

MINUTES OF AN ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 15 NOVEMBER 2005

1. COMMENCEMENT

The President declared the meeting open at 11.00am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

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

Apologies

Nil

Leave of Absence

Nil

3. PUBLIC QUESTION TIME

3.1 AWARD CEREMONIES

Mrs Joanne Lawlor, representing the Lions Club of Beverley, presented to Council the Lions Club interest in working with the Shire to reintroduce Australia Day Awards, Youth Awards and Citizenship Awards in the near future, with the Lions Club donating an honour board within the Shire Office, to display the names of award recipients.

3.2 BEVERLEY AIRFIELD

Mrs Lorraine Sims, Mr David Adams and Mr Trevor McLean presented Council with their concerns regarding the dispute between the Edwards

family and the Beverley Soaring Society over the Beverley Airfield, outlining: -

- a. the use of the eastern runway,
- b. the planting of trees helping, not hindering,
- c. the landowners' rights, and
- d. a suggestion to appoint a mediator.

Council thanked Mrs Lorraine Sims, Mr David Adams and Mr Trevor McLean for their feedback regarding the Beverley Airfield, and advised that the Shire have been in contact with all parties in an endeavour to resolve the dispute. The deputation was also advised Council is not intending to seek compulsory acquisition of any land from the Edwards family and is not keen to purchase areas of the airstrip unless it can recoup the costs involved.

4. CONDOLENCES

COLEMAN Peter Roy 28 October 2005

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr M. G. Roberts requested a Leave of Absence for the December 2005 Council Meeting.

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 MINUTES OF THE COUNCIL MEETING HELD ON 18 OCTOBER 2005

**M1/1105 Moved Cr Roberts Seconded Cr Leonhardt
That the Minutes of the Ordinary Meeting of Council held on 18
October 2005, be confirmed.**

CARRIED 9-0

6.2 MINUTES OF A MEETING OF THE FIRE CONTROL OFFICERS HELD IN THE COUNCIL CHAMBERS ON TUESDAY 18 OCTOBER 2005.

Appendix 1

**M2/1105 Moved Cr Foster Seconded Cr Leonhardt
That the Meeting of the Fire Control Officers held in the Council
Chambers on Tuesday 18 October, be received.**

CARRIED 9-0

6.3 PRESIDENT'S REPORT

Nil

Mr David Lodwick, Town Planner, entered Council Chambers at 12.20pm.

Mr Frank Buise, Environmental Health Officer/Building Surveyor, entered Council Chambers at 12.20pm.

7. REPORTS OF COMMITTEES AND OFFICERS

Mr Gerry Berrill, landowner of item 7.1.1 attended Council to answer any questions in relation to his application.

7.1 TOWN PLANNING

ITEM NUMBER:	7.1.1
DATE:	9 November 2005
SUBJECT:	PROPOSED CATTLE FEEDLOT - AVON LOCATION 17972 DARKIN ROAD WESTDALE
OWNER:	G Berrill
FILE REFERENCE:	DAR-1502
AUTHOR:	Shire Planner – David Lodwick

Appendix 2

Locality and site layout plans

BACKGROUND

Council is in receipt of a planning application for establishment of a cattle feedlot on the subject land, as lodged by the consultancy firm Belton Taylforth Planning and Environmental Consultants on behalf of the landowner Mr. Gerry Berrill.

The details of the submitted application are as follows:

“Development details

Siting

The total area of Lot 17972 is 226.4743 hectares, with approximately 180 hectares available for grazing and the feedlot. The remainder is remnant Eucalyptus woodland and a small plantation that has been planted in the wetter central portion of the site.

The actual feed lot and accompanying waste management facilities will cover approximately 3.5 hectares. The feedlot will be situated approximately 450 metres from the western boundary and approximately 400 metres from the northern boundary of the site.

Cattle Numbers

The total of 800 cattle will be on the site, with a maximum of 450 to be housed intensively within the feedlot at any one time. The remainder will be open grazed on the remainder of the site.

Layout and design

The purpose of the feedlot is to keep the cattle under a controlled feeding and health regime for quality assurance purposes prior to sale.

The cattle in the feedlot will be fed stabilized bread together with a pelletised supplement.

