

MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 28 MARCH 2006

1. COMMENCEMENT

The President declared the meeting open at 11.10am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

Cr J. M. Schilling	President	West Ward
Cr N. J. McLean	Deputy President	South Ward
Cr M. G. Roberts		South Ward
Cr W. S. McDonald		South Ward
Cr B. M. Foster		West Ward
Cr A. D. Bailey		West Ward
Cr V. A. Szczecinski		North Ward
Cr J. D. Alexander		North Ward
Cr S Leonhardt		North Ward
Mr K. L. Byers	Chief Executive Officer	
Mr S. P. Gollan	Deputy Chief Executive Officer	
Miss C. Emanuel		Secretary

Apologies

Nil

Leave of Absence

Nil

Mr Kim Isbister, Regional Risk Coordinator, attended Council as an observer.

3. PUBLIC QUESTION TIME

3.1 AGRICULTURE REPORT

Mr Peter Young presented a verbal report on an Agricultural Protection Board Advisory meeting he attended on behalf of Council that was held in Northam on 14 March 2006.

4. CONDOLENCES

WEBB	Mr Cyril	Former Beverley resident
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5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 21 FEBRUARY 2006

**M1/0306 Moved Cr Foster Seconded Cr Roberts
That the Minutes of the Ordinary Meeting of Council held on 21
February 2006, be confirmed.**

CARRIED 9-0

**6.2 MINUTES OF THE PLANT AND WORKS COMMITTEE MEETING
HELD ON WEDNESDAY 16 MARCH 2006**

Appendix 1

**M2/0306 Moved Cr Szczecinski Seconded Cr Alexander
That the Plant and Works Committee Meeting held on Wednesday
16 March 2006 be received.**

CARRIED 9-0

6.3 PRESIDENT'S REPORT

Cr Schilling presented a verbal report on her activities during the month. Cr Schilling stated that she has attended the following meetings:

- State Government Cabinet meeting in York
- SEAVROC meeting

Cr Schilling advised that both herself and the Chief Executive Officer met with the Principal of the Beverley District High School regarding various school matters.

Cr Schilling also commented that the Central Zone Bowls Days held in Beverley was well supported.

**M3/0306 Moved Cr McLean Seconded Cr Leonhardt
That the President's Report for March is received.**

CARRIED 9-0

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 11.50am.

7. REPORTS OF COMMITTEES AND OFFICERS

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.1
DATE:	21 March 2006
SUBJECT:	PROPOSED CONSTRUCTION OF PUMPING/STORAGE DAM 'D' FOR ORGANIC OLIVE GROVE DEVELOPMENT 'BEAMING HILL' ESTATE, DALE KOKEBY ROAD, BEVERLEY
OWNER:	Beaming Hill Pty Ltd and Beaudame Pty Ltd
FILE REFERENCE:	DAL-622
AUTHOR:	Shire Planner – David Lodwick

Appendix 2: Locality and Site plans.

SUPPLEMENTARY REPORT

Council at it's meeting of 21 February 2006 resolved as follows:

"That Council refer the proposal to construct pumping/storage dams at "Beaming Hill Estate", Dale Kokeby Road, Beverley as outlined in letter of 16 January 2006 from Great Southern Holdings Pty Ltd and associated Slade Ag-Tech Drawings to adjacent landowners for comment, within 21 days (shire Planner to determine advertising catchment), prior to Council making a decision on the proposal."

The proposal was advertised to the nearest 8 surrounding landowners inviting comment for a period of 21 days as resolved by Council. No submissions were received.

Dam "B" was approved administratively under delegated authority as it is not on a watercourse and is purely a pumping dam for irrigation purposes.

This current proposal therefore relates to storage Dam "D" which is on a watercourse.

The previous agenda report to Council from the 21 February 2006 Council meeting is re-presented below in it's entirety including attachments with recommendation that Dam "D" now be approved.

BACKGROUND

Council previously at its meeting of August 2005 granted approval for the establishment of an Organic Olive Grove Development at "Beaming Hill" Estate at Lots 141, 589, 851, 852, 863, 21, 25, 26, 27, 30, 31 and 1239 Dale Kokeby Road Beverley subject to the following conditions:

1. Submission of the following plans for approval by Council's Shire Planner:
 - Groundwater resources assessment and management plan;
 - Fire Management Plan;
 - Revegetation Plan;
 - Irrigation Plan.
2. A building license being sought and issued for all buildings to be constructed prior to construction commencing;
3. Production waste water system to be installed to the satisfaction of Council's Principal Environmental Health Officer;
4. Food processing and bottling areas to comply with the Health Act (as amended) and Health (Food Hygiene) Regulations 1993;
5. Any irrigation mainline linkage for both farms under Dale-Kokeby Road to be undertaken to the satisfaction and specification of Council's Principal Works Supervisor.

