MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 25 JULY 2006

1. COMMENCEMENT

The President declared the meeting open at 11.05am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

President	West Ward
Deputy President	South Ward
	South Ward
	South Ward
	West Ward
	West Ward
	North Ward
	North Ward
	North Ward
Chie	f Executive Officer
Deputy Chie	f Executive Officer
	Secretary
	Deputy President Chie

Apologies

Nil

3. PUBLIC QUESTION TIME

3.1 STANDPIPES

Mr W. Wright - Water Carter, Mr K. Bird, and Mr W. Sleep - Sleeps Transport, raised concerns regarding the use of the Shire Standpipes, outlining:

- Weekend and overnight use of keys for businesses;
- o Record books not at standpipes consistently;
- Lock at Balkuling Standpipe being tampered with; and
- o Effects on businesses who rely on water, to operate safely.

Cr Schilling advised that Council has given every consideration to the issues surrounding the Shire standpipes, and that Council had set a policy of allowing keys for use during business hours only, that must remain consistent for all users.

A suggested method of accessing standpipe keys was to use a local business to distribute keys for weekend use by businesses.

In the advent of using a local business to distribute keys for standpipes, Council was concerned about the consistency of meter readings and the responsibility of irregularities in those readings.

3.2 SHIRE EXPENDITURE

Mr K. Bird raised concerns over alleged exorbitant expenditures within the Shire while so much attention was focused on the large loss of income from standpipe water.

3.3 RESTRICTED ACCESS VEHICLES

Mr W. Sleep of Sleeps Transport reported to Council on an LTA meeting where the issue of the new permit system for Restricted Access Vehicles was discussed. Points raised included; available routes, speed limits and vehicle regulations.

The President advised that the Chief Executive Officer would arrange a meeting in September 2006 to discuss Restricted Access Vehicle issues with Council and heavy haulage operators.

4. CONDOLENCES

KILPATRICK Mr Lawrence Frazier (Schultz) 2 July 2006

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr V.A. Szczecinski and Cr. A.D. Bailey requested a Leave of Absence for the 22 August 2006 Council Meeting.

M1/0706 Moved Cr Leonhardt Seconded Cr Roberts

That Cr Bailey and Cr Szczecinski's application for Leave of Absence for the 22 August 2006 Council Meeting, be accepted.

CARRIED 9-0

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 MINUTES OF THE COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON TUESDAY 27 JUNE 2006

M2/0706 Moved Cr Roberts Seconded Cr Bailey

That the Minutes of the Ordinary Meeting of Council held in Council

Chambers on Tuesday 27 June 2006, be confirmed.

6.2 PRESIDENT'S REPORT

Cr J. Schilling reporting on the following matters,

- SEAVROC items including road funding, Crime Prevention funding, Emergency Services.
- o Meeting with community groups to discuss Crime Prevention funding.
- Edward/Soaring Society mediation, which is to be held on Friday 28 July regarding the Beverley Airfield.
- Art Gallery Committee applying for grants for the establishment of gardens at the Station Gallery.

Mr Warwick Carter, Town Planner, entered Council Chambers at 12.08pm.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 12.08pm.

7. REPORTS OF COMMITTEES AND OFFICERS

7.1 TOWN PLANNING

ITEM NUMBER: 7.1.1

DATE: 19 July 2006

SUBJECT: PROPOSED PATIO – PT LOT 19 YORK-WILLIAMS ROAD,

BEVERLEY

OWNER: K. Devereux FILE REFERENCE: YOR 1536

AUTHOR: Shire Planner – Warwick Carter

Appendix 1

BACKGROUND

The Shire has received an application for a patio at Pt Lot 19 York-Williams Road, Beverley. The application proposes a small covering over the entrance to the house.