The feedlot will consist of 6 pens with an area of about 1500m² (each approximately 30 metres by 50 metres). Only 4 pens will be in use at any given time, with the other two pens being in 'rest mode.' All pens will be used on a rotating basis. The maximum number of cattle held in any single pen will be 120.

Cattle will be held for 60 days in the feedlot and will weigh around 450kg each at the end of that time. While the cattle entering the feedlot will weigh considerably less, the 450kg figure has been used in calculations for waste generation.

The surface hardstand of each feedlot pen will be compacted in-situ rocky/pebbles and red brown clay which overlays deep heavy clay to a minimum depth of 10 metres. The pens will follow the natural surface gradient and be contoured to allow run-off to be directed to a settling pit. A stormwater diversion bund will surround the feedlot to ensure no other run-off will impact on the feedlot.

Covered feed troughs will be placed away from the water troughs to eliminate over crowding in one area of the pen.

Operation and waste management

Feedlot cattle can produce solid and liquid waste at a total of around 5.5% of their body weight daily. The waste will contain approximately 5.9 grams of nitrogen and 1.6 grams of phosphorus per kilogram of fresh manure.

Control of waste

During the dryer times of the year the manure will be mechanically removed from the pens by bobcat and stored under cover for future use. During periods of rainfall, the run-off from the pens will be directed to a settling pit. The volume of the settling pit will be 150m³ (1.5m deep, 5m wide, 20m long). This volume complies with criteria given in the Guidelines. One end will be sloped for access to facilitate cleaning out of the pit. Material recovered from the pit will be deposited into an adjacent drying bed (dimensions 20m by 0.4m). When dry, the material will be stored under cover with the dry manure from the pens.

Overflow from the settling pit will be directed to three evaporation ponds in parallel. The ponds will be sized to cater for all rainfall between May and August (when rainfall exceeds evaporation) and also for a 1 in 10 year, 72 hour storm event.

The pond sizes will be 25m by 25m by 1.5m deep. The total pond volume will be around 3600m³. The pond design has been based on a 'worst case scenario' which assumes that all rainfall onto the feedlot will runoff, including the 1 in 10 year 72 hour storm event. It does not take

into account mitigating factors such as evaporation, retention within the feedlot floor or manure on the floor. The evaporation ponds can be built in a staged manner when and as necessary.

Waste generation and Nutrient loading

a) Feedlot cattle

- Weigh 450kg each;
- 5.5% of body weight: 24.75kg waste/animal/day
- Nitrogen at 5.9g/kg waste: 0.146 kg N/animal/day x 450 cattle = 66kg N/day=24090kg N/year from the feedlot.
- Phosphorus at 1.6 g/kg waste: 0.4 kg P/animal/day x 450 cattle = 18kg P/day= 6570kg per year from the feedlot.

b) Free range grazing cattle

- Weigh 330kg each
- 5.5% of body weight: 16.5kg waste/animal/day.
- Nitrogen at 5.9g/kg waste: 0.097kg N/animal/day x 350 cattle=34 kg N/day=12 410 kg N/year from free range grazing cattle.
- Phosphorus at 1.6 g/kg waste: 0.026 kg P/animal/day x 350 cattle = 9.1kg P/day=3 321kg per year from free range grazing cattle.

Adding totals from a) and b) gives a total of:

- Nitrogen
24 090kg N+ 12 410kg N=36 500kg N generated per year.
- Phosphorus
6570kg P = 3321kg P = 9 891kg P generated per year.

The loading rate for land disposal to the 180ha available would be:

Nitrogen 36 500kg over 180ha = 202kg/ha/year.

Phosphorus 9 891 kg over 180ha = 55kg/ha/year.

Nutrient application rates satisfy the criteria set out at Category D, Table 5 of the Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia. Category D only would need to be satisfied for this site.

The above calculations are a worst case scenario as they assume that every gram of nutrients generated will be disposed of onto the land. No allowance has been made for evaporation, retention of nutrients within the feedlot floor, or retention within ponds.

Land disposal

The stored dried manure will be dispersed by spreader (similar to a fertilizer spreader) over areas that will be used for pasture growth and cereal crops. Loading rates are as shown above.

Preservation of woodlands

The areas of woodlands on site that are of conservation value will be fenced to stop the encroachment of cattle into them.

