
- CARRIED 9-0**

Cr McLean declared an interest in the following item, and left Council Chambers at 6.12pm

CULVERTS FOR ATHOL ROAD AND K1 ROAD

BACKGROUND

Requests have been received from adjoining landowners, for the Council to install culverts under the road to help assist their farming operations.

The cost for this work is as follows:

Athol Road	\$4,843	Materials	\$2,565	Plant and Labour	\$2,277
K1 Road	\$3,168	Materials	\$1,609	Plant and Labour	\$1,559

- M45/0207 Moved Cr Szczecinski Seconded Cr Leonhardt**
- That Council install culverts as requested under the road in Athol and K1 roads with the expense being met by the requesting landholders.**
- CARRIED 8-0**

YENYENING/ATHOL ROAD CULVERTS

Item 8.3.1.8 in Information Bulletin dated 19 December 2006

BACKGROUND

A request has been made to install two new culverts at the south east corner of Yenyening Lakes and Athol Roads so that the water from the Athol Road table drain can cross the eastern most portion of Yenyening Lakes Road. A site visit is required to determine pipe sizes and levels.

- M46/0207 Moved Cr Alexander Seconded Cr Schilling**
- That Council leave the matter lie on the table in regard to installing a culvert, as requested at the last meeting, in Yenyening Lakes Road.**
- CARRIED 8-0**

Cr McLean returned to Council Chambers at 6.32pm

WORKS PROGRAM

Appendix 18

BACKGROUND

It is anticipated that the following works to be completed as indicated on the attached sheet. We are currently approximately 4 weeks behind this target due to the storms in December, repairs to the roads due to damage done by the clay trucks and staff shortages in particular grading operators. Consideration is to be given as to what jobs are to be left off if this program is not completed.

Council agreed that road works should be carried out on DeLisle Street in preference to York-Williams Road and Dobaderry Road.

Council adjourned at 6.05pm

Cr Alexander left the meeting at 6.05pm

Councillors reconvened at 6.15pm

PRIVATE WORKS

BACKGROUND

The supply of building sand has come to the end of the seam. I would suggest any sand sold from now on to be sold as sand only, if anyone wants to build with it would be up to them to make that decision. There is still plenty of sand remaining in the pit.

Clubs and staff

At what rates should we be charging for private works to clubs and staff? A uniform charging structure is required.

Council agreed that building sand should now be sold as sand only. Mr Steve Vincent, Works Supervisor, to liaise with other Works Supervisors, to formulate a charging structure for private works to clubs and staff.

7.4 FINANCE

ITEM NUMBER: 7.4.1
DATE: 20 February 2007
SUBJECT: SCHEDULE OF ACCOUNTS
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

Appendix 20

M50/0207 Moved Cr Roberts Seconded Cr Bailey
That the Schedule of Accounts for the months of December 2006 and January 2007, be received.

CARRIED 8-0

7.4 FINANCE

ITEM NUMBER: 7.4.2
DATE: 20 February 2007
SUBJECT: FINANCIAL REPORTS FOR THE PERIODS ENDING DECEMBER 2006 AND JANUARY 2007
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

M51/0207 Moved Cr McDonald Seconded Cr Leonhardt
That the Financial Reports for the months ending December 2006 and January 2007, as presented, be received.

CARRIED 8-0

7.4 FINANCE

ITEM: 7.4.3
DATE: 20 February 2007
SUBJECT: INVESTMENT OF SURPLUS FUNDS
FILE REFERENCE: FM008
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

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

COMMENT

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

▪ Office Equipment Reserve	\$ 18,681.00
▪ Annual Leave Reserve	\$ 94,179.00
▪ Building Reserve	\$ 358,803.00
▪ Leave and Gratuity Reserve	\$ 18,142.00
▪ Plant Reserve	\$ 511,109.00
▪ Recreation Ground Reserve	\$ 221,101.00
▪ Bush Fire Fighters Reserve	\$ 59,501.00
▪ Avon River Development Reserve	\$ 24,972.00
▪ Community Bus Reserve	\$ 17,978.00
▪ Cropping Committee Reserve	\$ 67,350.00
▪ Municipal Fund	\$ 400,000.00
▪ Municipal Fund	\$ 400,000.00
▪ Municipal Fund	\$ 400,000.00

