



28 November 2023

ORDINARY MEETING

MINUTES

CONTENTS

1. OPENING	5
2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	5
2.1 Members Present.....	5
2.2 Staff Present	5
2.3 Observers and Visitors.....	5
2.4 Apologies and Approved Leave of Absence	5
2.5 Applications for Leave of Absence	5
3. DECLARATIONS OF INTEREST	6
4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
5. PUBLIC QUESTION TIME	6
6. CONDOLENCES	6
7. CONFIRMATION OF MINUTES	7
7.1 Minutes of The Ordinary Council Meeting Held 31 October 2023.....	7
7.2 Minutes of The Cropping Committee Meeting Held 22 November 2023	8
8. TECHNICAL SERVICES	18
9. PLANNING SERVICES	19
9.1 Development Application: Special Events (Tractor Pull & Lawnmower Racing) -Lot 397 (Reserve 3378 – Old Racecourse), Vincent Street	19
9.2 Revised Subdivision Application WAPC 164081: Lot 79, 102 & 106 Lennard Road, Beverley	43
10. BUILDING SERVICES & ENVIRONMENTAL HEALTH SERVICES	47
11. FINANCE	48
11.1 Monthly Financial Report	48
11.2 Accounts Paid by Authority	56
11.3 Refuse Site Contractor – Increase in Contract Charge – Revision	68
11.4 Awarding of Cropping Leases	71
12. ADMINISTRATION	75
12.1 Adoption of the Draft Strategic Community Plan	75
12.2 Draft Disability Access and Inclusion Plan 2023-28	95
12.3 Proposed Shire of Beverley Health Local Law 2023	118
12.4 Proposed Shire of Beverley Animal, Nuisance and Environmental Local Law 2023.....	175
12.5 Proposed Shire of Beverley Bush Fire Brigade Local Law 2023.....	194
12.6 Proposed Shire of Beverley Cemeteries Local Law 2023	203
12.7 Proposed Shire of Beverley Dogs Local Law 2023	220
12.8 Proposed Shire of Beverley Standing Orders Local Law 2023	240
12.9 Proposed Shire of Beverley Trading in Thoroughfares and Public Places Local Law 2023	268
12.10 Proposed Shire of Beverley Repeal Local Law	299
13. ELECTED MEMBERS’ MOTIONS WHERE NOTICE HAS BEEN GIVEN	303
14. NEW BUSINESS ARISING BY ORDER OF THE MEETING	303
14.1 Acceptance of a Late Item	303
14.2 Late Item: Tender RFT 01/2324 – Beverley Civic Centre Re-Development..	304

15. CLOSURE336

1. OPENING

The Presiding Member declared the meeting open at 3:01pm in Council Chambers.

The Shire of Beverley acknowledge the Traditional Owners of the land on which we meet, the Ballardong People. We pay our respects to Elders past and present.

Councillors and the public are advised this meeting is digitally recorded. All reasonable care is taken to maintain visitors privacy, however, as an attendee your presence may be recorded verbally. By staying in the meeting, it is assumed your consent is given to your voice being recorded.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1 Members Present

Cr DC White	Shire President
Cr DJ Ridgway	Deputy President
Cr DW Davis	
Cr CJ Lawlor	
Cr SW Martin	
Cr JR Maxwell	

2.2 Staff Present

Mr SP Gollan	Chief Executive Officer
Mr SK Marshall	Deputy Chief Executive Officer
Mr BS de Beer	Manager of Planning and Development Services
Mrs A Lewis	Executive Assistant

2.3 Observers and Visitors

Jo Haythornthwaite	Observed entire meeting
Marion Haeusler	Observed entire meeting
Stephen Hayes	Applicant - Item 9.1 (until 3:09pm)
Sheryl Burton	Applicant - Item 9.1 (until 3:09pm)

2.4 Apologies and Approved Leave of Absence

Cr DL Brown	Apologies
Cr AFC Sattler	Apologies

2.5 Applications for Leave of Absence

Cr SW Martin applied for Leave of Absence for the 19 December 2023 Ordinary Council Meeting.

