MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 22 AUGUST 2006

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 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

Nil

Leave of Absence

Cr A. D. Bailey West Ward Cr V. A. Szczecinski North Ward

3. PUBLIC QUESTION TIME

Nil

4. CONDOLENCES

Nil

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 25 JULY 2006

M1/0806 Moved Cr Leonhardt Seconded Cr Roberts

That the Minutes of the Ordinary Meeting of Council held in

Council Chambers on 25 July 2006, be confirmed.

CARRIED 7-0

6.2 PRESIDENT'S REPORT

Appendix 1

M2/0506 Moved Cr Foster Seconded Cr Mc Lean

That the President's Report for the month of August, be received.

CARRIED 7-0

Mr Warwick Carter, Town Planner, entered Council Chambers at 10.20am.

7. REPORTS OF COMMITTEES AND OFFICERS

7.1 TOWN PLANNING

ITEM NUMBER: 7.1.1

DATE: 16 August 2006

SUBJECT: PROPOSED SUBDIVISION – 2 LOTS INTO 2 – LOT 71

FORREST STREET, BEVERLEY

OWNER: S MCCLOY FILE REFERENCE: PL 132002

AUTHOR: Shire Planner – Warwick Carter

Appendix 2

BACKGROUND

Address: Lot 70 & Lot 71 Forrest Street, Beverley

Zoning: TPS2 - Residential R10

Area: 2466 m²

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

The applicant proposes to realign the boundary, creating two lots with areas of 1450m² and 1015m². The property currently contains a single dwelling, constructed over the common property boundary.

COMMENT

The subject property is in the Residential R10 zone and a minimum lot size of 1000m² and minimum frontage of 20m applies. Both lots meet the minimum lot size requirements, however one lot is only 16.82m wide.

Despite the non-compliance, it is believed that a conventional dwelling could be located on the property. As such it is recommended that the application be supported

M3/0806 Moved Cr

Moved Cr Schilling Seconded Cr McDonald That the Shire of Beverley recommend to the Western Australian Planning Commission that application 132002 for Lots 70 & 71 Forrest Street, Beverley be approved subject to the following condition:

 All buildings and effluent disposal systems are setback the required distances under the Building Code of Australian and the relevant Health Regulations.

7.1 TOWN PLANNING

ITEM NUMBER: 7.1.2

DATE: 16 August 2006

SUBJECT: PROPOSED SEA CONTAINERS AT LOT 208

HAMERSLEY STREET, BEVERLEY

OWNER: D HINDER FILE REFERENCE: HAM 59

AUTHOR: Shire Planner – Warwick Carter

Appendix 3

BACKGROUND

In October 2003, Council resolved to treat a portion of land in the Shire as if it were Residential, stating that they would be rezoned under a future Town Planning Scheme. This resulted in the lots being sold off.

COMMENT

The land is still reserved for public purposes, but is now in private ownership. Legally, Council cannot approve any development on the reserve unless it is for the function of a public purpose. Given that the Shire cannot consider the application, it is recommended that it be refused. Council may wish to investigate rezoning these lots prior to Town Planning Scheme No.3, as they will become a significant legal issue.

Regardless, should the land have been zoned Residential R5, sheds (which would include sea containers) are prohibited on a residential lot until a house is under construction, under the Shire's Outbuilding Policy.

M4/0806

Moved Cr Schilling Seconded Cr Leonhardt
That Council, refuse the application for two sea-containers on the subject property for the following reason:

1. Approval of development, other than for public purposes, would be contrary to the purpose and intent of the reserve.

7.1 TOWN PLANNING

ITEM NUMBER: 7.1.3

DATE: 18 August 2006

SUBJECT: REZONING OF PUBLIC PURPOSE LOTS –

HAMERSLEY STREET, BEVERLEY

OWNER: Multiple FILE REFERENCE: AM 13

AUTHOR: Shire Planner – Warwick Carter

BACKGROUND

Further to report 7.1.2, as Council cannot legally approve development, other than for public purposes on these lots, it is recommended that Council initiate the rezoning of the land to Residential R5. Waiting for Town Planning Scheme No.3 is not considered a good option, as there is no time frame currently in place for its creation or implementation.

