

## MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 26 SEPTEMBER 2006

### 1. COMMENCEMENT

The President declared the meeting open at 10.05am.

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

#### Attendance

Cr J. M. Schilling	President	West Ward
Cr N. J. McLean	Deputy President	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	
Miss C. Emanuel	Secretary	

#### Apologies

Cr M. G. Roberts	South Ward
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#### Leave of Absence

Nil

### 3. PUBLIC QUESTION TIME

Nil

### 4. CONDOLENCES

TOLEMAN (nee Barrett-Lennard)	Peg	22 August 2006
BROUN	Richard (Dick) Tyndall	27 August 2006
MORRISSEY (nee Bailey)	Mrs Joan	18 September 2006

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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

**6.1 MINUTES OF THE COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON  
22 AUGUST 2006**

**M1/0906 Moved Cr Leonhardt Seconded Cr McLean  
That the Minutes of the Ordinary Meeting of Council held in Council  
Chambers on 22 August 2006, be confirmed.**

**CARRIED 8-0**

**6.3 PRESIDENT'S REPORT**

Nil

Mr Warwick Carter, Town Planner, entered Council Chambers at 10.15am.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 10.15am.

## 7. REPORTS OF COMMITTEES AND OFFICERS

### 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.1</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>RECONSIDERATION FOR SECOND DWELLING</b>
<b>LOCATION:</b>	<b>Lot 302 Edison Mill Road, Beverley</b>
<b>FILE REFERENCE:</b>	<b>S &amp; C Vigilante</b>
<b>AUTHOR:</b>	<b>Shire Planner – Warwick Carter</b>

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Appendix 1

#### **BACKGROUND**

Council at its meeting of 23 May 2006 refused an application for a second residence on Lot 302 Edison Mill Road in Beverley due to the following reasons:

*That Council agree not to grant permission for a second residence on Lot 302 Edison Mill Road, Beverley.*

Despite this, a letter was sent to the applicant from the then Acting Shire Planner informing them that Council is prepared to consider a second residence as per the officer recommendation. The applicant subsequently constructed their dwelling, with the belief that they could build a second one.

#### **COMMENT**

The applicant has since been informed on the error. A letter (attached) has been received requesting that Council reconsider the application as the constructed dwelling would have been redesigned if they were aware that only one dwelling was allowed.

In light of this administrative error it is recommended that Council endorse a modified version of the original Officer recommendation.

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

That Council approve a second dwelling at Lot 302 Edison Mill Road, Beverley subject to the following conditions:

1. A site plan showing the positions of both the existing and proposed residences within the existing building envelope.
2. The submission of future plans that the owners have regarding the use of their farming zoned land and how this relates to the need for a live on site manager.
3. That the second dwelling be used for the purposes of farm management only.



## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.2</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED CARETAKER'S DWELLING</b>
<b>LOCATION:</b>	<b>Lot 104 Vincent Street, Beverley</b>
<b>LOCATION:</b>	<b>Proserpine Pty Ltd &amp; Greenday Enterprises Pty Ltd</b>
<b>FILE REFERENCE:</b>	<b>VIN 117</b>
<b>AUTHOR:</b>	<b>Shire Planner – Warwick Carter</b>

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Appendix 2

### BACKGROUND

**Address:** 104 Vincent Street, Beverley  
**Zoning:** Town Centre  
**Area:** 2428m<sup>2</sup>  
**Use Class** Caretaker's Dwelling "AA"

An application for an area of the Freemason's Hotel to be converted to a Caretaker's Dwelling.

### COMMENT

A Caretaker's Dwelling is a discretionary land use under Town Planning Scheme No.2. Other than this, the Scheme is silent on what provisions are required for the use.

The proposal would see an area of the existing hotel being converted to become the caretaker's dwelling. There is plenty of parking on site and adjacent to the property, and as such there would be no external impacts from allowing such a development.

It is recommended that the application be approved subject to conditions.

**M3/0906**

**Moved Cr McLean**

**Seconded Cr Foster**

**That Council approve a Caretaker's Dwelling at 104 Vincent Street, Beverley, subject to the following conditions:**

- 1. The development shall be in complete accordance with the approved plans numbered 300806, prepared by the applicant and endorsed by Council's Shire Planner.**
- 2. Only persons responsible for the ongoing maintenance or management of the building shall occupy the area shown as caretaker's dwelling.**

**CARRIED 8-0**

## 7.1 TOWN PLANNING

<b>ITEM NUMBER:</b>	<b>7.1.3</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED SINGLE HOUSE</b>
<b>LOCATION:</b>	<b>Lot 3651 Thomas Road, Beverley</b>
<b>OWNER:</b>	<b>Campbell Shaw Pty Ltd</b>
<b>FILE REFERENCE:</b>	<b>KIE 1473</b>
<b>AUTHOR:</b>	<b>Shire Planner – Warwick Carter</b>