The Shire Planner has subsequently been in receipt of the applicant's proposed Groundwater resources assessment and management plan, which prior to endorsement, has been referred to the Department of Environment for comment on the document's suitability in respect of proposed sustainable use of water or otherwise.

COMMENT

Council is now in receipt of correspondence from Michael Campi, Project Manager – Vineyards & Olives for Great Southern Olive Holdings Pty Ltd dated 16 January 2006, which states as follows:

"In accordance with our planning approval for the above development, and further to our meeting on the 4th January 2006 I would like to advise as follows:

I refer to the documentation left with you that was prepared by Warren Slade from Slade Ag Tech, on the dam development proposals for the Beaming Hill property. I am also attaching an aerial photo of the property showing the proposed dam sites.

After our meeting with you on the 4th of January 2006 we also met with the Department of Environment in Northam (Martin Revell and Bernard Kelly).

Following these discussions and further consideration of our requirements we have finalised our storage dam requirements for the Beaming Hill property as follows:

- **Construct Dam B** as a “pumping dam” for the irrigation system, to which our 2 irrigation bores will pump water to.
- **Construct Dam D** as a surface water collection dam, which will also be pumped to Dam B for the irrigation system.
- Note – Dam C will not be constructed.

The construction of Dams B and D on the Beaming Hill property will enable the groundwater from the 2 bores and the harvested water to be transferred to one storage area from which the required flows to be irrigation system can then be achieved by pumping from the one location.

The construction of Dam D will also ensure that we can use the groundwater resource in a sustainable way by also using the surface water runoff that can be collected in the winter months from the property.

The design of the dams and calculations of storage volumes are contained in the drawings as provided by Slade Ag-Tech. In addition to this information the following actions are proposed as discussed with the Department of Environment on the 4th January 2006:

The vegetation along the creek line where the bores and dams are to be located will be managed to ensure the trees are kept alive. This will be achieved by allowing environmental flows/seepage flows to continue; and by replanting areas along the creek line with native species where appropriate. Reeds and Sedges and other endemic Native Species will also be planted around the dams and inflow areas to landscape the dam construction and help minimise erosion risk.

As previously discussed, we need to be able to commence construction of these dams by the end of January 2006 to be able to have the work completed by the end of March in readiness for the irrigation system to be connected.

It would therefore be greatly appreciated if you could confirm that the construction of the dams can commence.”

As the proposal to construct pumping/storage dams on the Estate has the potential to impact on drainage and water table depth of adjoining land, referral of the proposal to adjacent landowners for comment is recommended, prior to Council making a decision on the proposal.

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.2
DATE:	14 March 2006
SUBJECT:	PROPOSED SUBDIVISION – LOT 50 & 56 DEMPSTER STREET, BEVERLEY
OWNER:	B & J Howell
FILE REFERENCE:	PL-130680
AUTHOR:	Shire Planner – David Lodwick

Appendix 3: Locality plan and proposed subdivision plan.

BACKGROUND

Council is in receipt of a referral from the WA Planning Commission to subdivide the following landholdings on Dempster Street Beverley.

Original Lots:

Lot 50: 3.1337ha
Lot 56: 146m²

Proposed Lots:

Lot 80: 2.1721ha
Lot 81: 9782m²

COMMENT

The proposal is to create two blocks designed allowing for the possibility for future access to Brooking Street with further subdivision of the super block.

The existing residential dwelling with laundry and shed would be suitably defined and fenced within the larger block.

The creation of the new lots complies with the minimum lot size specified under the Residential 10 zoning prevailing over the subject land and country sewerage policy.

There are no buildings over boundaries. As such, approval is recommended.

M5/0306 **Moved Cr Foster** **Seconded Cr Leonhardt**
That Council recommends to the Western Australian Planning Commission that the proposed subdivision of Lots 50 & 56 Dempster Street Beverley be approved.

CARRIED 9-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.1
DATE:	20 March 2006
SUBJECT:	LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) AMENDMENT BILL 2005
FILE REFERENCE:	
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The Local Government (Miscellaneous Provisions) Amendment bill 2005 was introduced in the Legislative Assembly On 10 October 2005.