M1/11/23

Moved Cr Lawlor

Seconded Cr Maxwell

That Council approve Leave of Absence to Cr SW Martin for the 19 December 2023 Ordinary Council meeting.

CARRIED 6/0

3. DECLARATIONS OF INTEREST

3.1 Cr DJ Ridgway – Financial Interest – Item 11.4

3.2 CEO Mr SP Gollan - Item 14.2 (no vote)

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

5.1 Stephen Hayes – WA Tractor Pull

Question: Can the Shire please fix a broken step on the Grandstand?

Response: Yes

6. CONDOLENCES

KESSENER Remy Karel (Ray) 24 November 2023

7. CONFIRMATION OF MINUTES

7.1 Minutes of The Ordinary Council Meeting Held 31 October 2023

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M2/1123

Moved Cr Martin

Seconded Cr Lawlor

That the Minutes of the Ordinary Council Meeting held Tuesday 31 October 2023 be confirmed.

CARRIED 6/0

7.2 Minutes of The Cropping Committee Meeting Held 22 November 2023

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M3/1123

Moved Cr Lawlor

Seconded Cr Maxwell

That the Minutes of the Cropping Committee Meeting held Tuesday 22 November 2023 be received.

CARRIED 6/0

Please refer to Agenda item 11.4



22 November 2023

**CROPPING COMMITTEE
MEETING**

MINUTES

CONTENTS

1. OPENING	2
2. ELECTION OF CHAIRPERSON	2
3. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	2
3.1 Members	2
3.2 Staff In Attendance	2
3.3 Observers And Visitors	2
3.4 Apologies and Approved Leave of Absence	2
4. DECLARATIONS OF INTEREST	2
5. CONFIRMATION OF PREVIOUS MINUTES.....	3
6. OFFICER UPDATES	4
6.1 Awarding of Cropping Leases	4
7. NEW BUSINESS ARISING BY ORDER OF THE MEETING	8
8. CLOSURE	8

1. OPENING

The Chief Executive Officer declared the meeting open at 9:30am in Council Chambers.

2. ELECTION OF CHAIRPERSON

The Chief Executive Officer called for nominations for the position of Chairperson.

Cr Lawlor nominated Cr White, Seconded Cr Martin.
Cr White accepted the nomination.

There were no further nominations.
The Chief Executive Officer declared Cr White duly elected.

Cr White resumed the Chair.

3. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

3.1 Members in Attendance

Cr DC White President
Cr CJ Lawlor
Cr SW Martin
Cr JR Maxwell

3.2 Staff In Attendance

Mr SP Gollan Chief Executive Officer
Mrs A Lewis Executive Assistant

3.3 Observers And Visitors

Nil

3.4 Apologies and Approved Leave of Absence

Nil

4. DECLARATIONS OF INTEREST

Nil

5. CONFIRMATION OF PREVIOUS MINUTES

OFFICER'S RECOMMENDATION & COMMITTEE RESOLUTION

MCC1/1123

Moved Cr Martin

Seconded Cr Maxwell

**That the Minutes of the Cropping Committee Meeting held on 22 August 2023
be confirmed.**

CARRIED 4/0

6. OFFICER UPDATES

6.1 Awarding of Cropping Leases

Submission To:	Cropping Committee Meeting 22 November 2023
Report Date:	14 November 2023
Applicant:	Administrative
File Reference:	ADM 0092
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	14 October 2020
Disclosure(s) Of Interest:	Nil
Attachments:	Submissions in table.

SUMMARY

Committee to recommend Council award various Cropping Leases.

BACKGROUND

At the 22 August 2023 Cropping Committee Meeting the Committee recommended that Council;

OFFICER RECOMMENDATION & COMMITTEE RESOLUTION

MCC2/0823

Moved Cr Sattler

Seconded Cr Seed

1. That the Cropping Committee recommends to Council that the Lease for Reserve 38798 Mt Kokeby is advertised with advice that a new lease is being drawn up between the Shire of Beverley and Department of Lands.

2. That the Cropping Committee recommends to Council that Lease for the Reserve 25266 Bethany Farm be discontinued.

3. That the Cropping Committee recommends to Council that it call for submissions for the remaining six leases via the October edition of the Beverley Blarney and weekly on Facebook.