Odour and noise

Odour and noise are not considered to be of concern in this instance due to the isolation of the site. As stated previously, the property is surrounded on three sides by State Forest/UCL and the nearest residence is over 2km away. The nearest resident has provided written agreement to the establishment of the feedlot.

The feedlot is to be managed so that waste material is controlled in a manner that will not generate odours.

Dust

Dust can be generated from vehicle access roads and the feedlot. All roads and work areas will be constructed from compacted crushed limestone. Vehicle movements will be minimal, 6 per day maximum. If dust from vehicle movement becomes an issue, a water cart will be available to be used for dust suppression.

The feedlot itself should not create a dust nuisance due to the compacted natural hardstand base. If dust becomes an issue, water sprays can be used to eliminate the problem.”

COMMENT

The submitted application is seeking planning approval for the establishment of a Cattle Feedlot on Avon Location 17972, West Dale. The site comprises an area of 226.4743 hectares, with the proposed development covering an area of approximately 3.5 hectares (or approximately 1.5%) of the total site area.

The development proposed encompasses:

- A cattle feedlot comprising six holding pens, associated feed and water troughs;
- A covered manure area;
- Drainage and ponds, including a drying bed, settling pit and evaporation ponds.

In assessing a feedlot, the local government needs to consider the size or capacity of the feedlot, animal stocking density, soil types, annual rainfall, topographical features, vegetated buffers and the presence of adequate and sustainable separation distances to sensitive environments.

Other planning issues that should be considered would include:

- The amount of traffic a feedlot business will place onto local roads;
- The proximity of dwellings on adjoining properties;
- The potential of dwellings to be developed on adjoining properties;
- Appropriate planning controls to ensure compatible land uses are maintained; and any other considerations that the local government deems to be relevant to achieve the objectives of its town planning scheme.

Surrounding land uses

The land to the south of the site has been used primarily for cropping and grazing in the past. It is anticipated that this land use will continue.

Land to the west, north and east of the site comprises either State Forest or Unallocated Crown Land.

Landform

Site topography is characterised by two relatively high areas on the eastern and western boundaries. The western boundary is approximately 325m AHD. The eastern boundary comprises a steep incline to a peak of 375m AHD in the north-east corner of the site. The remainder of the site is relatively flat with a seasonal creekline following the lowest points through the centre of the site.

Vegetation

Vegetation over the majority of the site has been cleared previously to facilitate cropping. A small plantation area has been planted several years ago in the wetter central portion of the site, and some remnant Eucalyptus woodland has been retained on the granitic upper slopes in the easternmost third of the site.

The proponent does not propose to remove any further remnant vegetation as part of this application.

With respect to hydrology for the subject land the applicant provides the following details:

Surface water

The central north-south axis of the property is the lowest lying area and is the location of a seasonal creekline, known as Flint Gully, that flows annually during winter from north to south. The immediate area around the creekline becomes somewhat waterlogged during winter.

Groundwater

The applicant states that a search of the Department of Environment database indicates that there are several groundwater bores within a 10km radius of the site, however, there are only two bores within a 1km radius. Groundwater within the bores appears to be limited, with several bores being recorded as dry. General drilled depth of bores is between 15 and 50 metres.

The two closest bores have been drilled to a depth of 30 and 37 metres and are located in close proximity to each other. Groundwater supply for one bore is registered as 120m³ per day, with groundwater being recorded at a depth of approximately 11.2 metres. The other bore has no significant groundwater resource, with only seepage being recorded.

No groundwater was encountered during drilling on the site. The site is not within a proclaimed groundwater area.

Shire of Beverley Town Planning Scheme No.2

The site is located within the Farming zone of the Town Planning Scheme. A Cattle feedlot as a "Rural Industry" (AA use) requires the approval of Council.

In the Farming zone, the Scheme states that Council will support land use and subdivision proposals which are consistent with the continued viability of agricultural production, the establishment of uses ancillary to agricultural activity, or which are required to service the travelling public or tourists, as well as the maintenance of rural character and amenity.

Shire of Beverley Local Rural Strategy

The site is located within Policy Area BE4 of the Beverly-Brookton Rural Strategy. The Strategy indicates that Council will consider approval of development where the development of land for a particular use is permitted under the provisions of the operative Shire of Beverley District Town Planning Scheme, provided such development does not in the opinion of Council, adversely affect the rural landscape, or is contrary to the agriculture use of the land.