Zoning: TPS2 - Farming

Area: 4.0469ha

Use Class: Single House "AA"

COMMENT

The proposed development complies with the relevant statutory provisions with the exception of those outlined below:

То	Town Planning Scheme No.2		
1.	Clause 4.6 – Development is required to be setback a minimum of 10m from the side and rear boundaries in the farming zone.	l ,	
2.	Clause 4.2.2 – Despite non-compliance with a prescribed setback, Council may approve the variation if the approval is: (i) consistent with the orderly and proper planning of the area; (ii) will have no adverse effect upon the inhabitants of the locality.	The house already exists at a reduced setback and the purpose of the application is to keep the weather off the main entrance to the dwelling. The setback, whilst considerably reduced is in the farming zone, well away from other dwellings. Such a setback complies with the provisions of the BCA.	

CONCLUSION

Given the minor variation proposed and the practicality of the proposed patio, it is recommended that Council approve the application.

M3/0706 Moved Cr Foster

Seconded Cr Roberts

That Council, pursuant to Clause 4.2.2 of The Shire of Beverley Town Planning Scheme No.2, approve a patio at Pt Lot 19, York-Williams Road, Beverley, with a reduced setback of 2.3m to the northern boundary subject to the following conditions:

- Development is to be in complete accordance with the approved plans numbered 170706, endorsed by the Shire of Beverley's Shire Planner, unless prior approval is sought from that officer to any variation made necessary by detailed design.
- 2. This approval is valid for a period of two years

Cr McDonald declared an interest in the following item and left Council Chambers at 12.14pm.

7.1 TOWN PLANNING

ITEM NUMBER: 7.1.2

DATE: 19 July 2006

SUBJECT: RETROSPECTIVE HOME INDUSTRY AT 45 HUNT ROAD,

BEVERLEY

OWNER: W & A McDonald

FILE REFERENCE: HUN 914

AUTHOR: Shire Planner – Warwick Carter

Appendix 2

BACKGROUND

The Shire has received complaints regarding the unapproved use of a property for sale of goods in the Residential zone. The Shire received an application for retrospective approval of a home occupation, following a letter requesting the owner apply or cease the unapproved use.

Zoning: TPS2 - Residential R10

Area: 2023m²

Use Class: Home Occupation "AA"

COMMENT

The proposed development complies with the relevant statutory provisions with the exception of those outlined below:

То	Town Planning Scheme No.2				
1.	Cla	ause 4.9.1 – Council will not			
		prove a home occupation			
	unl	ess the use:			
	a)	will not prejudicially affect	The use of the property to grow		
		the amenity of the area.	plants would not be deemed to		
			detrimentally impact upon the		
			area.		
	b)	will not occupy an area of	The area shown on the plans is		
		greater than 20m2.	larger than 20m ² but this could		
	۵)	doos not require the	form a condition of any approval.		
	c)	•	No additional services are		
		provision of any essential services greater than those	required for the home occupation.		
		generally required in the			
		zone that it is located.			
	d)		The actual growing of the plants is		
	۵,	principal uses of the land in	considered to be innocuous,		
		the zone and will not in the	•		
		opinion of Council generate			

	a volume of traffic that would prejudice the amenity of the area.	traffic movements in the area and on and off the property. The use of the property for sales of plants may also prejudice the amenity of adjoining properties.
2.	Clause 6.5.1 – Council may give approval of a development already carried out, provided that approval complies with the provisions of the Scheme.	Council may retrospectively approve the Home Occupation at the subject property. It is important to note that retrospective approval does not impede Council's ability to prosecute the owner for the initial breach of the Scheme.
3.	Clause 7.2.1(b) – A person shall not change the use of any land for any purpose unless all consents require by the Scheme have been granted and issued.	There is no record of approval was being granted.
4.	Clause 7.2.2 – Any person who fails to comply with a provision of this Scheme is guilty of an offence and is liable to penalties prescribed in the Act.	Council may direct staff to commence prosecution of the applicant for the initial breach of the Scheme. The maximum penalty prescribed under the Act is \$50,000 plus a \$5,000 daily penalty.

CONCLUSION

It is recommended that Council grant approval to the home occupation with conditions prohibiting the sale of goods from the address.