The bill proposes that;

1. A building licence can be issued retrospectively for illegal works
2. Regulating the qualifications of building surveyors,
3. Remove the power for unqualified people to approve building licenses, and
4. Clarify the definition of swimming pools.

COMMENT

Item 1:-

Currently, should an individual erect a building without a building licence having first been obtained, he may be either prosecuted, and once a successful prosecution has been obtained, either pull down and remove the structure, or have the structure certified that it complies, and a "Determination of Unauthorised Works" Certificate being issued. This certificate then recognises the structure for the Shires record keeping purposes.

The proposal has merit whereby it will be easier to legalise the structure. The Council will still have the opportunity to prosecute the builder for an illegal structure. Fines will be increased from a maximum of \$5,000 to \$50,000 and daily penalty from \$200 to \$5,000 per day.

Item 2:-

By far the most far-reaching topic in the bill. This subject has been discussed for the past 6/7 years.

Currently anyone can become a Building Surveyor for a Shire with a population under 15,000 people.

The old Dept Local Government issued a Municipal Building Surveyors Qualification (MBSQ) if the applicant could prove that he/she had more than 2years full time experience as a Building Surveyor, or had a Diploma in Building Surveying.

Many older Building Surveyors (BS) are Registered Builders or worked as carpenters who became BS many years ago (25 to 30 years ago).

Other BS obtained from TAFE a building qualification that allowed them to work as BS. More recently a university degree was offered in the eastern states, and there are now several such qualified BS working for LG.

The Proposed System – The proposal is for a two-tiered system of qualification;

Level 1 must have a degree in building and three years minimum experience. This allows the person to practise in an unrestricted manner.

Level 2 must either have an advanced Diploma in BS as well as two years minimum experience. This allows the person to practise restricted, to 3 floors in height or 2000 square metres floor area.

There appears to be no place for those who hold the MCBS in either level.

Nor is there a place for those who have multiple years of experience.

A Department of Housing and Works (DHW) Building Note dated 16 March 2004 outlined the Municipal Building Surveyors Certificate, as well as the National Accreditation Framework for Building Certifiers. The following framework was suggested;

Certifier Level 1 – (Private certifier & local government employees).
Unrestricted, able to work on all classes and size of buildings. Must have a degree, or RPL within 5 years, or 3 years relevant experience. Able to assess and approve plans, undertake inspections, and issue final certificates for building occupation.

Certifier Level 2 – (Private certifiers & local government employees).
Restricted to 3-storey maximum, or maximum floor area of 2000m². Must have an Advanced Diploma, or working at this level at time of framework implementation, or 2 years relevant experience. Able to assess and approve plans, undertake inspections, and issue final certificates for building occupation.

As the proposal now stands there is a severe risk that once the transitional period has been reached, there **will** be a major shortage of BS. It is absurd to think that after 30 years of experience as a BS you will now no longer be able to practise. There has to be some form of

recognition for these individuals, perhaps with a third level of qualification/experience.

My personal view is that yes, you must have some form of experience/qualification to practise in order that the standard of BS can be raised to meet the minimum standards set by the Australian Building Codes Board.

This matter was discussed at Northam on Friday 3 March 2006 with representatives from the Department of Housing and Works (DHW). It was suggested at the meeting that a third level should be created to overcome the perceived shortage once the transitional time period has expired. This would also allow those BS to obtain further qualifications.

There is another problem and that is, there is a large number of BS reaching retirement age. This would preclude those BS from obtaining a degree, which it has been suggested would take 10 years part time study. There currently are no advanced Diploma courses available in WA. This would then mean external studies in the eastern states.

A suggested course of action would be to adopt the DHW Building Note issued on 16 March 2004 – National Accreditation Framework for Building Certifiers

LG should voice their concerns to the DHW, prior to the bill being passed in parliament.

Item 3:-

This is a logical move, as this would remove a lot of liability for the Shire in terms of an unqualified person approving plans. However, this is still a practise in some Shires.

Item 4:-

This item also requires clarification as well does the definition of a spa pool and when does a spa pool require an isolation fence.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Amendment bill 2005

M7/0306

Moved Cr Alexander

Seconded Cr Roberts

That Chief Executive Officer with Building Surveyor jointly forward a submission to the Department of Housing and Works Building Codes and Regulation Branch, objecting to the changes proposed for the qualifications of Building Surveyors, highlighting the implications this will create in attracting suitable officers in Rural areas.

CARRIED 9-0

Mr Frank Buise, Environmental Health Officer/Building Surveyor, left Council Chambers at 12.25pm.

Mr Kim Isbister, Regional Risk Coordinator, left Council Chambers at 12.25pm.