### Appendix 3

### BACKGROUND

<b>Address:</b>	Lot 3651 Thomas Road, Beverley
<b>Zoning:</b>	Farming
<b>Area:</b>	1214057m <sup>2</sup>
<b>Use Class:</b>	Single House "AA"

### COMMENT

The statutory provisions relating to this item are discussed below:

<b>Town Planning Scheme No.2</b>		
	<b>Clause</b>	<b>Comment</b>
<b>1.</b>	<b>Table 1</b> – Single House is an "AA" use in the Rural Area, meaning that the use may be approved at Council's discretion.	It is recommended that the use of single dwelling be approved.
<b>2.</b>	<b>Table 2</b> – The minimum setbacks in the Farming zone are: Street: 15m Side: 10m Rear: 10m	The proposed setbacks comply with the requirements under the scheme.
<b>3.</b>	<b>Clause 4.4</b> – Where an application is made for planning approval on land without frontage to a constructed road Council shall either: a) Refuse the application until the road has been constructed; b) Grant approval subject to the applicant paying a sum of money towards the cost of constructing	The subject property is accessed via an easement. If Council is not satisfied with this arrangements they may refuse the application.

	the road; c) Require such other arrangements are made for permanent access to the satisfaction of Council.	
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**M4/0906**

**Moved Cr Schilling**

**Seconded Cr Szczecinski**

**That Council approve a single dwelling at Lot 3651 Thomas Road, Beverley subject to the following conditions:**

- 1. The development shall be in complete accordance with the approved plans numbered 200906, prepared by the T & R Homes and endorsed by Council's Shire Planner.**

**CARRIED 8-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.4</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED SINGLE HOUSE</b>
<b>LOCATION:</b>	<b>Lot 20 Great Southern Highway</b>
<b>OWNER:</b>	<b>A &amp; M James</b>
<b>FILE REFERENCE:</b>	<b>GRE 1463</b>
<b>AUTHOR:</b>	<b>Shire Planner – Warwick Carter</b>

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Appendix 4

### BACKGROUND

<b>Address:</b>	Lot 20 Great Southern Highway
<b>Zoning:</b>	Farming
<b>Area:</b>	20234m <sup>2</sup>
<b>Use Class:</b>	Single House "AA"

### COMMENT

The statutory provisions relating to this item are discussed below:

<b>Town Planning Scheme No.2</b>		
	<b>Clause</b>	<b>Comment</b>
<b>1.</b>	<b>Table 1</b> – Single House is an "AA" use in the Rural Area, meaning that the use may be approved at Council's discretion.	It is recommended that the use of single dwelling be approved.
<b>2.</b>	<b>Table 2</b> – The minimum setbacks in the Farming zone are: Street: 15m Side: 10m Rear: 10m	The proposed setbacks comply with the requirements under the scheme.

**M5/0906**      **Moved Cr McDonald**      **Seconded Cr Leonhardt**  
**That Council approve a single dwelling at Lot 20 Great Southern Highway, Beverley subject to the following conditions:**

- 1. The development shall be in complete accordance with the approved plans numbered 130906, prepared by the Ross Squire Homes and endorsed by Council's Shire Planner.**

**CARRIED 8-0**



## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.5</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED AMALGAMATION</b>
<b>LOCATION:</b>	<b>Lot 11 Dempster Street, Beverley</b>
<b>OWNER:</b>	<b>W. Ashworth</b>
<b>FILE REFERENCE:</b>	<b>132144</b>
<b>AUTHOR:</b>	<b>Shire Planner – Warwick Carter</b>

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Appendix 5

### BACKGROUND

**Address:** Lot 11 & Lot 12 Dempster Street Beverley  
**Zoning:** TPS2 - Residential R10  
**Area:** 1618m<sup>2</sup>

An application for amalgamation has been forwarded by the Western Australian Planning Commission for consideration and comment by Council.

The applicant proposes to amalgamate two 809m<sup>2</sup> lots into a single 1618m<sup>2</sup> lot. The property currently contains a single dwelling and a shed.

### COMMENT

The amalgamation complies with Council's Scheme and the Residential Design Codes and will allow for the owners to keep their landholding on a single title. As such, it is recommended that the amalgamation be approved subject to no conditions.