In this instance, the site is located well away from publicly accessible or well-travelled areas. The physical size of the feedlot and associated development will be minor compared to the size of the location and adjoining areas. It is unlikely to have any significant impact on the rural landscape.

The development is an agricultural use and is therefore not contrary to the ongoing agricultural use of the land.

Advertising of the proposal

The application was referred to the nearest 3 surrounding landowners and affected government agencies for comment. In this instance, the site is surrounded on three sides by State Government Reserve (comprising State Forest and Unallocated Crown Land).

Two of these landholders have expressed in writing that they have no objection to the proposal. The Government agencies also had no objection but provided detailed comments.

A copy of submissions received including Government Agency comments is attached.

The Department of Environment notes that as the proposed cattle feedlot will have a design capacity of 450 cattle (i.e under 500), the proposal does not require works approval by that body.

The Department of Conservation and Land Management makes comment on access arrangements via Darkin Road and requires adequate fencing if not already in place between the boundary of the subject land and the surrounding State Forest.

In respect of access, CALM advise:

“Access to Location 17972 is via Darkin Road, which is ungazetted. CALM is responsible for managing ungazetted forest tracks through CALM-managed estate. However, due to the ongoing rationalisation of CALM-managed roads, there is no guarantee that Darkin Road will be regularly maintained and remain open indefinitely.”

Applicant response to Access Issues

The applicant by letter dated 1 November 2005 states:

Easement

Access to Avon Location 17972 is possible via an existing easement over Pt Avon Loc 13907. A certificate of Title for Pt Avon Loc 13907 is attached, along with a copy of the registered easement document. The easement runs along the western border of Pt Avon Loc 13907 and provides legal road frontage to Avon Loc 17972. This easement can be used should access to Darkin Road be restricted at some future time.

Darkin Road

It is noted that Darkin Road is the current method of accessing Avon Loc 17972. As discussed, Darkin Road is within a Department of Conservation and Land Management (CALM) Reserve (State Forest), and CALM has indicated that resources to maintain this road in the future may not be available.

The landowner has indicated that should CALM resources not be available, they would be willing to maintain that portion of Darkin Road that provides access to Avon Loc 17972 (i.e the portion between Avon Loc 17972 and Brookton Highway). Discussions have since been held with CALM, who has indicated that there would be no objections to this occurring. Please find enclosed a copy of an email from CALM to this effect."

Summary

The application is recommended for approval on the basis that the land use, given it's relatively small scale (not requiring DEP works approval), does not conflict with the occupier's of neighbouring land, or produce inappropriate levels of noise and odour that would exceed appropriate levels for the area. There will be no adverse impact on visual/rural amenity, remnant vegetation and existing vegetation values in the area and/or adverse impact on the water table, as nutrient application rates will meet requirements. Traffic impacts for the proposal should be minimal.

The proposal is also considered to be consistent with the Department of Environment's Beef Cattle Feedlot Guidelines for such land use development and meets the Shire's Town Planning Scheme objectives for orderly planning and ancillary agriculture uses/development in the Farming zone.

OFFICER'S RECOMMENDATION

That Council grant approval to Belton-Taylforth Planning and Environmental Consultants on behalf of Gerard Berrill for proposed Cattle Feedlot and associated infrastructure at Avon Location 17972 Darkin Road West Dale in accordance with application dated 16 August 2005 and accompanying documentation and site layout plans and subject to the following conditions:

1. If the development, the subject of this approval is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained;
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development;
3. A building licence being obtained prior to commencement of any building works;
4. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition;
5. The noise generated by construction or operational activities is not to exceed the levels prescribed under the Environmental Protection (Noise) Regulations 1997;