Council adjourned for Lunch at 12.25pm.

Council reconvened from Lunch at 1.15pm.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 1.15pm.

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.2
DATE:	28 March 2006
SUBJECT:	RELOCATED DWELLING
LOCATION:	Lot 802 Springhill Road
OWNER:	Elaine Hill
FILE REFERENCE:	
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owners of this property have made application to the Council for permission to relocate a dwelling from a holding yard on Wildfire Road, Maddington to their property in Springhill Road.

Transhomes built the dwelling some 10 years ago.

Council's Town Planning Scheme Policy No 9 (Relocated Second-Hand Buildings) section 4.1 states;

Applications for the relocation of second hand buildings on property within the shire of Beverley requires Council planning approval prior to a Building Licence being issued and relocation taking place. All applications for the relocation of second-hand buildings will be assessed against this policy prior to a decision being made under the provisions of the Scheme.

In determining the application, Council may:

- Approve the application;
- Approve the application with conditions; or
- Refuse the application.

Section 6 requires the applicant to pay a \$5,000 cash bond.

Senior Constable Matt Fogarty entered Council Chambers at 2.20pm.

BEVERLEY POLICE STATION

Senior Constable Matt Fogarty presented Council with proposals regarding police housing and community programs for Beverley.

Housing

Senior Constable Fogarty has been in contact with GEHA regarding inadequate housing in Beverley and the need for more adequate housing for Police Officers.

Mr Fogarty requested that Council provide a letter of support regarding the supply of adequate housing for Police Officers.

Community Program

Mr Fogarty has requested an amount of \$15,000.00 to purchase a data project, sound system and other resources to run Youth programs in Beverley. The Local Drug Action Group, Fire and Rescue, Beverley District High School and other community clubs support the programs.

Programs include ideas such as skate parks, movies, discos etc. and would be organised under the Beverley Police banner. The resources purchased will be secured at the police station

Senior Constable Matt Fogarty left Council Chambers at 2.58pm.

Council adjourned at 3.00pm.

Council reconvened at 3.20pm.

7.5 ADMINISTRATION

ITEM NUMBER:	7.5.2
DATE:	22 March 2006
SUBJECT:	HEALTHY BELT HEALTHY LIFESTYLE PROGRAM
FILE REFERENCE:	
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 7

BACKGROUND

Council has received a request from Avon and Central Primary Health Service to conduct a healthy lifestyle program in Beverley.

COMMENT

This program has recently been created due to the growing number of people residing in the Wheatbelt who are overweight. Healthy Belt is a seven week program consisting of six healthy lifestyle workshops followed by a half-hour physical activity component and one 'walk for your health' workshop to take place in the seventh week.

The sessions cover topic areas such as goal setting, physical activity, back care, posture, stretches, motivation, self esteem, body image, identifying low fat foods and healthy food choices, reading food labels, recipe modifications, stress and tips on general health and wellbeing.

To date the program has been successfully implemented in Northam, Wundowie and Toodyay and in Term 2, 2006 I would like to offer this program to the residents of Beverley.

The Avon and Central Primary Health Service would like to enquire about the use of the Amenities building for this program. They would need enough room for a group of approximately 15-25 people (depending on community response) and would need room for an overhead projector and whiteboard. As it is located near an oval this provides a wonderful opportunity for the physical activity component of the program.

The program would commence on Thursday 25th May at 9.30-11.00am and would run for 7 weeks (final session, Thursday 6th July). The program is offered free of charge to community members and provides an excellent community service. The Avon and Central Primary Health Service have enquire about the possibility of being able to use the Amenities building free of charge?

Wheatbelt Population Health is happy to provide the program to our residents at no cost if they can secure a venue with which to do so.

It is a policy of the Shire of Beverley that Council will make a contribution towards the purchase of a gift and/or function for any employee voluntarily leaving the employ of Council in accordance with the following tables:

Table 1.1 – Gift

<i>Years of Service</i>	<i>Council Contribution</i>
0, =2 Years	Nil
>2, =3 Years	\$50
>3, =6 Years	\$100
>6, =7 Years	\$120
>7, =8 Years	\$140
>8, =9 Years	\$160
>9, =10 Years	\$180
>10, =11 Years	\$200
>11, =12 Years	\$225
>12, =13 Years	\$250
>13, =14 Years	\$275
>14, =15 Years	\$300
>15, =16 Years	\$325
>16, =17 Years	\$355
>17, =18 Years	\$385
>18, =19 Years	\$415
>19, =20 Years	\$445
>20, =21 Years	\$475
>21, =22 Years	\$510
>22, =23 Years	\$545
>23, =24 Years	\$580
>24, =25 Years	\$615
>25, =26 Years	\$650
<i>For Each Year of Service thereafter: \$35</i>	