**M6/0906 Moved Cr Foster** **Seconded Cr Leonhardt**  
**That Council recommend to the Western Australian Planning Commission that application 132144 for Lots 11 & 12 Dempster Street, Beverley be approved subject to no conditions.**

**CARRIED 8-0**

## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.6</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED SHED</b>
<b>LOCATION:</b>	<b>26 Hunt Road, Beverley</b>
<b>OWNER:</b>	<b>C. Gilbert</b>
<b>FILE REFERENCE:</b>	<b>HUN 965</b>
<b>AUTHOR:</b>	<b>Shire Planner – Warwick Carter</b>

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Appendix 6

### BACKGROUND

<b>Address:</b>	26 Hunt Road Beverley
<b>Zoning:</b>	Residential R10
<b>Area:</b>	1136m <sup>2</sup>
<b>Use Class</b>	Shed "AA"

### COMMENT

The statutory provisions relating to this item are discussed below:

<b>Town Planning Scheme No.2</b>		
	<b>Clause</b>	<b>Comment</b>
<b>1.</b>	<b>Table 1</b> – A Shed is an "AA" use that is permitted at the discretion of Council.	Council may approve or refuse the Shed.
<b>Town Planning Policy No.8 – Outbuildings</b>		
	<b>Clause</b>	<b>Comment</b>
<b>2.</b>	<b>Table 2</b> – The maximum floor area for zincalume and colorbond sheds in the R10 zone is 55m <sup>2</sup> .	The proposed shed is 73.2m <sup>2</sup> and is proposed to be constructed of colorbond. As such it does not comply with Council's policy.

**M7/0906**      **Moved Cr Schilling**      **Seconded Cr Foster**  
**That Council refuse the application for a Shed at 26 Hunt Road, Beverley for the following reason:**

- 1. Non-compliance with the Shire of Beverley's Outbuilding Policy.**  
**CARRIED 6-2**



## 7.1 TOWN PLANNING

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<b>ITEM NUMBER:</b>	<b>7.1.8</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED SUBDIVISION – 14 LOTS INTO 17</b>
<b>LOCATION:</b>	<b>Lot 1933 Westdale Road, Beverley</b>
<b>OWNER:</b>	<b>D &amp; D Barrett-Lennard</b>
<b>FILE REFERENCE:</b>	<b>131976</b>
<b>AUTHOR:</b>	<b>Shire Planner – Warwick Carter</b>

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### Appendix 8

#### BACKGROUND

**Address:** Lot 1933 Westdale Road, Beverley  
**Zoning:** TPS2 - Farming  
**Area:** ~840 ha

An application for subdivision has been forwarded by the Western Australian Planning Commission for consideration and comment by Council.

The applicant proposes to subdivide the existing 14 lots into 17 lots ranging between 8 hectares to 304 hectares. The property is currently run as a farm.

#### COMMENT

The subject lots are contained within the Farming zone and the Be2 area in the Shire's Local Rural Strategy. This policy sets a minimum lot size of 40 hectares.

The applicant has submitted a detailed justification for the subdivision including a land capability and geotechnical report. The report states that agricultural production is still capable on the smaller lots. However, there is no guidance as to how the applicant can ensure that agricultural production will occur. Staff understand that Agriculture WA is still to comment on this aspect of the development.

The proposed lots include 2 battleaxe lots, one with an access leg of over 800m and the other with access over 500m. It is considered that if the applicant was to redesign the development, these battleaxe legs could be removed. It would appear that the design's only rationale is to ensure that no new roads have to be built. The design is considered to be flawed in this regard and should be redesigned with better access and no battleaxes. This would also give the opportunity for a north south road to link Westdale Road and Waterhatch Road.

There are 7 lots proposed to be under 40 hectares in size. Whilst the lots are identified in the strategy as lots to be rezoned for rural residential style

development, no rezoning has taken place yet and as such the application is premature.

**M9/0906**

**Moved Cr Leonhardt**

**Seconded Cr McLean**

**That Council recommend to the Western Australian Planning Commission to refuse application 131976 for the following reasons:**

- 1. The proposed lot layout is inconsistent with good planning design;**
- 2. Lots 11 to 17 inclusive are under the minimum lot size of 40 hectares;**
- 3. There is no guarantee that agricultural production is capable or likely to continue on the lots; and**
- 4. The proposed subdivision is adhoc and contrary to the orderly and proper planning of the area.**

**CARRIED 8-0**

**7.1.9 VINCENT STREET DEVELOPMENT – 145 Vincent Street, Beverley  
OWNER: John Saville-Wright**

A letter was received from John Saville-Wright withdrawing development application in relation to his property located at 145 Vincent Street. Council's Environmental Health Officer/ Building Surveyor and Town Planner explain what processes have been taken to date.