COMMENT

Council, at its meeting of 28 October 2003 has already resolved that they will consider the rezoning of the property to this zone, this resolution will bring forward the time frame of the rezoning and will eventually allow Council to approve developments on this site.

Given the above issues, it is recommended that the Shire initiate amending the zone to Residential R5. Landowners in the area, including those directly affected, would be notified of this during the advertising period.

M5/0806 Moved Cr Leonhardt That Council –

Seconded Cr Roberts

- A Adopt Amendment No. 13 to Town Planning Scheme No.2 pursuant to Section 72 of the Planning and Development Act 2005 (as amended) by:
 - 1 Rezoning Lots Hamersley Street, Beverley from Public Purpose to Residential R5;
- B That the amendment documents be forwarded to:
 - (i) The Environmental Protection Authority for comment, pursuant to Section 82 of the Planning and Development Act 2005; and
 - (ii) The WA Planning Commission for permission to advertise.

- 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 being referred back to Council at the conclusion of the advertising period, together with a schedule of all submissions received.

CARRIED 7-0

Mr Warwick Carter, Town Planner, left Council Chambers at 10.35am.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 10.35am.

7.2 HEALTH AND BUILDING

The Environmental Health Officer/Building Surveyor advised Council on the current status of the Memorial Park Toilet Block, the Caravan Park Redevelopment and the new Housing project at Lot 25 Dawson Street.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 10.48am.

7.3 PLANT, WORKS, TOURISM AND RECREATION

Nil

ITEM NUMBER: 7.4.1

DATE: 16 August 2006

SUBJECT: SCHEDULE OF ACCOUNTS

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

Appendix 4

M60806 Moved Cr Leonhardt Seconded Cr Roberts

That the Schedule of Accounts for the month of July 2006 be

received.

CARRIED 7-0

7.4 FINANCE

ITEM NUMBER: 7.4.2

DATE: 16 August 2006

SUBJECT: FINANCIAL REPORT FOR THE PERIOD ENDING 31

JULY 2006

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

M7/0806 Moved Cr Leonhardt Seconded Cr Foster

That the Financial Report for the month ending 31 July 2006, as

presented, be received.

ITEM: 7.4.3

DATE: 11 August 2006

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 August 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

The Investment terms are as follows:

Certificate#	Term	Interest Rate	Amount	Expires
1412817001	90 Days	6.15%	\$1,320,716.00	08/11/2006
1412781001	32 Davs	5.95%	\$ 500,000.00	11/09/2006

M8/0806 Moved Cr Roberts Seconded Cr Leonhardt That the investment report for the month of August 2006 be received. CARRIED 7-0

ITEM: 7.4.4

DATE: 9 August 2006

SUBJECT: SPORTING GROUPS RATE PAYMENTS

FILE REFERENCE: FM005 & RC016

AUTHOR: Chief Executive Officer – Keith Byers

BACKGROUND

Council during the 2006 / 2007 budget process discussed whether to continue with the 50% subsidy on rates of sporting club or to waive the rate charges altogether. The general consensus was that sporting club rates be waived.

COMMENT

Unfortunately when formulating the budget the valuations for these clubs were used when striking the rate in the dollar, meaning that the rates raised includes the sporting clubs.

Following is a summary of what rates have been levied to each club.

Beverley Golf Club	\$2,573.64
Beverley Rifle Club	\$ 930.72
Beverley Lawn Tennis Club	\$1,049.83
Dale River Tennis Club	\$ 550.00

If Council is in agreeance to waiving the rates this means the rates levied will decrease by the above amounts. This amount during the year would be made up through interim rates thus making minimal effect on the budget.