Table 1.2 – Function

<i>Years of Service</i>	<i>Council Contribution</i>
0, =2 Years	Nil
>2, =5 Years	\$200
>5, =10 Years	\$300
>10, =15 Years	\$450
>15 Years and Over	\$500

CARRIED 8-0

Keith Byers, Chief Executive Officer, Stephen Gollan, Deputy Chief Executive Officer and Christine Emanuel, Secretary returned to Council Chambers at 5.10pm.

7.5 ADMINISTRATION

ITEM NUMBER:	7.5.6
DATE:	23 March 2006
SUBJECT:	RESERVE 2633 RECREATION (ACQUISITION)
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 8

BACKGROUND

For some time, Council has been endeavouring to acquire Reserve 2633 (Recreation) to enable it to provide land for industrial development.

It was originally offered for sale at a cost of \$35,000 + GST, however the matter could not proceed due to Native Title implications.

Enclosed is advice received from the Department of Planning and Infrastructure.

COMMENT

Should Council wish to proceed with the Industrial Land Development, the only option would be to purchase the land for \$210,000. Considering the price of land in Beverley this is probably a reasonable valuation, however other development costs are likely to make a subdivision, either industrial or residential, unavailable.

For the time being it may be more realistic to lease the lot for an appropriate purpose even if a nominal rent of \$500 p.a. was applied if it can be demonstrated that the proceeds from sub-leasing are directed to a community facility.

It was agreed that this matter be deferred to the April Council meeting.

7.5 ADMINISTRATION

ITEM NUMBER:	7.5.8
DATE:	27 March 2006
SUBJECT:	SALE OF LAND – PORTION OF BEVERLEY SUB LOT 127
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

An offer of \$15,000 for the purchase of portion of Beverley sub lot 127 has been received from the adjoining owner in Brooking Street, Craig Moynihan.

Mr. Moynihan has placed the following conditions upon his offer:

1. ANZ Bank finance being available.
2. Settlement agent being Shane Jacob.
3. The land titles can be made as one title, with no rate increase.
4. The land being resurveyed and pegged at Council's expense.
5. As is condition with no fencing and no services (although there are no services to the lot both power and water pass by on the opposite side of Brooking Street)

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,
Giving details of the proposed disposition; and
Inviting submissions to be made before a date to be specified but not less than two weeks after the notice is first given; and

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, is currently undertaking a valuation of the property.

I do not believe that the land has any practical purposes for the Council and should the valuation be in the vicinity of \$15,000 it should be sold, however the responsibility for survey and pegging should be that of the purchaser.

It was agreed that this matter be deferred to the April Council meeting.

10.3 LYN'S GYM

Letter received from Lyn's Gym requesting the use of the Beverley Courthouse.

**M34/0306 Moved Cr Szczecinski Seconded Cr Foster
That Council agree to allow Lyn's Gym be allowed to use the Beverley Courthouse at a cost of \$20 per week, to be reviewed in twelve months time.**

CARRIED 6-2

10.4 CBH PROPOSAL

A delegation from Beverley grain growers addressed Council seeking support to retain the grain receival bins in the shire.

**M35/0306 Moved Cr Szczecinski Seconded Cr Foster
That Cr Alexander is Council's representative to liaise with the grower's representatives in relation to retaining the CBH facilities in the shire.**

CARRIED 8-0

10.5 ARTIST IN RESIDENCE PROGRAM

Council are considering options for the Live-in Caretaker for the Beverley Railway Station.

During the Council forum today, Yvonne Holland, from ArtSource presented Council with details regarding the Artist-in-Residence Program run by ArtSource.

It was agreed that the President meets with the Art Gallery Committee to complete the application form regarding the Artist in Residence program.

10.6 MATT FOGARTY – YOUTH PROGRAMS

Mr Matt Fogarty addressed Council in regards to obtaining funds to purchase a data projector and sound equipment to hold movie nights for children in Beverley.

**M36/0306 Moved Cr Alexander Seconded Cr Leonhardt
That Council contribute a total of \$5,000.00 towards the purchase of a data projector, further funds may be made available on receipt of a business plan.**

CARRIED 5-3

11. CLOSURE

There being no further business the meeting closed at 6.55pm.

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

Presiding Member

Date