**M10/0906 Moved Cr Foster Seconded Cr Szczecinski  
That Council write to Mr J Saville-Wright advising of their disappointment  
at the withdrawal of his application.**

**CARRIED 7-1**

Mr Warwick Carter, Town Planner, left Council Chambers at 11.00am.

## 7.2 HEALTH AND BUILDING

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<b>ITEM NUMBER:</b>	<b>7.2.1</b>
<b>DATE:</b>	<b>19 September 2006</b>
<b>SUBJECT:</b>	<b>BUILDING SURVEYOR QUALIFICATIONS</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Environmental Health Officer/Building Surveyor – Frank Buise</b>

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### **BACKGROUND**

Successive State Governments have desired to introduce a new Building Act into Western Australia in line with the Federal Governments Competition Policy.

The new Building Act together with the qualifications for Building Surveyors (Local Government (Miscellaneous Provisions) Bill 2005) has progressed through the public comment period, and has now received State Cabinet approval for the regulations to be drafted.

The Building Surveyor's qualifications proposal has been presented to the state Building Surveyors conference on 7<sup>th</sup> and 8<sup>th</sup> September 2006.

After the Bill has been gazetted, and the five years transitional period has expired, Local Government will only be able to employ Level 1, or Level 2 Building Surveyors.

### **COMMENT**

This is an extremely important development for all Local Governments. If and when the new Building Act is gazetted, many currently qualified Building Surveyors will move into private practise. There is no training available yet in WA to be able to recruit new blood.

It appears that there will be no portability with the qualifications from one Local Government to another. However, there is a suggestion that should a Building Surveyor resign from one Local Government and commence work with another, he/she must apply to the Dept for approval to practise as a Building Surveyor.

Local Government will no longer be able to employ non qualified Building Surveyors after the completion of the transitional period.

### **STATUTORY ENVIRONMENT**

Local Government (Miscellaneous Provisions) Act 1960  
Local Government (Miscellaneous Provisions) Amendment Bill 2005

**Council agree to receive this item.**

## **7.2 HEALTH AND BUILDING**

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<b>ITEM NUMBER:</b>	<b>7.2.2</b>
<b>DATE:</b>	<b>19 September 2006</b>
<b>SUBJECT:</b>	<b>LANDFILL CONTRACT</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Environmental Health Officer/Building Surveyor – Frank Buise</b>

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### **BACKGROUND**

Council's Community Development Committee held a meeting to discuss the Landfill Contract.

No expressions of interest were received when the position was advertised. The current contractor wrote to the Shire, and advised that he did not wish to renew the contract. However, he since changed his mind, and was invited to address the Committee meeting, but he failed to appear.

The other interested person did address the Committee.

Councillors McLean and McDonald were to approach the current contractor and seek his views on retaining the position.

### **COMMENT**

Council needs to make a decision on the matter to enable both interested parties to move on with their business.

**M11/0906 Moved Cr Schilling                                      Seconded Cr Alexander**  
**That Council offer to employ John Roki as the new Landfill site Manager**  
**from 1 November 2006.**

**CARRIED 8-0**

## **8. INFORMATION BULLETIN**

### **8.2 ENVIRONMENTAL HEALTH OFFICER / BUILDING SURVEYOR**

Nil

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 11.20am.



## **WA LOCAL GOVERNMENT ASSOCIATION VISIT**

Ricky Burgess, CEO, WALGA and Bill Mitchell, President, WALGA entered Council Chambers at 11.30am.

Both Mr Mitchell and Ms Burgess outlined the need for WALGA to visit shires and discuss issues being faced by Local Governments across the state. Mr Mitchell also advised that it is an opportunity for Councils to raise matters that effect this Council.

- Long term sustainability
- Finding appropriate staff for the Shire and within the community
- Staff housing concerns
- Training for Youth
- Changes for Building Surveyors and the Building industry
- Council Elections
- SEAVROC
- Allocations from multi-nova and red light infringements
- Increasing road usage and a 'user-pays' system
- Services that Local Government are under pressure to offer when they are derived from State and Commonwealth Governments
- Tax Reform
- Native Title
- Funding/changes for facilities and services needed in regional Shires –

Ricky Burgess, CEO, WALGA and Bill Mitchell, President, WALGA left Council Chambers at 12.20pm.

Council adjourned for Lunch at 12.20pm.

Council reconvened from Lunch at 1.40pm.

Council adjourned for Citizenship Ceremony of Ms Sheila Rutty and Mr Jerry Rutty at 2.10pm.

Council reconvened from Citizenship Ceremony at 2.30pm.

### **7.3 PLANT, WORKS, TOURISM AND RECREATION**

Jim Evans, Mechanic, entered Council Chambers at 2.40pm.