M4/0706 Moved Cr McLean

Seconded Cr Foster

That Council, pursuant to Clause 6.5.1 grant retrospective planning approval to conduct a home occupation (plant growing) at 45 Hunt Road, Beverley, subject to the following conditions:

- 1 The approval shall be personal to the applicant and neither run with the land nor be transferable or assignable to any other person or property.
- 2 The use shall not entail the employment of any person not a permanent member of the occupier's household.
- The use shall not in any way be detrimental to the amenity of the locality.
- The use shall not require the provision of any service or utility additional to those normally required in the zone or neighbourhood in which it is located.

- The use shall not give rise to car parking, vehicle movements, noise or other emissions or impacts significantly in excess of those reasonably expected of the zone in which the dwelling is located. Relative to this requirement, no commercial deliveries in connection with the activity shall be undertaken.
- No goods shall be sold or exposed for sale within the dwelling or curtilage of the dwelling.
- The use shall not involve the outdoor storage of material, supplies or other goods whatsoever unless Council is satisfied that such storage is not detrimental to the amenity and fire safety in the locality.
- 8 This approval is subject to annual renewal.
- 9 There shall be no external indication that the dwelling or outbuilding where a home occupation is conducted is used other than the primary residential use on the property.
- The use shall not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) prejudice of injurious affection due to the emission of noise, vibration, light, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid waste or other waste products or due to the use of electrical equipment that interferes with radio or television reception.
- 11 The use shall not occupy an area of more than 20m², contained within the building indicated on the site plan numbered 190706 (including any amendments marked in red) endorsed by the Shire of Beverley's Shire Planner.
- If, in the opinion of Council, a home occupation hereby granted is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, Council may rescind the approval granted by it. Where a determination is made by the Council to rescind the approval, no person shall thereafter upon the subject land, carry on the Home Occupation.

Amendment

Moved Cr Alexander Seconded Cr Roberts
That Council, pursuant to Clause 6.5.1 grant retrospective planning approval to conduct a home occupation (plant growing) at 45 Hunt Road, Beverley, subject to the following conditions:

- 1 The approval shall be personal to the applicant and neither run with the land nor be transferable or assignable to any other person or property.
- 2 The use shall not entail the employment of any person not a permanent member of the occupier's household.
- The use shall not in any way be detrimental to the amenity of the locality.
- 4 The use shall not require the provision of any service or utility additional to those normally required in the zone or neighbourhood in which it is located.
- The use shall not give rise to car parking, vehicle movements, noise or other emissions or impacts significantly in excess of those reasonably expected of the zone in which the dwelling is located. Relative to this requirement, no commercial deliveries in connection with the activity shall be undertaken.
- No goods shall be sold or exposed for sale within the dwelling or curtilage of the dwelling.
- The use shall not involve the outdoor storage of material, supplies or other goods whatsoever unless Council is satisfied that such storage is not detrimental to the amenity and fire safety in the locality.
- 8 This approval is subject to annual renewal.
- 9 There shall be no external indication that the dwelling or outbuilding where a home occupation is conducted is used other than the primary residential use on the property.
- The use shall not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) prejudice of injurious affection due to the emission of noise, vibration, light, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid waste or other waste products or due to the use of electrical equipment that interferes with radio or television reception.
- 11 The use shall not occupy an area of more than 20m², contained within the building indicated on the site plan numbered 190706 (including any amendments marked in red) endorsed by the Shire of Beverley's Shire Planner.
- 12 If, in the opinion of Council, a home occupation hereby granted is causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, Council may rescind the

approval granted by it. Where a determination is made by the Council to rescind the approval, no person shall thereafter upon the subject land, carry on the Home Occupation.

The above conditions to commence in three months from the 25 July Council Meeting.

LOST 2-6

The original motion was then put.

CARRIED 6-2

Mr Warwick Carter, Town Planner, left Council Chambers at 12.30pm.

Cr McDonald re-entered Council Chambers at 12.30pm.