4. That the Cropping Committee recommends to Council that it write to the current lease holders to advise them of the next lease advertising period and which blocks will be leased.

5. That the Cropping Committee recommends to Council it continue with the lease period of 3 years, 1 April 2024 to 31 March 2027; and allow hay to be cut once in the three year period.

CARRIED 3/0

The above recommendation was endorsed by Council at the 22 August 2023 Ordinary Council meeting.

The cropping leases were advertised 1-31 October 2023 in the October edition of the Beverley Blarney; on Facebook and on the Shire Website.

COMMENT

At the close of business Tuesday 31 October 2021, a total of six (6) submissions, with eleven (11) prices were received.

As previously advised to Council, Shire management are still in the process of negotiating the lease for Reserve 38798 Mt Kokeby with the Department of Lands and Heritage (DPLH). This process may take several more months, and therefore it will be recommended that the lease be awarded subject to a successful negotiation with DPLH.

A summary of the tenders received, is as follows:

	Reserve 5265A Old Commonage	Reserve 5265B Sand Pit	Reserve 5265C Great Southern Hwy	Reserve 5265D Off Bremner Rd	Reserve 3788 Old Racecourse	Reserve 38798 Mt Kokeby	Lot 78 Waterhatch Rd
Bernard Hunt				\$3,350.00			
Beverley Football Club			\$6,110.00				\$2,410.00
Beverley Tennis Club					\$2,400.00		
CR & J Ridgway						\$9,800.00	
Roesland Farms	\$23,000.00	\$10,000.00	\$5,000.00				
St Kirstelle Farms			\$4,180.00	\$4,500.00		\$5,850.00	

STATUTORY ENVIRONMENT

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

FINANCIAL IMPLICATIONS

Future Budgets

STRATEGIC IMPLICATIONS

Review land use strategies and plans, whilst protecting viable farming options.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION & COMMITTEE RESOLUTION

MCC2/1123

Moved Cr Maxwell

Seconded Cr Lawlor

That the Cropping Committee recommend to Council that;

- 1. the following leases for a period of 3 years, 1 April 2024 to 31 March 2027 be awarded to:**

Lease	Lessee	Yearly Rent Ex GST
Lot 78 Waterhatch Rd	Beverley Football Club	\$2,410.00
Reserve 3788 Old Racecourse	Beverley Tennis Club	\$2,400.00
Portion Reserve 5265A Old Commonage	Roesland Farms	\$23,000.00
Portion Reserve 5265B Sand Pit	Roesland Farms	\$10,000.00
Portion Reserve 5265C Between Great Southern Hwy & Railway Line	Beverley Football Club	\$6,110.00
Portion Reserve 5265D Off Bremner Road	St Kirstelle Farms	\$4,500.00

- 2. the lease for Reserve 38798 Mt Kokeby be awarded to CR & J Ridgway, for a period of 3 years, 1 April 2024 to 31 March 2027 for the submitted amount of \$9,800.00, subject to the successful lease negotiation between the Shire of Beverley and the Department of Lands and Heritage.**

CARRIED 4/0

7. NEW BUSINESS ARISING BY ORDER OF THE MEETING

Nil

8. CLOSURE

The Chairman declared the meeting closed at 9:37am

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

PRESIDING MEMBER:

DATE:

8. TECHNICAL SERVICES

Nil

9. PLANNING SERVICES

9.1 Development Application: Special Events (Tractor Pull & Lawnmower Racing) - Lot 397 (Reserve 3378 – Old Racecourse), Vincent Street

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	17 November 2023
Applicant:	WA Tractor Pull Association Inc – Sheryl Burton
File Reference:	ADM 0155/VIN 1621
Author and Position:	Stefan de Beer, Manager of Planning and Development Services
Previously Before Council:	26 February 2019, 23 February 2021, 22 February 2022, 22 November 2022
Disclosure(s) Of Interest:	None
Attachments:	Application Letter and Documentation

SUMMARY

An application for Special Events (Tractor Pull & Lawnmower Racing) on Lot 397 (Reserve 3378) Vincent Street – (the Old Racecourse), had been received. The application will be recommended for approval.