6. The construction and management of the feedlot shall be undertaken in accordance with the "Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia" (Bulletin 4550 July 2002);
7. The nutrient loading rates for the application of manure from the feedlot shall be consistent with the loading rates identified in the Cattle Feedlot Guidelines. Manure shall only be applied in accordance with the buffer and application requirements outlined in Section 4.3.2 of Bulletin 4550;
8. Not more than 450 cattle shall be housed intensively within the feedlot at any one time;
9. Not more than 4 pens shall be in use at any one time;
10. The maximum number of cattle held in any single pen shall be 120;
11. Control of waste shall be undertaken in accordance with details submitted as part of application;
12. A stormwater diversion pond shall surround the feedlot to the satisfaction of Council to ensure no other runoff will impact on the feedlot;
13. The landowner to maintain the portion of Darkin Road between Brookton Highway and Avon Location 17972 as required for utilisation of such road as access to the feedlot operation to the satisfaction of the Department of Conservation and Land Management in accordance with CALM email dated 28 October 2005 and confirmed in applicant letter dated 1 November 2005;
14. No existing remnant vegetation on the subject land shall be disturbed by feedlot operations;
15. All roads, work areas and feedlot base shall be constructed from compacted crushed limestone. In the event of complaints to Council from dust emissions as associated with feedlot operations, access and transport to and from the site, a water cart and water sprays shall be made available by the landowner to be used for dust suppression to the satisfaction of Council;
16. Appropriate fencing between the boundary of Avon Location 17972 and surrounding State Forest and vacant crown land shall be installed by the landowner to the satisfaction of CALM and LAMS to prevent the straying of cattle onto the CALM-managed estate and adjoining state government managed land;
17. All improvements and activities associated with the development (i.e waste management) shall be contained within the boundaries of Avon Loc 17972;
18. Compliance with the Shire of Beverley Health Local Laws 2000;
19. Should Darkin Road be closed at some time in the future by CALM for management purposes and/or due to a change in classification of surrounding State Forest land, the approval of the feedlot operation shall become null and void from that date thereof and a fresh application will need to be lodged with Council for consideration of continuation of the proposed land use/development;
20. A Revegetation Plan shall be submitted to the Shire Planner and approved prior to issue of a building licence. For the purpose of this condition a detailed plan shall be drawn at a suitable scale and is to

provide for the location, type and density of trees and shrubs proposed to be established on the subject land. In particular, the plan should include the planting of trees along the southern boundary of the subject land adjoining Avon Location 13907 so as to provide for an effective visual buffer and improved windbreak protection;

21. Revegetation must be completed in accordance with the approved Revegetation Plan within 12 months of the practical completion of the development and from thereon maintained to the satisfaction of the Shire Planner.

M3/1105

Moved Cr Foster

Seconded Cr Leonhardt

That Council grant approval to Belton-Taylforth Planning and Environmental Consultants on behalf of Gerard Berrill for proposed Cattle Feedlot and associated infrastructure at Avon Location 17972 Darkin Road West Dale in accordance with application dated 16 August 2005 and accompanying documentation and site layout plans and subject to the following conditions:

1. If the development, the subject of this approval is not substantially commenced within a period of 2 years from the date of approval, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained;
2. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development;
3. A building licence being obtained prior to commencement of any building works;
4. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition;
5. The noise generated by construction or operational activities is not to exceed the levels prescribed under the Environmental Protection (Noise) Regulations 1997;
6. The construction and management of the feedlot shall be undertaken in accordance with the "Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia" (Bulletin 4550 July 2002);
7. The nutrient loading rates for the application of manure from the feedlot shall be consistent with the loading rates identified in the Cattle Feedlot Guidelines. Manure shall only be applied in accordance with the buffer and application requirements outlined in Section 4.3.2 of Bulletin 4550;
8. Not more than 450 cattle shall be housed intensively within the feedlot at any one time;
9. Not more than 4 pens shall be in use at any one time;
10. The maximum number of cattle held in any single pen shall be 120;