7.2 HEALTH AND BUILDING

Nil

- 8. INFORMATION BULLETIN
- 8.3 ENVIRONMENTAL HEALTH OFFICER / BUILDING SURVEYOR

Council accepted the Environmental Health Officer / Building Surveyor's report.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 12.35pm.

Council adjourned for Lunch at 12.35pm.

Council reconvened from Lunch at 1.40pm.

7.4 FINANCE

ITEM NUMBER: 7.4.1

DATE: 19 July 2006

SUBJECT: SCHEDULE OF ACCOUNTS

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

Appendix 3

COMMENT

The Schedule of Accounts for the month of June 2006.

M5/0706 Moved Cr Leonhardt Seconded Cr Roberts

That the Schedule of Accounts for the month of June 2006 be received.

CARRIED 9-0

7.4 FINANCE

ITEM NUMBER: 7.4.2

DATE: 19 July 2006

SUBJECT: FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE

2006

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

M6/0706 Moved Cr Bailey Seconded Cr McLean

That the Financial Report for the month ending 30 June 2006, as

presented, be received.

7.4 FINANCE

7.4.3 ITEM:

DATE: 19 July 2006

BAD DEBTS TO BE WRITTEN OFF SUBJECT:

FILE REFERENCE: FM002

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Council has a number of bad debts that remain outstanding despite a number of account reminders. The debts are as follows:

➤ B. & M. Leach \$ 158.38 for Legal Fees (Mar 01) \$ 244.31 for Legal Fees (Aug 01) A.R. McKinnon \$ 163.55 for Legal Fees (Jun 01) M. Warren

\$ 33.00 for Account Enquiry Fees (Jul 02)

> T. Wheater \$ 86.85 for Legal Fees (Mar 05) \$ 162.81 for Legal Fees (Jul 02) > P.R. Gindein & L.D. Wormald

Brookton Speed Shears \$ 55.00 for Blarney Advertising (Feb 05) > S. O'Loughlin \$ 88.55 for Lost Library Books (Mar 06) > S. Ugle \$ 57.75 for Amenities Building hire (Apr 05)

COMMENT

In relation to the above debts for Legal Fees these relate to costs incurred in recovering outstanding rates from previous years.

Council has the ability to write these amounts off as bad debts if they wish. To achieve this it has to be by Absolute Majority.

M7/0706 **Moved Cr Alexander** Seconded Cr Leonhardt

That Council write off the following unpaid accounts:

\$ 158.38 for Legal Fees (Mar 01) > B. & M. Leach \$ 244.31 for Legal Fees (Aug 01) > A.R. McKinnon > M. Warren \$ 163.55 for Legal Fees (Jun 01)

M. Warren \$ 33.00 for Account Enquiry Fees (Jul 02)

P.R. Gindein & L.D. Wormald \$ 162.81 for Legal Fees (Jul 02)

7.4 FINANCE

ITEM: 7.4.4

DATE: 19 July 2006

SUBJECT: ADOPTION OF 2006/2007 BUDGET

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

As Council would be aware they need to adopt certain motions in relation to formally adopting the 2006 / 2007 budget.

COMMENT

The motions listed below are those, which need to be adopted.

- Adoption of Rate in the Dollar
- Minimum Rate
- Rate Discount
- Rate Penalty
- Rate Instalments
- Reserve Fund
- Schedule of Fees and Charges
- Instalment Payments and Dates
- Fire Break Order
- 2006 / 2007 Budget Formal Adoption

Adoption of Rate in the Dollar

M8/0706 Moved Cr Leonhardt Seconded Cr Szczecinski That the Gross Rental Value of 15.5530 cents in the dollar and

Unimproved Value of 1.1080 cents in the dollar be adopted.

Minimum Rate

Moved Cr Leonhardt Seconded Cr Szczecinski

That the Gross Rental Value and Unimproved Value Minimum Rate be set

at \$600.00.

<u>Amendment</u>

M9/0706 Moved Cr Alexander Seconded Cr Schilling

That the Gross Rental Value and Unimproved Value Minimum Rates be

set at \$550.00.