#### **7.3.1 PLANT REPORT**

Mr Evans presented Council a report on various items of plant, namely:

- CAT 926 Loader
- CAT 924G Loader
- Case Backhoe, and
- Dynapac vibrating Roller

Jim Evans, Mechanic, left Council Chambers at 2.50pm.

Mr Ian Edwards entered Council Chambers at 2.55pm.

### **7.3.2 BEVERLEY AIRFIELD**

Mr Ian Edwards addressed Council on the current status of negotiations with the Beverley Soaring Society regarding the Beverley Airfield.

Mr Ian Edwards left Council Chambers at 3.20pm.

### **7.4 FINANCE**

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<b>ITEM NUMBER:</b>	<b>7.4.1</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>SCHEDULE OF ACCOUNTS</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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Appendix 9

**M12/0906**      **Moved Cr Leonhardt**                      **Seconded Cr Bailey**  
**That the Schedule of Accounts for the month of August 2006 be received.**  
**CARRIED 8-0**

### **7.4 FINANCE**

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<b>ITEM NUMBER:</b>	<b>7.4.2</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>FINANCIAL REPORT FOR THE PERIOD ENDING 31 AUGUST 2006</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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**M13/0906**      **Moved Cr Alexander**                      **Seconded Cr Leonhardt**  
**That the Financial Report for the month ending 31 August 2006, as presented, be received.**  
**CARRIED 8-0**

## 7.4 FINANCE

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**ITEM:** 7.4.3  
**DATE:** 19 September 2006  
**SUBJECT:** INVESTMENT OF SURPLUS FUNDS  
**FILE REFERENCE:** FM008  
**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 September 2006 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	\$ 500,000.00
▪ 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
1412817001	90 Days	6.15%	\$1,320,716.00	08/11/2006
1412781003	1 Month	5.95%	\$ 500,000.00	11/10/2006
1412806001	31 Days	5.93%	\$ 400,000.00	16/10/2006
1412803002	60 Days	6.00%	\$ 400,000.00	14/11/2006
1412801002	90 Days	6.16%	\$ 400,000.00	14/12/2006

**M14/0906 Moved Cr Leonhardt Seconded Cr Szczecinski**  
**That the investment report for the month of September 2006 be received.**  
**CARRIED 8-0**

## 7.4 FINANCE

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<b>ITEM:</b>	<b>7.4.4</b>
<b>DATE:</b>	<b>19 September 2006</b>
<b>SUBJECT:</b>	<b>BAD DEBTS TO BE WRITTEN OFF</b>
<b>FILE REFERENCE:</b>	<b>FM002</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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### BACKGROUND

Council has bad debts that remain outstanding despite a number of account reminders and Council's debt collectors attempting to retain the outstanding amounts. The debts are as follows:

- Mervyn Ware \$ 568.03 for caravan park fees relating back to June 2005.
- Debbie Nairn \$ 231.00 for hall hire fees relating back to March 2005.
- Sheryl O'Loughlin \$ 88.55 for lost library book fees relating to March 2006.

### COMMENT

#### **Mervyn Ware**

Council has attempted to contact Mr Ware on many occasions but to no avail. He has been summons for the outstanding monies but no funds have been received. I have contacted Austral Mercantile requesting them to recovery the outstanding money. They have advised that they have had no luck locating the whereabouts of Mr Ware and advised that they cannot do any more unless an address can be found.

#### **Debbie Nairn**

This account relates to a hall hire charge for Ms Nairn's wedding. Council has also had no luck in contacting Ms Nairn. I also forwarded this account to Austral Mercantile for their action, but they also have had no luck. They have sent two letters of demands and a solicitor letter of demand and have received no response. They also have attempted to locate a telephone number from their internal searches but have been unsuccessful.

#### **Sheryl O'Loughlin**

This account relates to library book charges. It appears that Miss O'Loughlin has left Beverley and has not left a forwarding address as all our correspondence sent is being returned with "address unknown".

### VOTING REQUIREMENT

Absolute Majority

**M15/0906 Moved Cr Alexander Seconded Cr McLean**  
**That Council writes off the unpaid accounts of Mervyn Ware \$568.03,**  
**Debbie Nairn \$231.00 and Sheryl O'Loughlin \$88.55.**  
**CARRIED 7-1**

**M16/0906 Moved Cr Alexander Seconded Cr Bailey**  
**That all hall hiring fees be paid in advance.**  
**CARRIED 8-0**

## 7.4 FINANCE

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<b>ITEM:</b>	<b>7.4.5</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>BEVERLEY BOWLING CLUB - LOAN</b>
<b>FILE REFERENCE:</b>	<b>FM022</b>
<b>AUTHOR:</b>	<b>Deputy Chief Executive Officer – Stephen Gollan</b>

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Appendix 10

### BACKGROUND

Council when adopting their 2006 / 2007 budget agreed to raise a Self Supporting Loan on behalf of the Beverley Bowling Club to assist them with the construction of new synthetic bowling greens.