- 11. Control of waste shall be undertaken in accordance with details submitted as part of application;**
- 12. A stormwater diversion pond shall surround the feedlot to the satisfaction of Council to ensure no other runoff will impact on the feedlot;**
- 13. The landowner to maintain the portion of Darkin Road between Brookton Highway and Avon Location 17972 as required for utilisation of such road as access to the feedlot operation to the satisfaction of the Department of Conservation and Land Management in accordance with CALM email dated 28 October 2005 and confirmed in applicant letter dated 1 November 2005;**
- 14. No existing remnant vegetation on the subject land shall be disturbed by feedlot operations;**
- 15. All roads, work areas and feedlot base shall be constructed from compacted crushed limestone. In the event of complaints to Council from dust emissions as associated with feedlot operations, access and transport to and from the site, a water cart and water sprays shall be made available by the landowner to be used for dust suppression to the satisfaction of Council;**
- 16. Appropriate fencing between the boundary of Avon Location 17972 and surrounding State Forest and vacant crown land shall be installed by the landowner to the satisfaction of CALM and LAMS to prevent the straying of cattle onto the CALM-managed estate and adjoining state government managed land;**
- 17. All improvements and activities associated with the development (i.e waste management) shall be contained within the boundaries of Avon Loc 17972;**
- 18. Compliance with the Shire of Beverley Health Local Laws 2000;**
- 19. Should Darkin Road be closed at some time in the future for trucks by CALM for management purposes and/or due to a change in classification of surrounding State Forest land, the approval of the feedlot operation shall become null and void from that date thereof and a fresh application will need to be lodged with Council for consideration of continuation of the proposed land use/development;**
- 20. A Revegetation Plan shall be submitted to the Shire Planner and approved prior to issue of a building licence. For the purpose of this condition a detailed plan shall be drawn at a suitable scale and is to provide for the location, type and density of trees and shrubs proposed to be established on the subject land. In particular, the plan should include the planting of trees along the southern boundary of the subject land adjoining Avon Location 13907 so as to provide for an effective visual buffer and improved windbreak protection;**
- 21. Revegetation must be completed in accordance with the approved Revegetation Plan within 12 months of the practical completion of the development and from thereon maintained to the satisfaction of the Shire Planner.**

CARRIED 9-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.1
DATE:	9 November 2005
SUBJECT:	UNCOMPLETED BUILDING
LOCATION:	28868 Rigoll Road
FILE REFERENCE:	RIG 1009
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

Following a query from the Deputy Chief Executive Officer concerning bond monies being held for the relocation of a transportable dwelling, I inspected the property concerned at Loc 28868 Rigoll Road on 29 August 2005.

The dwelling is a relocated timber framed dwelling and not a transportable as such. It is clad with "Brick Clad" cladding which was originally made from asbestos cement sheeting. The roof is a clay tiled roof. (Refer to photos).

The garage is a fibro cement sheet clad walls with clay tiled roof.

A building license was issued on 14 February 1994 (24 93/ 94). The building license was valid for 12 months. The Building Surveyor of the day wrote to the property owner on 15 August 1995, requesting information as to when the project was to be completed. There is no record of a response to the letter.

The dwelling, as the garage are in a dilapidated state and there is serious doubt as to the structural integrity of the roof of the dwelling, as it is support by an acrow prop.

Section 409A Uncompleted buildings states;

- (1) Where the erection of a building has been commenced but not completed within the time prescribed by the local laws, if any, made under section 433 (39), that are applicable to the building, the local government may, by notice served on the owner of the building, requiring him to show cause, within 60 days of the service of the notice, why the building should not be demolished and removed.
- (2) Where an owner on whom a notice has been served pursuant to subsection (1) fails, within 60 days of the service of the notice, or within such further time as the local government allows for the purpose, to satisfy the local government that there are good and sufficient reasons for the failure to complete the erection of the

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.2
DATE:	9 November 2005
SUBJECT:	PROPOSED PROSECUTION
LOCATION:	Lot 65 Kokendin Road
PROPONENT:	Sunspec Holdings Pty Ltd
FILE REFERENCE:	KOK 1453
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owner of the property has made application to have the shed converted into a dwelling under section 144 of the Health Act. Council at its meeting on 20 September 2005 resolved to allow the application. Council further requested a report on the building works, that had been carried out on the shed (conversion of the shed to a dwelling, and construction of a commercial food processing establishment).

I inspected the property on 31 May 2005 and noted that the shed had been converted into a dwelling, and that a commercial food-processing establishment had been completed. Both these structures are under the roof of the original shed. There is no fire separation between the two classes of building as required by the Building Code of Australia.

There are no records of any building licenses having been issued for this property.

Firstly, Section 13 of the Building Regulations 1989 states;

13 (1) A builder shall not commence to construct, alter, add to or underpin any building and shall not commence any earthworks, necessary for, or incidental to, that construction, alteration, addition or underpinning until-

- (a) the plans, drawings and specifications have been approved;
- (b) the building surveyor has stamped the plans, drawings and specifications with the official stamp showing the number of the approval and the date of approval;
- (c) the builder has paid the appropriate fee prescribed in the Table to regulation 24; and
- (d) a license has been issued in the form of Form 4 or 5.