BACKGROUND

A comprehensive application has been received from the *Western Australian Tractor Pull Association Inc.* (WATPA – Sheryl Burton), inclusive of amongst others an *Event Management Plan, Risk Action Assessment Plan, Emergency Evacuation Plan, 1st Aid & Ambulance Location Map, Beverley Tractor Pull Procedures & Assessment Forms* used by WATPA, that covers all proposed event dates.

The subject property is the Old Beverley Racecourse – located on Lot 397 (Reserve 3378) Vincent Street, is zoned *Reserve – Recreational* and is 42.9ha in extent. The Shire is the custodian of the land through a Management Order.

Numerous successful Tractor Pull & Lawnmower Racing events had been held at this location in the past. This application for Development Approval was invited as it is not considered that these events can be regarded as *exempted development* under Section 61 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Development for which development approval not required).

A previous Planning Approval issued by Council in November 2022 has now expired.

It is proposed to conduct events (as per the submission letter) on the following dates:

- 16th March 2024: Busy Bee/Test and Tune;
- 27th April 2024: Busy Bee/Test & Tune/Possible Event;
- 2nd June 2024: Tractor Pull Event/Mowers;
- 6th July 2024: Tractor Pull Event/Mowers;
- 22nd September 2024: Final Tractor Pull Event/Mowers.

As per the submission, activities and general times of operation will be between 8am to 5:30pm.

Permission is also requested for pre-event set-up and post event clean-up days as per the submission.

Camping for all events is requested for competitors within the designated areas shown on the maps submitted.

COMMENT

In previous years the events have attracted a substantial number of out-of-towners and residents of Beverley. It is an established event in the Beverley Community Calendar and is regarded as an important attraction from a tourism perspective. It has always been well planned and run and for this reason should be encouraged to remain.

From a land use perspective the property is regarded as being ideally located for a use of this nature.

CONSULTATION

Internal consultation was had with the Building Surveyor/Environmental Health Officer as well as the Community Emergency Services Manager during the 2021 application process. Applicable comments received are quoted below:

Building Surveyor/Environmental Health Officer:

1. *Any Public Event that charges an entry fee is required to have a "Public Building", (Public Event) Approval under the Public Health Act 2016.*
2. *Any Public Event applications are to be lodge three, (3), months prior to the event commencing, to allow sufficient time for assessment and approval.*
3. *Any temporary public camping is to be approved prior to the temporary camping being carried out under the Caravan Parks and Camping Grounds Act 1995 (only applicable if there is camping for more than 3 days in any month).*
4. *Any temporary public camping applications are to be lodged one, (1), month prior to the use of the land as a temporary camping ground, to allow sufficient time for assessment and approval.*
5. *Any application for a Public Event shall address, where applicable, each requirement under the Department of Public Health, "Concerts and Mass Gatherings Guidelines".*
6. *Any associated, event or live entertainment, is to address any additional, relevant requirements listed in the "Concerts and Mass Gatherings Guidelines".*
7. *Any required Liquor Licensing is to be addressed and approved where applicable.*
8. *Any requirements of Police or Emergency Services are to be addressed and complied with, where applicable.*
9. *Fire and Bushfire risks including requirements for emergency evacuation are to be addressed in the application. Particular attention should be given to minimising fire risk from surrounding grass and vegetation, and having appropriate fire-fighting facilities to extinguish fire from these risks/sources.*
10. *A site plan indicating all facilities, attractions, medical and first aid provision, emergency points, fire-fighting equipment, drinking water provision, toilet facilities, shower facilities, camping facilities, parking and other relevant information is to be submitted with the application.*