The Investment terms are as follows:

Certificate#	Term	Interest Rate	Amount	Expires
1712817005	92 Days	6.30%	\$ 1,391,816.00	10/04/2007
1412806005	30 Days	6.20%	\$ 400,000.00	14/03/2007
1412803002	30 Days	6.20%	\$ 400,000.00	14/03/2007
1412801004	3 Months	6.30%	\$ 400,000.00	14/03/2007

OFFICER'S RECOMMENDATION

That Council receive the investments report for the months of January and February 2007.

M52/0207 Moved Cr Schilling **Seconded Cr Bailey**
That the investment reports for the months of January and
February 2007, be received. **CARRIED 8-0**

Mrs Sue Collins, Senior Administration Officer, declared an interest in the following item, and left Council Chambers at 6.55pm

7.5 ADMINISTRATION

ITEM NUMBER:	7.5.5
DATE:	20 February 2007
SUBJECT:	LEASING OF CROPPING COMMITTEE LAND
FILE REFERENCE:	CP 017
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 24

BACKGROUND

Council at their November meeting resolved to advertise for leasing of various Cropping Committee reserves.

COMMENT

An advertisement was placed in the Beverley Blarney with submissions closing on Tuesday 20th February 2007.

The following submissions were received:

	Beverley Football Club	CR & J Ridgway	TR & AI Hosking
Reserve 38798 (Mount Kokeby Block)		\$2,400.00	
Reserve 5265 Lot A (Old Commonage)	\$3,705.00		\$20,625.00
Reserve 5265 Lot C (Between GS H/Way & Railway Res)			
Reserve 5265 Lot D (Off Bremner Road)			

Reserves 5265 Lot C and D along with Reserve 38798 are for a period of 3 years (1st April 2007 to 31st March 2010).

Reserve 5265 Lot A (Old Commonage) is for 1 year (1st April 2007 to 31st March 2008)

Council has received no submissions for Reserve 5265 Lot D (Off Bremner Road).

The above prices are inclusive of GST.

The Beverley Football Club has entered a submission to lease the "Commonage" but is aware they are unable to meet current market value prices and have asked Council to take this into consideration when formulating their decision.

Council has also received two submissions after the closing date. The submission are from the Beverley Football Club for Part Reserve 5265 Lots C and D and from Mr Ken W Collins for Reserve 38798 and Part Reserve 5265 Lots C and D.

M58/0207 Moved Cr McLean Seconded Cr Roberts
That Council accept the following submissions for leasing of Cropping Committee land:

Pt Reserve 5265 Lot A (Old Commonage) from TR & AI Hosking for \$20,624.00, payable 6 monthly in advance, for a 1 year period (1 April 2007 to 31 March 2008).

Reserve 38798 (Mount Kokeby Block) from CR & J Ridgway for \$2,400.00 for a 3 year period (1 April 2007 to 31 March 2010).

Also that Pt Reserve 5265 Lot C (between Great Southern Highway and Railway Reserve) and Pt Reserve 5265 Lot D (off Bremner Road) be readvertised for a period of 1 year, due to no submissions being received within the advertising period.

CARRIED 8-0

Mrs Sue Collins, Senior Administration Officer, returned to the Council Chambers at 7.15pm

7.5 ADMINISTRATION

ITEM NUMBER:	7.5.7
DATE:	23 February 2007
SUBJECT:	FOOTBALL GOAL POSTS
FILE REFERENCE:	FOR 1623
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

During September 2006 one of the behind posts at the oval broke in half and an inspection of the remaining post revealed that rust had corroded around the welding in the posts thus making them susceptible to breaking also.

COMMENT

The current goal posts are made of galvanised steel in different diameters welded together and then plastic coated.

These were purchased in 2004 for the sum of \$1,900.00 and are heavy to handle when removing them from their sleeves at the end of the season and for the school athletic carnivals.

I have obtained a cost from Marindust Sales to supply a complete new set of posts and sleeves for a cost of \$5,660.00. These posts are spun tapered aluminium and are lightweight for safer and easier handling.