VOTING REQUIREMENT

Absolute Majority

M9/0806 Moved Cr Schilling Seconded Cr McLean

That Council formally resolve to waive rates to the clubs as listed

below:

Beverley Golf Club Beverley Rifle Club

Beverley Lawn Tennis Club
Dale River Tennis Club

CARRIED 6-1

ITEM: 7.4.5

DATE: 9 August 2006

SUBJECT: TRANSPORTABLE DWELLINGS

FILE REFERENCE: FM009 & DAW824

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

Appendix 5

BACKGROUND

Council resolved to construct two new dwellings at Lot 25 Dawson Street, Beverley for staff housing. Tenders have been called for the construction of the dwellings.

COMMENT

Tenders closed at 12.00noon on Monday 31st July 2006. Listed below are the tenders received.

T & R Homes \$244,000.00 (GST Inclusive) Numans Group Pty Ltd \$389,636.00 (GST Inclusive)

Council in adopting their 2006 / 2007 Budget allocated \$300,000.00 towards the construction of two dwellings. This figure did include \$50,000.00 for site works and extra's for the dwellings.

STATUTORY ENVIRONMENT

Council has met the requirements of Part 4 of the Local Government (Functions and General) Regulations 1996, in relation to tenders.

FINANCIAL IMPLICATIONS

No Financial Implications to Council as the construction of the dwelling has been budgeted for in the 2006 / 2007 budget.

VOTING REQUIREMENTS

Simple Majority

M10/0806 Moved Cr Schilling Seconded Cr Roberts

That Council accepts the tender from T & R Homes of \$244,000.00 (GST Inclusive) for the construction of two dwellings at Lot 25 Dawson Street, Beverley.

7.5 **ADMINISTRATION**

ITEM NUMBER: 7.5.1

DATE: 15 August 2006

SALE OF LAND – PORTION OF BEVERLEY SUB LOT 127 SUBJECT:

FILE REFERENCE:

AUTHOR: Chief Executive Officer – Keith Byers

Appendix 6

BACKGROUND

An offer of \$50,000.00 for the purchase of portion of Beverley Sub Lot 127 has been received from Deborah Buise.

COMMENT

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;
 - Describing the property,
 - o Giving details of the proposed disposition; and
 - o Inviting submissions to be made before a date to be specified but not less than two weeks after the notice is first given; and
- 2. It considers any submissions received before the date specified in the notice and if its decision is made by the Council or a Committee, 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, Mr. Edward Mogridge valued the property at \$50,000.00 on the 12 April 2006.

M11/0806 **Moved Cr Roberts**

\$50,000.00.

Seconded Cr Leonhardt 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

7.5 **ADMINISTRATION**

ITEM NUMBER: 7.5.2

DATE: 17 August 2006

SUBJECT: **BEVERLEY DISTRICT MOTORCYCLE CLUB –**

SUPPLY OF WATER

FILE REFERENCE:

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

The Beverley District Motorcycle Club has been using water from the standpipes to dampen down their track. Council has recently locked all standpipes and water can only be obtained due normal working hours.

COMMENT

The Beverley District Motorcycle Club has written to Council and has enquired if it is possible to obtain water from the town dam as their events are held on weekends and they are unable to use the standpipes.

The use of the water is to dampen down the track and would only be required if the track is too dusty and for safety reasons.

Council currently allows to Beverley Bowling Club and Beverley Lawn Tennis Club to use water from the dam for their operations.

The club has one further event schedule for 2007 namely 17th September and they would like to have a solution for supplying of water in place prior to the 2007 season. The motor cross season has 9 scheduled open events and runs from April to September.

OFFICER'S RECOMMENDATION

That Council allow the Beverley District Motorcycle Club to extract water from the town dam.

M12/0806 **Moved Cr Foster**

Seconded Cr Alexander That Council not allow the Beverley District Motorcycle Club to

extract water from the town dam at this time.

8. **INFORMATION BULLETIN**

8.1 CHIEF EXECUTIVE OFFICER

8.1.3 **ITEM NUMBER:**

DATE: 14 August 2006

SUBJECT: **AVON CATCHMENT COUNCIL**

FILE REFERENCE: EM022

Chief Executive Officer – Keith Byers AUTHOR:

BACKGROUND

Voting to fill two Avon Catchment Community Board Member vacancies close on the 7 September 2006.