The amendment became the motion and was put.

CARRIED 7-2

Rate Discount

M10/0706 Moved Cr Foster Seconded Cr McDonald

That a 10% rate discount be allowed for rates paid in full within thirty five

(35) days of the service of the rate notice.

CARRIED 9-0

Rate Penalty

M11/0706 Moved Cr Alexander Seconded Cr Leonhardt

That Council charge a penalty of 11% p.a. calculated daily on all

outstanding rates and service charges as at the close of business thirty

five (35) days after service of the rate notice.

CARRIED 9-0

Rate Instalments

M12/0706 Moved Cr McLean Seconded Cr Foster

That Council set the interest component for rate instalments at 5.50% per annum calculated daily. That Council charges an \$8.00 administration

fee on payments by instalments.

CARRIED 9-0

Reserve Fund

M13/0706 Moved Cr Leonhardt Seconded Cr McDonald

That Council adopt the 2006/07 Reserve Fund budget.

Schedule of Fees and Charges

M14/0706 Moved Cr Leonhardt Seconded Cr Schilling

That the Fees and Charges schedule as amended be adopted.

CARRIED 9-0

Instalment Payments and Dates

M15/0706 Moved Cr Szczecinski Seconded Cr Roberts

Those ratepayers wishing to pay their rates by instalments must have the

first instalment paid in full by the 13th September 2006.

CARRIED 9-0

M16/0706 Moved Cr Schilling Seconded Cr Foster

That the installment due dates be as follows:

1st Instalment
13th September 2006
2nd Instalment
14th November 2006
3rd Instalment
15th January 2007
4th Instalment
15th March 2007

CARRIED 9-0

Fire Break Order

M17/0706 Moved Cr Foster Seconded Cr Leonhardt

That Council adopts the following Fire Break Order for 2006 / 2007.

CARRIED 9-0

FIRE BREAK ORDER BUSH FIRE ACT 1954

All owners and occupiers of land are required on or before 15 November every year to provide and thereafter maintain free of all inflammable material until 15 April of the following year, firebreaks as stipulated in the manner described in the following schedule.

SCHEDULE

RURAL LAND

Buildings and Haystacks: A firebreak of at least 4 metres wide and not more than 60 metres from the perimeter of all buildings (including temporary dwellings e.g. caravans) and/or haystacks or groups of buildings and/or haystacks so as to completely surround the buildings, haystacks and/or fuel dumps.

Bulldozed Bush: A firebreak 20 metres wide shall be maintained immediately inside the external boundaries of all land which has been bulldozed, chained or prepared in any similar manner for clearing by burning (whether it is intended to burn the bush or not).

Stationary Pumps/Motors: A firebreak 4 metres wide shall be cleared and maintained around all stationary pumps and motors.

Harvesting Operations: During the period when harvesting operations are being conducted, there shall be provided in the same paddock or within 400 metres of that paddock an operational independent mobile fire-fighting unit having a water capacity of not less than 650 litres. The tank of the unit shall be kept full of water at all times during the harvest operations. The responsibility to supply the unit being that of the landowner.

Operation of Plant and Machinery: During the restricted and prohibited burning times, all harvesters and trucks carting grain shall not be operated on rural land unless fitted with a fire extinguisher. On days of HARVEST BANDS there shall be no movement of any vehicles within paddocks.

Paddock Burns: At any time throughout the year, where a landowner intends to burn paddocks, the following must be provided to prevent escape of fire:

- 1. A firebreak 2.2 metres wide clear of all inflammable material completely surrounding the area to be burnt.
- 2. An operational fire-fighting unit having a capacity of not less than 650 litres.
- 3. Permits to burn may be required. Contact your Fire Control Officer for details.

TOWNSITE LAND

All lots with an area of 2.024 ha (5 acres) or less, shall be clear of all inflammable material or have grass mown to a height no greater than 15cm.