11. *Temporary structures and stages information is to be provided in detail, including engineer's certification, erection manuals, certificates of insurance and certificates of installation by a competent person once installed.*
12. *Temporary electrical installations are to be certified by a licensed electrician prior to use.*
13. *Any food sold, must be by a business or group who is registered with a Local Government as a Food Business under the Food Act 2008, or if not currently registered must be registered with the Shire of Beverley at least one, (1), month prior to the event and have approved food preparation premises or facilities.*
14. *Any event/event organisers, are to be affiliated with the relevant official motorsport body.*
15. *Motor sports are inherently dangerous and the Health Act 1911 defines those that have spectator viewing as public buildings. Spectators must be protected from competition vehicles and any debris that may emanate from the race area. The types of barriers will vary significantly between the different sports. There are critical safety elements to be considered and addressed in any proposal, including and not limited to:*
 - *Spectator safety.*
 - *Competitor safety.*
 - *Officials safety.*
 - *Vehicle safety.*

Community Emergency Services Manager:

CESM submitted following comments:

- *The Shire of Beverley might be in its Restricted Burning period as declared under Section 18(5) of the Bush Fires Act 1954. During a Restricted Burning period a Permit is required to Burn or to light a fire.*

Should Council resolve to approve this application, it will be recommended that the above comments be taken into consideration when framing conditions of planning approval and advice notes.

Public Notification:

It was not deemed required to advertise the application for public comments again, as this was done for the 2019 Development Application. No concerns or objections were received by the Shire during the 2019, 2021, 2022 or 2023 event seasons.

Many similar events have occurred on this property previously. It is submitted that matters of concern could be managed by the imposition of appropriate conditions of planning approval and monitoring of the compliance thereof.

The event will aid in economic development and economic diversification in the Shire of Beverley. Direct economic enhancement will occur due to catering for the needs of the substantial number of persons attending the event. Indirect economic benefit will come from raising the profile of Beverley throughout the state and making Beverley a tourist destination. As such the event will aid in economic diversification in Beverley.

Entertainment options in Beverley may be considered limited for the younger age groups. This event will provide an entertainment option comparable with those in the

metropolitan area and not generally available in Beverley. As such the event will aid in enhancing the amenity of the Shire.

Event Management Plan

The proposal contains an Event Management Plan (inclusive of an Emergency Evacuation Plan, Fire Management Plan, First Aid/Medical Evacuation Plan, Traffic Management Plan, Waste Management arrangements, Camping Arrangements, Management of Environmental Impacts, as well as a Western Australia Tractor Pull (WATP) Risk Action Plan. Should Council approve the application it will be recommended that compliance with the overall Event Management Plan and the WATPA Risk Action Plan be made conditions of approval.

Conclusion

The application to conduct the Tractor Pull and Lawnmower Racing events is supported due to:

1. Diversification of economic activity;
2. Enhancement of amenity through provision of generally unavailable entertainment options;
3. Raising the profile of the Shire of Beverley;
4. Economic benefit to the local economy.

STATUTORY ENVIRONMENT

The application may be considered consistent with the Shire of Beverley's Local Planning Scheme No. 3.

FINANCIAL IMPLICATIONS

There are no financial implications relative to this application.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this application.

POLICY IMPLICATIONS

There are no policy implications relative to this application.

RISK IMPLICATIONS

It is considered that the proposal has insignificant risks.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M4/1123

Moved Cr Ridgway

Seconded Cr Davis

That Council resolve to grant planning approval for Tractor Pull and Lawnmower Racing events at Lot 397 (Reserve 3378) Vincent Street – (the Old Racecourse) subject to the following conditions and advice notes:

Conditions:

- 1. Planning approval for the events at Lot 397 (Reserve 3378) Vincent Street – (the Old Racecourse), is valid for the dates submitted in the application only, or alternative dates through mutual written agreement with the Shire CEO.**
- 2. Dates and times for pre-event setup and post event pack up/clean up shall be as per the Event Management Plan.**
- 3. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**
- 4. The submitted Event Management Plan (inclusive of the Emergency Evacuation Plan, Fire Management Plan, First Aid/Medical Evacuation Plan, Traffic Management Plan, Waste Management arrangements, Camping Arrangements, Management of Environmental Impacts and Risk Action Plan) are to be complied with at all times, for the entire period of this approval.**

Advice Notes:

- Note 1:** Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- Note 2:** The applicant is advised that where applicable, a building permit is required prior to commencement of any building works.
- Note 3:** The applicant is advised that any Public Event that charges an entry fee is required to have a "Public Building" (Public Event) Approval under the *Public Health Act 2016*.
- Note 4:** The applicant is advised that any Public Event applications are to be lodge three (3) months prior to the event commencing, to allow sufficient time for assessment and approval.
- Note 5:** The applicant is advised that any temporary public camping is to be approved prior to the temporary camping being carried out under the *Caravan Parks and Camping Grounds Act 1995*. Any temporary public camping applications are to be lodged one (1) month prior to the use of the land as a temporary camping ground,

to allow sufficient time for assessment and approval (only applicable if there is camping for more than 3 days in any month).

Note 6: The applicant is advised that any required Liquor Licensing is to be addressed and approved where applicable.

Note 7: The applicant is advised that any temporary structures and stages information is to be provided in detail, including engineer's certification, erection manuals, certificates of insurance and certificates of installation by a competent person once installed.

Note 8: The applicant is advised that temporary electrical installations are to be certified by a licensed electrician prior to use.

Note 9: The applicant is advised that any food sold, must be by a business or group who is registered with a Local Government as a Food Business under the *Food Act 2008*, or if not currently registered must be registered with the Shire of Beverley at least one (1) month prior to the event and have approved food preparation premises or facilities.

Note 10: The applicant is advised that any event/event organisers, are to be affiliated with the relevant official motorsport body and are to have evidence of approval and endorsement from that body.

Note 11: The applicant is advised to submit written proof to the Shire of sufficient Public Liability Insurance for the event, one week prior to the event occurring.

Note 12: The applicant is advised that the Shire of Beverley might be in its Restricted Burning Times as declared under Section 18(5) of the *Bush Fires Act 1954*. Restricted Burning Times vary and should be checked by the applicant. During Restricted Burning Times a Permit is required to Burn or to light a fire during this period.

Note 13: The applicant is advised to adhere to Covid19 best practise protocols and to any advice or directives applicable at the time of the event.

Note 14: If an applicant is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED 6/0

Western Australian Tractor Pull Association Inc

(WATPA Inc)

Chief Executive Officer
Shire of Beverley
Vincent Street
BEVERLEY WA 6304

Dear Mr Gollan, Shire President and Councillors,

The Western Australian Tractor Pull Association would like to submit our dates for the 2024 Season held at The Old Beverley Racecourse.

The Dates below have been chosen by the Club, subject to your approval and will traditionally begin with our Busy Bee Clean Up and Test & Tune.

March 16 th	Busy Bee/Test & Tune
April 27 th	Busy Bee/Test & Tune/Possible Event
June 2 nd	Tractor Pull Event/Mowers
July 6 th	Tractor Pull Event/Mowers
Sept 22 nd	Final Tractor Pull Event/Mowers

This up-coming season will see our main focus being on Club Members Tractors and Lawnmowers. Although we are open to future options moving forward, for now we will concentrate on the growth of our own Club and WAMRA.

The Club asks that you kindly consider the above dates and we as a club are aware that all are subject to directives regarding Covid 19.

Attached is our proposal including an Event Management Plan, Safety Risk Assessment Plan, Current Emergency Evacuation procedure maps, 1st Aid Location Map and Assessment forms used by WATPA.

We look forward to another successful season, working with the Council, to keep our Family Orientated Sport within the Shire of Beverley.

Yours sincerely

Sheryl Burton
Secretary

WA Tractor Pull Association
6 Thomson Street
YORK WA 6302
Email: tractorpullwa@gmail.com