Secondly, the owner has failed to submit a Development Application for the processing establishment.

Section 10AB of the Town Planning and Development Act 1928 states;

(1) A person who contravenes-

- (a) a town planning scheme; or
- (b) any condition imposed with respect to a development by a responsible authority pursuant to its powers under a town planning scheme,

commits an offence.

Penalty; \$50,000 and a daily penalty of \$5,000.

COMMENT

The owner has undertaken various building activities on the property without the necessary approvals. One very important building fault is that there is no fire separation between the dwelling and the unapproved processing establishment. This can be rectified in the future.

The owner has also failed to submit a Development Application, and for that matter, submit the necessary plans for a Food Premises under the provisions of the Health (Food Hygiene) Regulations 1993. As such, prosecution is recommended.

STATUTORY ENVIRONMENT

Local Government (Miscellaneous Provisions) Act 1960
Building Regulations 1989 Section 13
Town Planning and Development Act 1928

M8/1105

Moved Cr Leonhardt

Seconded Cr McDonald

That Council resolve to prosecute the owner of Lot 65 Kokendin Road under Section 13, of the Building Regulation 1989, and under Section 10AB of the Town Planning and Development Act 1928 for undertaking development without approval, and further authorise the Principal Environmental Health Officer/Building Surveyor to instigate legal action.

CARRIED 8-0

7.2 HEALTH AND BUILDING

ITEM NUMBER:	7.2.3
DATE:	8 November 2005
SUBJECT:	PROPOSED VERANDAH
LOCATION:	Lot 2 Queen Street, Beverley
PROPONENT:	Eric Ellis
FILE REFERENCE:	QUE 1103
AUTHOR:	Environmental Health Officer/Building Surveyor – Frank Buise

BACKGROUND

The owner of this property has made application for permission to change the classification of the old church to a dwelling under Section 144 of the Health Act. This was approved by Council at its meeting in April 2005.

The applicant now seeks permission to erect a verandah on three sides of the church using pine timber posts, second-hand jarrah timber and new custom orb zinalume roof sheeting. The roof of the church has been replaced with zinalume custom orb sheeting.

The property is not heritage listed and is not on Council's Municipal Inventory. It is an old church, which is considered to have heritage value.

Plans of the proposal are tabled.

Section 4.8.5 of the Shire of Beverley Town Planning Scheme no.2 states;

In considering application for planning consent for a proposed development (including additions and alterations to existing development) in the Town Centre design Control Area Council shall have regard to the following:

- a) the colour and texture of external building materials;
- b) for all buildings fronting Vincent Street Council may require the building façade and side walls to a building depth of 3 meters to be constructed in masonry;
- c) building size, height, bulk, roof pitch;
- d) setback and location of the building on its lot;
- e) architectural style and design details of the building;
- f) function of the building;
- g) relationship to surrounding development; and
- h) other characteristics considered by the Council to be relevant.

COMMENT

The old church has heritage value and any alteration or additions should reflect heritage values. The proposed works are of a minor nature and alone do not constitute a concern. However, the finish of the timber (painted or unpainted) will determine the aesthetic value. It would be better suited if the timber were painted in the heritage colour range of that era.

STATUTORY ENVIRONMENT

Building Code of Australia
Shire of Beverley Town Planning Scheme No.2

M9/1105

Moved Cr Foster **Seconded Cr Leonhardt**
Council resolve to grant approval to the owner of Lot 2 Queen Street, to erect a verandah on three sides of the building subject to the following conditions;

- 1. The applicant first obtain a building license,**
- 2. The structure to comply with the Building Code of Australia, and**
- 3. The timber be painted in a heritage colour to the satisfaction of the Principal Environmental Health Officer/Building Surveyor.**

CARRIED 8-0

7.4 FINANCE

ITEM NUMBER:	7.4.1
DATE:	10 November 2005
SUBJECT:	SCHEDULE OF ACCOUNTS
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 3

COMMENT

The Schedule of Accounts for the month of October 2005.

M11/1105 Moved Cr Foster Seconded Cr Leonhardt
That the Schedule of Accounts for the month of October 2005 be received.