GENERAL INFORMATION

Fuel Dumps: You shall remove all flammable materials or material likely to become flammable during summer from land occupied by bulk storage tanks and/or drums used for storage of liquid fuel whether the bulk storage tanks and/or drums contain liquid or not. This includes the land on which ramps for holding the drums are constructed. The flammable free ground must be maintained to a distance of at least 4 metres outside the perimeter of any drum, stack of drums or drum ramp or bulk storage tank.

Variations to Requirements: By the Order. For permission to provide firebreaks in alternative positions or by alternative date or to take alternative action to abate fire hazards on the land, an application must be made no later than 14 days prior to the date firebreaks are required. If permission is not granted by the Shire or its duly authorized officer, you shall comply with the requirements of this notice.

Penalty for Failure to Comply: The penalty for failing to comply with this notice is a fine of up to \$1000. If the owner or occupier fails to carry out the works required by this Firebreak Order the Shire of Beverley may enter the land and prepare the firebreaks at the cost of the owner or occupier.

Burning: If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fire Act 1954.

Formal Adoption of 2006 / 2007 Budget

M18/0706 Moved Cr Schilling Seconded Cr Roberts

That Council adopts the 2006 / 2007 Budget.

7.4 FINANCE

ITEM: 7.4.5

DATE: 19 July 2006

SUBJECT: **OUTSTANDING RATES – ASSESSMENT 382**

FILE REFERENCE: GRI 382

AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Mr Hutson visited Council at their June meeting and requested that the outstanding amount owing on his rates be written off due to him being advised that he could pay them the next day.

COMMENT

Mr Huston came in to pay his rates and to query the Rubbish Charge that was on his rate assessment, as he has a vacant block. Unfortunately Mr Huston was informed that the Rates Officer was not present and that he was to come back when the Rates Officer was available.

He then came back the next day to pay his rates and discuss his concerns regarding the rubbish charge. Payment was made on this day but it was a day after the discount period had ceased, hence the outstanding amount of \$44.00.

In this instance I would suggest that this amount be written off, due to Mr Huston being advised to return the next day (being the day after the discount cut-off date) to discuss his concerns and make payment.

Staff now have been instructed to advise ratepayers if they have concerns regarding their rate notice to make payment in full to receive their discount and if a refund is owing this will be forwarded on in due course.

M19/0706 Moved Cr Schilling

Seconded Cr Szczecinski That Council write off the amount of \$44.00 plus any penalty interest that

applies to assessment 382.

CARRIED 9-0

Mr Ian Moulton entered Council Chambers at 2.05pm.

Mr Mark Burgess, Consultant Works Manager, entered Council Chambers at 2.05pm.

PLANT, WORKS, TOURISM AND RECREATION 7.3

The Chief Executive Officer introduced of Mark Burgess, Consultant Works Manager to Council. Mr. Burgess reported briefly on his observation of the

operation of the Shire of Beverley Works Department, including plant operations, road conditions and the need for a 5-year road program.

Ian Moulton reported to Council on the Shire's maintenance grading program.

Mr Ian Moulton left Council Chambers at 2.30pm.

Mr Mark Burgess, Consultant Works Manager, left Council Chambers at 2.30pm.

7.5 ADMINISTRATION

ITEM NUMBER: 7.5.1

DATE: 18 July 2006

SUBJECT: HEAVY VEHICLE OPERATIONS – TOP BEVERLEY/YORK

ROAD, BEVERLEY

FILE REFERENCE: RO008 WOTOP008

AUTHOR: Chief Executive Officer – Keith Byers

Appendix 4

BACKGROUND

Transport operators have requested that extra mass transport vehicles (up to 27.5metres) be permitted to utilise the full length of the Top Beverley/York Road.

Main Roads Western Australia assessed the road on the 16th June 2006 and advised as follows:

"Whilst the road does not meet the minimum width requirements, the surface is generally in good condition with acceptable alignment, and given the low traffic volumes would be considered suitable for Restricted Access Vehicles."

A copy of the assessment is attached for Council's information.