The candidates are Michael Davis (Toodyay L.C.D.C.), Brian English (Shire of Pingelly), Wayne Clarke (Toodyay L.C.D.C.), Brian Webb (Town of Northam) and Stan Malinowski (Town of Northam).

M13/0806 **Moved Cr Schilling**

Seconded Cr McLean That Council nominate Brian English and Stan Malinowski to fill the vacancies on the Avon Catchment Community Board.

Mr Jim Evans, Mechanic, entered Council Chambers at 11.32am.

ITEM NUMBER: 8.1.5

DATE: 14 August 2006

SUBJECT: **MACHINERY WARRANTY**

FILE REFERENCE:

AUTHOR: Chief Executive Officer – Keith Byers

Appendix 7

BACKGROUND

In response to request for extension of warranties on the Isuzu Truck and Caterpillar Loader I am enclosing copies of comments from both Jem Truck Sales and Westrac.

M14/0806 Moved Cr Alexander

Seconded Cr Leonhardt That Council write to Westrac outlining the increasing problems occurring with the CAT Loader and request a replacement motor,

under warranty.

CARRIED 7-0

Mr Jim Evans, Mechanic left Council Chambers at 11.50am.

ITEM NUMBER: 8.1.8

DATE: 14 August 2006

SUBJECT: **RESERVE 2633 (CROPPING COMMITTEE RESERVE**

ADJACENT TO CBH)

FILE REFERENCE:

AUTHOR: **Chief Executive Officer – Keith Byers**

BACKGROUND

Further to Council's enquiry to lease Reserve 2633, the Department of Planning and Infrastructure respectfully requests if Council has an appropriate purpose for the lease in mind.

State Land Services considers "Community Agriculture" may be best suited as the lease is intended to benefit the community as a whole.

Council's comments are sought.

M15/0806 Moved Cr McLean **Seconded Cr Roberts**

> That Council advise the Department of Planning and Infrastructure that Council has no objection to altering the purpose of Reserve

2633 to 'Community Agriculture'.

9. TABLED CORRESPONDENCE

- WALGA Central Country Zone 'Minutes of Review Meeting held by telephone conference 28 July 2006'.
- Department of Health WA Country Health Service 'Wheatbelt Health Service Plan Update'.
- Avondale Project Committee 'Minutes for 6 July 2006'.
- Avon Tourism 'Minutes of the Board Meeting held on Monday 10
 July 2006 at the Shire of Goomalling Council Chambers'.
- Department of Water 'Rural Water Plan'
- Economic Regulation Authority 'Notice: Inquiry on Country Water and Wastewater Pricing Final Report'.
- Avon Catchment Council E-news # 25
- 'Government Direction Statement on Inland Drainage July 2006'.
- 'Salinity Engineering' Issue 10 Winter 2006.
- Avon ARC 'Lotterywest Community Histories Grants Round'.
- Wheatbelt ACC 'Wheatbelt area Consultative Committee Inc's July-August 2006 Monthly email update'.
- Department of Agriculture and Food WA Annual Ryegrass Toxicity Committee – 'Notice of Meeting' (1 Sept 06).
- Department of Agriculture and Food 'Cost Benefit analysis of the State Barrier Fence'.
- WALGA 'Systemic Sustainability Study August 06'.
- WALGA Media Release 'Local Government Leaders Recognised'.
- The Hon. Jim Lloyd MP Media Release 'Australian Government Funding for Local Government in Western Australia'.
- WALGA Workplace Solutions Bulletin 3 of 2006.
- WALGA Local Government News Issues: No. 27.06, No. 28.06, No. 29.06, No. 30.06.

- ALGA News 21 July 2006, 28 July 2006, 4 August 2006, 11 August 2006.
- Department of Transport and Regional Services 'Local Government National Report'.

10.	OTHER BUSINES	22
IV.	OTTIEN BUSINE	

Nil

11. CLOSURE

There being no further business the meeting closed at 12.30pm.

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

Presiding Member Date