### COMMENT

I have obtained quotes from the Western Australian Treasury Corporation and the ANZ Bank to borrow \$180,000.00.

The attached schedules relate to taking the loan out over a, fifteen (15) year period.

The repayment amount per year from the Western Australian Treasury Corporation is \$18,629.06 for the life of the loan and from the ANZ is \$25,750.74 for the first year with the repayments decreasing on the life of the loan. One other point to note is that the quote from the ANZ that the interest rate is fixed for ten years and not for fifteen years.

The total interest to be repaid from the Western Australian Treasury Corporation is \$99,435.75 and the ANZ is \$140,001.18.

The repayments are Semi Annual and will be due in December and June each year.

**M17/0906      Moved Cr Leonhardt                                      Seconded Cr Alexander**  
**That Council authorise the raising of a Self Supporting Loan on behalf of the Beverley Bowling Club for \$180,000.00, for the purpose of the Construction of Synthetic Bowling Greens at Beverley, repayable over a period of fifteen (15) years from the Western Australian Treasury Corporation.**

**CARRIED 8-0**

## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.1</b>
<b>DATE:</b>	<b>13 September 2006</b>
<b>SUBJECT:</b>	<b>REVIEW OF WARD BOUNDARIES AND COUNCIL REPRESENTATION</b>
<b>FILE REFERENCE:</b>	<b>GOV004</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

In accordance with Section 6 of Schedule 2.2 of the Local Government Act 1995, a local government, the district of which is divided into wards, is to carry out a review of

- (a) its ward boundaries, and
- (b) the number of Councillors for each ward, from time to time so that not more than eight years elapse between successive reviews.

Although Council carried out the last review in 2002, a review might be considered now as two experienced Councillors have indicated they will not be renominating in 2007 and the Shire President has suggested she will be cutting short her term and also resigning in 2007. The other two Councillors whose terms expire in 2007 remain undecided whether to seek reselection.

The recent decision in York to reduce the number of Councillors to six and scrap ward boundaries certainly re-invigorated interest to seek election to the York Council and from all reports, the outcome to date has been very positive.

The downside to following the Shire of York's experience is that all positions would be declared vacant and a reselection of the entire Council necessary.

### COMMENT

Should Council wish to undertake a review of ward boundaries and the number of Council representatives, it should, prior to carrying out the review, give local public notice advertising

- (a) that the review is to be carried out; and
- (b) that submissions be made to Council before a day fixed by the notice, being a day that is not less than six weeks after the notice is first given.

In carrying out the review, Council is to consider submissions made to it within the required time.

When considering any of the following:

- (a) creating new wards within the district,
- (b) changing the boundaries of a ward,
- (c) abolishing any or all of its wards, or
- (d) changing the number of offices of Councillors for a ward,

Council has to have regard, where applicable, to:

- (a) community of interest,
- (b) physical and topographical fixtures,
- (c) demographic trends,
- (d) economic factors, and
- (e) the ratio of Councillors to each ward. (ratios should be within a 10% tolerance of each other)

My own viewpoint is that Council might be better served by reducing the number of Councillors to six and abolishing ward boundaries.

**M18/0906**

**Moved Cr Leonhardt**

**Seconded Cr Schilling**

**That Council undertake a review of its ward boundaries and number of offices of Councillors, and that an advertisement be placed in the Avon Advocate and the Beverley Blarney inviting public participation in the process by way of written submission.**

**CARRIED 8-0**



## 7.5 ADMINISTRATION

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ITEM NUMBER:	7.5.2
DATE:	19 September 2006
SUBJECT:	GROUP RATING – LOTS 4 & 5 YORK ROAD
FILE REFERENCE:	YOR 897 & YOR 898
AUTHOR:	Chief Executive Officer – Keith Byers

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### BACKGROUND

A request has come from the owner of Lots 4 & 5 York Road, Beverley, Mr Siegbert Mally to have the properties group rated.

He wishes to treat the property, which comprises a residence and vacant lot, as one with a view to landscaping the area with native plants and trees.