COMMENT

Should Council wish to have the Top Beverley/York Road approved for usage by Restricted Access Vehicles it will need to forward an appropriate request to Main Roads Western Australia for this to take place? Such a request may contain conditions that in Council's opinion are necessary. These may include:

- 1. Permit vehicles to be restricted to a maximum speed of 80kph.
- 2. Impose a curfew on permit vehicle operations during school bus hours of travelling on the road.
- 3. Maximum combination length of 27.5metres.
- 4. Utilising the road for the purpose of servicing properties abutting Spavens, Walgy and the Top Beverley/York Road (this condition

would prevent Restricted Access Vehicles) using the Top Beverley Road as a through route).

Although Main Roads Western Australia has given its qualified support for the road to be utilised by Restricted Access Vehicles, I do have some concerns at the lack of visibility at the right-hand curves located at the 20.82SLK and 21.24SLK. To improve the safety at both locations would require significant remedial action due to the topography of the area.

M20/0706 **Moved Cr Alexander**

meeting in September.

Seconded Cr Leonhardt That Council agree to allow Restricted Access Vehicles on the Top Beverley/York Road in the interim, to service local landowners, until a final decision regarding the use of this road is made following a public

7.5 ADMINISTRATION

ITEM NUMBER: 7.5.2

DATE: 18 July 2006

SUBJECT: RESUMPTION OF LAND – NORTHERN CRANBROOK ROAD

FILE REFERENCE: GRE685 WOGRE2

AUTHOR: Chief Executive Officer – Keith Byers

Appendix 5

BACKGROUND

Main Roads Western Australia recently undertook improvement works on the Northam Cranbrook Road from SLK75 to SLK76 which included upgrades to the rail crossing. These works required the relocation of the fence into the adjoining parcels of land thereby necessitating the need for formal land resumption. With the exception of revegetation pending suitable rainfalls, all construction activities have been completed.

Enclosed for consideration by Council are drawings detailing the area of land required to accommodate the improved alignment. In order for the land acquisition to proceed, the land shown shaded on plans 0560-091-2 to be Taken and included in the road reserve requires Council concurrence.

It would be appreciated if Council could consider the matter at its next meeting and advise whether it is in agreement with the proposal. If Council agrees to the proposal, the advice would need to be in the following terms to meet Department for Planning and Infrastructure requirements:-

"Council at its meeting of XX XXXX XXXX concurred to the Taking of the land, the subject of Main Roads' Drawing/s 0506-091-2, and also to its dedication as road under Section 56 of the Land Administration Act".

M21/0706 Moved Cr Schilling Seconded Cr Alexander

That Main Roads Western Australia be advised that:-

"Council at its meeting of 25 July 2006 concurred to the Taking of the land, the subject of Main Roads' Drawing/s 0506-091-2, and also to its dedication as road under Section 56 of the Land Administration Act".

7.5 ADMINISTRATION

ITEM NUMBER: 7.5.3

DATE: 18 July 2006 SUBJECT: S.E.A.V.R.O.C.

FILE REFERENCE: GR018

AUTHOR: Chief Executive Officer – Keith Byers

Appendix 6

BACKGROUND

The Shires of Beverley, Brookton, Cunderdin, Quairading and York have for sometime been working cooperatively under the banner of the South East Avon Voluntary Regional Organisation of Councils. The original purpose of the alliance was to resource share, both staff and equipment.

The group has been successfully obtaining grant funding for a variety of projects and through exchanging knowledge as to how each individual Local Government operates.

COMMENT

The stage has now been reached whereby the group would like to proceed on a more formal basis whilst remaining in a voluntary capacity.

With the assistance of Echelon, workshops have been conducted and a Strategic Plan formulated. The Strategic Plan, Human Resource Plan, Public Relations Plan and Memorandum of Understanding have been enclosed for each Council's consideration and adoption.