CARRIED 8-0

M12/1105 Moved Cr Foster Seconded Cr Leonhardt
That Ordinary Meetings of Council be held on the fourth Tuesday of each month commencing on the 28 March 2006.

CARRIED 8-0

7.4 FINANCE

ITEM NUMBER:	7.4.2
DATE:	10 November 2005
SUBJECT:	FINANCIAL REPORT FOR THE PERIOD ENDING 31 OCTOBER 2005
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

COMMENT

That the Financial Report for the period ending 31 October 2005 is under separate cover.

The Financial Report for the month ending 31 October 2005 was found to be inaccurate and was not received.

8. INFORMATION BULLETIN

8.1 CHIEF EXECUTIVE OFFICER

ITEM NUMBER:	8.1.1
DATE:	9 November 2005
SUBJECT:	BEVERLEY TOWN HALL
FILE REFERENCE:	
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

The Alex Miles Lodge have written requesting consideration to donating one of the old tables from the Town Hall so that residents can utilise it for pot planting activities.

Council did refuse the sale of a number of these tables to the Masonic Lodge, however on this occasion such a request might be in order. I would imagine the appearance of the table for the required purpose would not be much of an issue.

M17/1105 Moved Cr Foster **Seconded Cr Bailey**
That Council agree to donate an old table from the Town Hall to the Alex Miles Lodge.

CARRIED 5-3

8. INFORMATION BULLETIN

8.1 CHIEF EXECUTIVE OFFICER

ITEM NUMBER: 8.1.7
DATE: 9 November 2005
SUBJECT: BEVERLEY MEDICAL PRACTICE
FILE REFERENCE:
AUTHOR: Chief Executive Officer – Keith Byers

BACKGROUND

The transfer of the management of the Beverley Medical Practice to Doctor Adebayo remains on target for the 28 November 2005.

The purchasing of furnishings has been completed and the house in John Street is being prepared for accommodation.

I would like to take this opportunity to express my sincere thanks to Cr. Schilling for her part in the selection of the furnishings. Judy's commitment to the Council is outstanding and way beyond the call of duty.

M19/1105 Moved Cr Leonhardt Seconded Cr Alexander
That Council assist with the relocation of Dr Adebayo to a maximum of \$1,500.00.

Amendment to Motion

M20/1105 Moved Cr Szczecinski Seconded Cr Foster
That Council assist with the relocation of Dr Adebayo to a maximum of \$2,500.00.

CARRIED 5-3

The amendment became the substantive motion, was put and carried 5-3

M21/1105 Moved Cr Szczecinski Seconded Cr McLean
That the agreement/contract with Dr Adebayo reflect an increased gross guaranteed income for the Medical Practice to \$250,000.00, no rental assistance on his residence in Hunt Road Beverley, and that an advance of up to \$30,000.00 be paid, with repayable within twelve months from the signing of the agreement/contract.

CARRIED 6-2

9. TABLED CORRESPONDENCE

- Department for Community Development – ‘Indigenous Women’s Report Card 2005’
- Department of Conservation and Land Management – ‘Good Neighbour Policy Draft’ – Sept 05.
- Department of Local Government and Regional Development – ‘Review of the Cemeteries Act 1986 – Discussion Paper’
- Road Safety Council – ‘Arriving Safely – Road Safety Strategy for Western Australia 2003-2007’.
- ALGA – ‘National General Assembly of Local Government, 7-10 November 2005, Good to Great - Pursuing Progress through Partnerships’.
- Corruption and Crime Commission of WA – ‘Protecting Personal Data in the Public Sector – Report of an Inquiry into Unauthorised Access and Disclosure of Confidential Personal Information Held on the Electronic Databases of Public Sector Agencies – September 2005’.
- Department of Sport and Recreation – ‘Strategic Directions for the Western Australian Sport and Recreation Industry (2006-2010) – Have Your Say – Discussion Paper’.
- Beverley Soaring Society – ‘Soardid’ – Newsletter – October 2005.
- Department of Environment – ‘A Guide for Local Government – Clearing Native Vegetation – Under the Environmental Protection Act 1986’.
- Department of Agriculture, Fisheries and Forestry – ‘Contours’ Magazine – September 2005
- Chubb – ‘Electronic Security Services and Solutions’
- Department of Housing and Works – ‘Housing Strategy WA Discussion Draft’.