The interpretation of the Valuer General's Offices in relation to group values is as follows:

*“Valuation principles and court precedent provide that parcels of land meeting all of the following requirements*

- o *contiguous (touching)*
- o *held in the same ownership, and*
- o *used for the same purpose,*

*may be valued as one holding for rating and taxing purposes*

*Gross Renal Values are determined on the basis of actual occupation, or where there is no actual occupation, on the most probable occupation, provided that*

- o *where there is more than one occupation within a single ownership, individual values are determined and then aggregated into a total value,*
- o *where an actual and continuing occupation extends across more than one lot, a single valuation is determined for the whole of that land,*
- o *where a single occupation extends across more than one ownership, the single value is apportioned to the separate ownerships.”*

### COMMENT

As the definition of 'probable occupation' and 'used for same purpose' is delightfully vague and that the request could invoke a significance precedent in terms of rates levied. I am of the opinion that more in depth research be undertaken prior to considering Mr Mally's request.

**M19/0906 Moved Cr Foster Seconded Cr Alexander  
That the matter of group rating of properties within the Beverley townsite be properly researched prior to a determination of Mr Mally's request being considered and a policy adopted.**

**CARRIED 8-0**

## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.3</b>
<b>DATE:</b>	<b>19 September 2006</b>
<b>SUBJECT:</b>	<b>SALE OF LAND – PORTION OF BEVERLEY LOT 127</b>
<b>FILE REFERENCE:</b>	<b>BRO 1597</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### BACKGROUND

At Council's August 2006 meeting, the following resolution was passed  
*"That Council in accordance with the provision of the Local Government Act and Regulations offer for sale the property Beverley Sub Lot 127 to Ms Deborah Buise for the sum of \$50,000.00."*

The Act and regulations state that a Local Government can dispose of property, other than by auction or tender, if, before agreeing to dispose of the property

1. it gives local public notice of the proposal;
  - o describing the property,
  - o giving details of the disposition; and
  - o inviting submissions to be made before a date to be specified but not less than two weeks after the final notice is given; and
2. It considers any submissions received before the date specified in the notice and if its decision is made by the Council, the decision and reasons for it are recorded in the minutes of the meeting at which the decision was made.

The actual notice in the local newspaper shall contain

1. the names of all other parties concerned;
2. the consideration to be received by the Local Government from the disposition; and
3. The market value of the disposition, ascertained by a valuation carried out not more than six months before the proposed disposition.

Licensed Valuer, Edward Mogridge valued the property at between \$47,500 and \$55,000 on the 12<sup>th</sup> April 2006.

### COMMENT

The final day for receiving submissions relating to the proposal to dispose of Lot 127 Brooking Street, Beverley, close on Friday 22<sup>nd</sup> September 2006. At the time of writing no submissions have been received.

**M20/0906 Moved Cr Leonhardt Seconded Cr McLean**  
Subject to no submissions being received relating to the disposition of Lot 127 Brooking Street by 4.00pm on Friday 22<sup>nd</sup> September 2006, Council accept the offer of Ms Deborah Buise to purchase the property for \$50,000.00.

**CARRIED 8-0**

**M21/0906 Moved Cr Alexander Seconded Cr Schilling**  
That the proceeds received from the sale of Lot 127 Brooking Street be placed into a reserve fund, for future land purchases.

**CARRIED 8-0**

**M22/0906 Moved Cr Schilling Seconded Cr Foster**  
That once Council has received a property valuation for 23 Dawson Street, tender documents be produced and the residence be advertised for sale.

**CARRIED 8-0**

## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.4</b>
<b>DATE:</b>	<b>19 September 2006</b>
<b>SUBJECT:</b>	<b>WHEATBELT HEALTH MEMORANDUM OF UNDERSTANDING (MOU)</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 11

### **BACKGROUND**

For some months the Western Australian Country Health Service, Avon Midland, Central and Great East Zones of WALGA, Central Wheatbelt Division of General Practice and Wheatbelt Development Commission have been endeavouring to establish an MOU to provide a framework for all parties regarding continual communication/engagement, structures and processes that will enhance health service delivery within the Western Australian Country Health Services, Wheatbelt Region.

The MOU is not prescriptive and should not be seen as a list of expectations, it is meant to be open and broad, establishing a foundation for discussion between all parties.

An essential element throughout the process has been to protect the rights of individual Local Governments to negotiate and discuss with any party on their own accord.

### **COMMENT**

For Local Government there is a two stage process

- i. Endorsement of the MOU by individual Councils.
- ii. Endorsement of the MOU by each of the three WALGA zones.

**M23/0906**     **Moved Cr Leonhardt**     **Seconded Cr Szczecinski**  
**That Council sign the Wheatbelt Health Memorandum of Understanding.**  
**CARRIED 8-0**

## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.5</b>
<b>DATE:</b>	<b>20 September 2006</b>
<b>SUBJECT:</b>	<b>COURTNEY STREET, BEVERLEY</b>
<b>FILE REFERENCE:</b>	
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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### **BACKGROUND**

Mr P J Grogel, a resident on the corner of Richardson and Courtney Street has expressed concern at the condition of Courtney Street. He claims for the past three years, whilst he has been at this address, Courtney Street has been a quagmire in winter and a dust strip in summer.