M22/0706 Moved Cr Roberts

Seconded Cr Bailey

That the Shire of Beverley become a party to the circulated Memorandum of Understanding of S.E.A.V.R.O.C. and adopt the attached draft Strategic, Human Resource, and Public Relations Plans

CARRIED 9-0

8. INFORMATION BULLETIN

8.1 CHIEF EXECUTIVE OFFICER

ITEM NUMBER: 8.1.1

DATE: 18 July 2006 SUBJECT: COST SHIFTING

FILE REFERENCE:

AUTHOR: Chief Executive Officer – Keith Byers

Appendix 8

BACKGROUND

The Shire of Chapman Valley has expressed concern at the continued cost shifting practices by both the State and Federal Governments to Local Government.

The Shire of Chapman Valley has adopted the following policy and would like Council to consider doing likewise.

- The Shire of Chapman Valley will not undertake any additional function/tasks until an independent analysis has been undertaken, at the cost of the Australian Government, State Government, Department or any other organisation involved in imposing these additional functions/tasks, to determine if additional resources are required to adequately cater for the additional functions/tasks being expected of the Shire.
- If the outcomes of the analysis is the Shire would need additional resources to undertake the additional functions/tasks then the Shire will refuse to perform these functions/tasks until such resources are made available.
- 3. In the event additional resources are not made available for the additional functions/tasks being requested of the Shire, the Shire will formally advise the relevant organisation(s) and all relevant parliamentarians that they cannot perform these functions/tasks. This advice is to state that in the event of any claim against the Shire, due to non-compliance with the requirement to perform the additional functions/tasks, the Shire will use as a defence the fact they informed the relevant individuals and organisations of their inability to comply due to adequate resources not accompanying the additional functions/tasks.

A copy of the letter from the Shire of Chapman Valley is attached for Councils consideration

M23/0706 Moved Cr Leonhardt

Seconded Cr Roberts

That Council support the position of the Shire of Chapman Valley at the next Central Country Zone meeting, and Adopt the following policy

- 1 The Shire of Beverley will not undertake any additional function/tasks until an independent analysis has been undertaken, at the cost of the Australian Government, State Government, Department or any other organisation involved in imposing these additional functions/tasks, to determine if additional resources are required to adequately cater for the additional functions/tasks being expected of the Shire.
- 2 If the outcomes of the analysis is the Shire would need additional resources to undertake the additional functions/tasks then the Shire will refuse to perform these functions/tasks until such resources are made available.
- 3 In the event additional resources are not made available for the additional functions/tasks being requested of the Shire, the Shire will formally advise the relevant organisation(s) and all relevant parliamentarians that they cannot perform these functions/tasks. This advice is to state that in the event of any claim against the Shire, due to non-compliance with the requirement to perform the additional functions/tasks, the Shire will use as a defence the fact they informed the relevant individuals and organisations of their inability to comply due to adequate resources not accompanying the additional functions/tasks.

CARRIED 9-0

- 8. INFORMATION BULLETIN
- 8.2 WORKS SUPERVISOR

Nil

8.4 SHIRE PLANNER

Nil

9. TABLED CORRESPONDENCE

10. OTHER BUSINESS

10.1 LAND OFFER - BROOKING STREET - BEVERLEY SUB LOT 127

Ms Deborah Buise has written to Council offering \$50,000 for Beverley Sub Lot 127 Brooking Street.

Mr Keith Byers, Chief Executive Officer to advise D. Buise that her offer will be considered at the next Council Meeting on 22 August 2006.

10.2 REFUSE SITE

Two applicants are to be interviewed for the position of management of the refuse site. Interviews to be conducted at 1.45pm on Friday 28 July 2006 in Council Chambers with the Community Development Committee.

10.3 WHEATBELT DRAINAGE

Cr McLean reported on a meeting with John Dunn from Wheatbelt Drainage who proposes to redirect a drain in Morbinning Gully to drain into Ski Lakes, and another meeting to be held in Quairading, which Cr McLean will attend.

Date

11. CLOSURE

Presiding Member

There being no further business the meeting closed at 3.30pm.

hereby certify these Minutes as being confirmed in accordance with Section 5.22 of the Local Government Act
995.