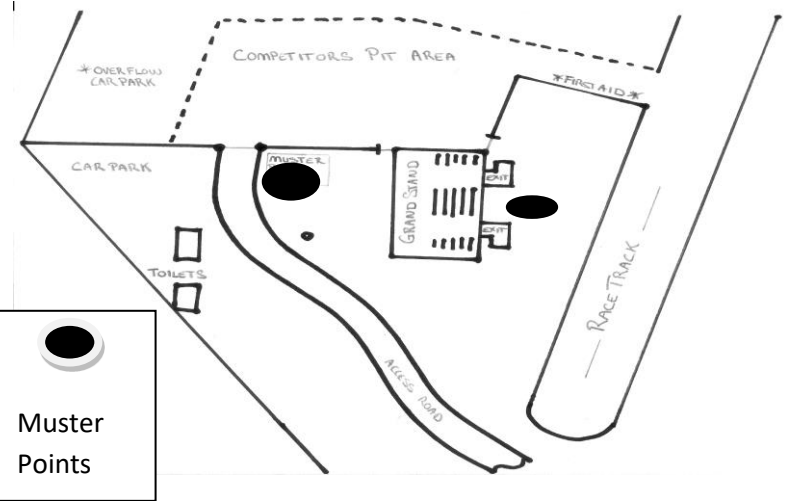
Event Management Plan for Western Australian Tractor Pull Association Pulling Events 2024

Item	Details	Please Note
<p>Proposed Event Dates for the 2024 Season:</p>	<p>Event Race Dates as follows: All Events at Beverley</p> <p>March 16th Saturday Busy Bee/Test N Tune Scrutineering</p> <p>April 27th Saturday Busy Bee/Test N Tune/Possible Event</p> <p>June 2nd Sunday Round 1 (Long Weekend)</p> <p>July 6th Saturday Round 2</p> <p>Sept 22nd Sunday Final Round 3</p> <p>All Events will involve WATPA Pulling Vehicles, and WAMRA Lawn Mowers.</p>	<p>Club Members will be camping over at Events due to Set up and Pack up activities.</p>
<p>Current Western Australian COVID 19 Status</p>	<p>At this time Western Australia has no active mandates or regulations in regard to Covid 19.</p>	<p>WATPA will continue to Monitor the Status of Covid 19, relevant training was completed at the start of the pandemic and we will act accordingly.</p>

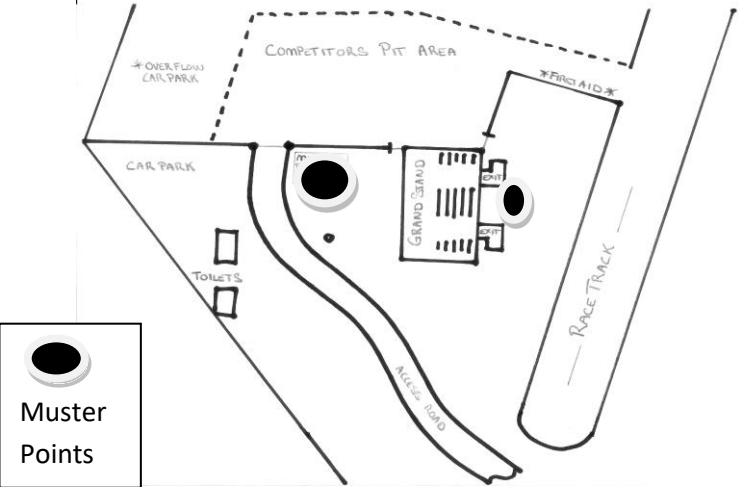
Event Management Plan for Western Australian Tractor Pull Association
Pulling Events 2024

Item	Details	Activities
<p>Hours of operation at events, including Pre-event and Post-event activities</p>	<p>Gates open to the public: 10am Competition starts: 12pm to 5.30pm Set up: Day Prior 8am to 5pm Pack up/Clean up: Sunday 8am to 5pm</p>	<p>Pre-event: Grading, smudging, watering tracks, raking of public access areas, set up of sound system, cleaning of building for example toilets, kitchen, grandstand, cleaning of equipment, placing bins out, set up of tables and chairs, placing out fire extinguishers, set up of water tender, set up of 1st aid room/area, set up of track markers on tracks, place bunting on fences.</p> <p>Post-event: toilets re-cleaned, bins are emptied, and rubbish removed to tip, kitchen and servery clean up, pack up of sound system, pack away tables, chairs, bins, and fire extinguishers.</p>
<p>Evidence of Public Liability Insurance (can be made a condition of Planning Approval)</p>	<p>\$20,000,000 public liability insurance with</p> <p>\$1,000,000 Voluntary Workers Insurance with</p>	<p>Copies to be forwarded to Shire once our yearly policy is renewed for 2024 (Due 1st February 2024)</p> <p>Copies to be forwarded to Shire once our yearly policy is renewed for 2024 (Due 1st February 2024)</p>