Mr Grogel has requested consideration be given to sealing Courtney Street when adopting the 2007/08 budget.

### **COMMENT**

Over the past few years Council has been undertaking a program of sealing a number of town streets. To date these have included Richardson, Brooking, portion of Chipper, portion of Harper, Nicholas, Simmonds, portion of Edward, portion of Lennard and Barnsley Streets.

It was the intention of Council to include the remainder of Chipper Street, Courtney and Langsford Street over time.

**M24/0906 Moved Cr Alexander** **Seconded Cr Leonhardt**  
**That Mr Grogel be advised that Council will consider the sealing of Courtney Street when adopting the 2007/08 budget.**

**CARRIED 8-0**

## 7.5 ADMINISTRATION

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<b>ITEM NUMBER:</b>	<b>7.5.6</b>
<b>DATE:</b>	<b>19 September 2006</b>
<b>SUBJECT:</b>	<b>PROPOSED NORTHAM SHEEP SALEYARDS</b>
<b>FILE REFERENCE:</b>	<b>ED012</b>
<b>AUTHOR:</b>	<b>Chief Executive Officer – Keith Byers</b>

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Appendix 12

### BACKGROUND

In June 2005 the Shire of Northam advised that they were progressing with the development of saleyards for sheep in Northam. At the time Council was invited to purchase \$10,000.00 shares in the project, the Shire and Town of Northam agreeing to purchase 100 shares each and the Shire of Goomalling a further 50 shares.

Although Council in February 2005 had supported the saleyards in principle, it resolved in June 2005 not to purchase shares.

A consortium of Local Governments is still attempting to raise sufficient interest to underwrite the construction of state and regional saleyards in Northam.

The proposal is for a Local Government (probably the Shire of Northam) to raise a loan of \$350,000.00 for the construction costs. It is anticipated the operations will meet the loan repayments, however, should there be a shortfall in operations Councils will be required to contribute according to their commitment.

When an operating profit is made, the profit will be distributed in the same way, that is a percentage as described in an agreement.

The participating Local Governments to date and the amount and percentage promised is as follows:

Shire of Northam	28%	\$1,000,000.00
Town of Northam	28%	\$1,000,000.00
Shire of Goomalling	2.85%	\$100,000.00
Shire of Dowerin	2.85%	\$100,000.00
Shire of Kellerberrin	2.85%	\$100,000.00
Shire of Quairading	2.85%	\$100,000.00
Shire of Narembeen	2.85%	\$100,000.00
Shire of Southern Cross	1.43%	\$50,000.00
Shire of Tammin	1.43%	\$50,000.00

Despite this underwriting, there is still a shortfall of \$1,100,000.00, and Northam is not prepared to expose the Shire beyond the \$1,000,000.00 already committed and respectfully invites Council to participate.

Cr Bert Llewellyn from the Shire of Northam will address Council prior to its meeting and a business plan is enclosed for scrutiny.

**M25/0906 Moved Cr Alexander Seconded Cr Schilling**  
**That Council, agree in principle, to underwrite 1 share, subject to agreement on board management & suitable clauses in the agreement should the saleyards close.**

**CARRIED 8-0**

## 7.5 ADMINISTRATION

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**ITEM NUMBER:** 7.5.7  
**DATE:** 20 September 2006  
**SUBJECT:** UNNAMED ROAD  
**FILE REFERENCE:**  
**AUTHOR:** Chief Executive Officer – Keith Byers

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Appendix 13

### BACKGROUND

In approximately 1996/97 Council, upon the request of an owner of a landlocked property, being Beverley A.A. lot 79, formed a road from Lennard Road, through the property of Mr Doug Barrett-Lennard, to the said block.

It has now been brought to my attention that this formation has never been named and I seek suggestions from Council as to a suitable title which can be recommended to the Geographic Names Committee.

### COMMENT

The property, which the formed road bisects, is Woonderlin. I am not sure of any particular feature, previous owner, or whether the area or historical prominence might assist with a suitable name.

**M26/0906 Moved Cr McLean Seconded Cr Foster**  
**That Council suggest the gazetted road through Beverley A.A. lot 79 be named Woonderlin.**

**CARRIED 8-0**

## 8. INFORMATION BULLETIN

### 8.1 CHIEF EXECUTIVE OFFICER

Nil

### 8.3 WORKS SUPERVISOR

Nil

### 8.1 SHIRE PLANNER

Nil





**11. CLOSURE**

**There being no further business the meeting closed at 5.10pm.**

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

**Presiding Member**

**Date**

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