Marindust supplies goals to Subiaco Oval, GABBA, Arena Joondalup and to a large number of local authorities.

Council has in the budget for the Recreation Ground a sum of \$6,000.00 for locating all plumbing and electrical wiring. After speaking with the Works Supervisor he indicated that this job would not be done this year and that these funds could be used to fund the goal posts if Council desired.

M60/0207 Moved Cr Leonhard **Seconded Cr Szczecinski**
That Council purchase a set of football goal posts from Marindust Sales for the sum of \$5,660.00.

CARRIED 8-0

8. INFORMATION BULLETIN

8.5 POOL MANAGER

ITEM NUMBER:	8.5.3
DATE:	27 February 2007
SUBJECT:	BEVERLEY SWIMMING POOL - CIRCULATION PROBLEMS
FILE REFERENCE:	CP 025
AUTHOR:	Pool Manager – Gary Anderson-Smith

BACKGROUND

The Beverley swimming pool suffers from poor pool water circulation. This is demonstrated by:

- Health Dept Water Test repeatedly returning high background bacterial counts.
- Visibly large amounts of debris collecting on the bottom of the pools.
- Large numbers of insects, particularly bees and wasps being trapped and floating on the water surface.
- Significant build up of “scum” on the Pool Walls.
- Flooding of the Pool scum gutters, particularly in the Learners Pool.

The circulation problems are caused by 3 main issues.

1. The designed hydraulic flows of the Pools have been severely disrupted as a result of the movement of the 50m Pool Bowl in the recent past.
 - a. Scum gutter levels in the 50m Pool vary by up to 35mm; some of the scum gutter channels are completely flooded while others are dry. This has resulted in almost no “Skimming Action” trapping contaminants in the Pool instead of removing them to the filters.
 - b. The Learners/Toddlers Pools scum gutter channel is totally submerged 65mm underwater. There is absolutely no “Skimming Action” within the Learners/Toddlers Pool, trapping all floating contaminants within the pool bowls.
2. The Flow Rate of the Filtration system is severely restricted due to Design Limitations of the pipe work installed at the time of construction.
 - a. The Filtration System is restricted by the inadequate flow being returned to the Balance Tank. The Main Pump is throttled back by 50% to ensure it does not empty the Balance tank and run dry, which would destroy the Pump.

- b. The 'Return to Pool' valve from the Filtration System is also 50% closed to ensure the Filter Beds are not disrupted by low water levels.
 - c. The Filtration System and Pool pump were upgraded with little consideration given to the flow capabilities of the original pipe work installed in 1960.
3. The original "Cross Flow" design of the Pools does not support an adequate "Skimming Action" to remove contaminants to meet water quality requirements of the 21st century.
- a. The original design only allows 10% approximately of the pool Water to be returned via the Scum Gutters to the filtration system.
 - b. The current disruption of the hydraulic flow of the system reduces that flow dramatically, in some areas of the Pools to zero.

M63/0207

Moved Cr Schilling

Seconded Cr McDonald

That Council engage a Consultant to carry out an inspection of the Beverley Swimming Pool and advise Council of options and costing for:

- i. **Conversion of the Scum Gutters returns to a Skimmer Box system with new pipe work, as was installed at the Brookton swimming pool in 1992.**
- ii. **Replacement of the Scum Gutter Channels resetting lip levels with no more than a 3mm variation.**
- iii. **Increasing flow dramatically to the Learners/Toddlers pools to achieve a 20minute turn over rate.**

Two options to be considered:

- Installing larger supply line to the Learners/Toddlers pools with a butterfly valve to regulate flow from the existing Filtration System.**
- Installation of a dedicated Filtration System servicing the Learners/Toddlers pools**
- iv. **Replacement of all underground pipe work with PVC Piping of larger capacity. It is to be noted that the existing pipe work is "Cast Iron" and at 40 years of age is probably past its 'use by date'.**

CARRIED 8-0

Cr Schilling requested that Councillors give further consideration to being Council's representative on the Avondale Project Committee.

11. CLOSURE

There being no further business the meeting closed at 8.12pm.

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

Presiding Member _____

Date _____