Event Management Plan for Western Australian Tractor Pull Association Pulling Events 2024

Items	Details	Map
<p>Emergency Evacuation Plan</p>	<p>Upon the announcement to evacuate the patrons shall be directed to exit the grandstand via the 2 stairways and move to the muster point at the rear of the building in a rapid but safe manner.</p> <p>All competitors and pit crews must shut down and abandon the vehicles and make their way to the muster point at the rear of the building.</p> <p>An easily visible copy of the site plan and emergency procedure shall be displayed at strategic locations throughout the venue for patrons and competitors notice.</p>	 <p>The map illustrates the venue layout. Key features include: <ul style="list-style-type: none"> GRAND STAND: A rectangular structure with two stairways labeled 'ENT' and 'EXIT'. RACE TRACK: A curved track to the right of the grandstand. COMPETITORS PIT AREA: A dashed-line area above the grandstand. CAR PARK: A designated area to the left of the grandstand. OVERFLOW CAR PARK: A designated area at the top left. TOILETS: Two small rectangular structures below the car park. MUSTER POINTS: Two black circles, one at the rear of the grandstand and one on the race track. FRS (AID): A first aid station marked with an asterisk. ALICE ROAD: A road at the bottom of the site. </p>

Event Management Plan for Western Australian Tractor Pull Association Pulling Events 2024

Item	Details	Map
<p>Emergency Procedure</p>	<p>In the event of an emergency evacuation, patrons will be guided to the nearest muster point by event officials in an orderly and safe manner. (See diagram for muster point)</p> <p>An alarm will sound in not only the event of fire but also for threats of hazardous materials, bombs, explosion, earthquake or any other major risk to the public.</p> <p>First, an emergency alarm will alert all of a potential problem and then if there is a need for evacuation, patrons will be directed to the muster area.</p> <p><u>Alarm/warning</u> Alarms may be given in one or more of the following ways:</p> <ul style="list-style-type: none"> Via the Public address system. Via a ringing bell. Via a horn. Via Event Officials or Club Committee. <p>Note: Any form of alarm must be acted upon in serious & responsible manner.</p>	 <p>The map shows the layout of the event site. Key areas include: <ul style="list-style-type: none"> OVERFLOW CAR PARK (top left) CAR PARK (middle left) TOILETS (bottom left) COMPETITORS PIT AREA (top center, enclosed in a dashed line) GRAND STAND (center) RACE TRACK (right side) ALICE ROAD (bottom center) MUSTER POINTS (indicated by black circles: one in the center of the Grand Stand, one in the Competitors Pit Area, and one in the overflow car park area) </p>

Event Management Plan for Western Australian Tractor Pull Association Pulling Events 2024

Item	Details	Map
<p>Fire Management Plan</p>	<p>The WATPA's Water Truck is set up dually to act as fire tender/dust suppressor.</p> <p>Chemical fire extinguishers are located every 20m along the pulling track and 50m around the lawn mower track.</p> <p>Chemical fire extinguishers are in the pit area, and within the building.</p> <p>All pulling vehicles must be fitted with fire extinguishers as part of the club rules and regulations.</p>	
<p>First Aid/Medical Evac arrangements – minimum first aid on site “+”</p>	<p>This year WATPA will engage a reputable First Aid Company to attend our Events.</p> <p>WATPA has a First Aid Cabinet located in the kitchen area with relevant signage notifying patrons of its location.</p> <p>The clubrooms have a shower located within the building for chemical spillage, and a Single Bed for First Aid purposes.</p>	<p style="text-align: center;"><u>See attached map for 1st aid room location</u></p> <p style="text-align: center;">WATPA will notify Beverley of which Company will Attend.</p>

Item	Details	Map
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Event Management Plan for Western Australian Tractor Pull Association Pulling Events 2024

<p>Traffic Management / Parking</p>	<p>The parking is currently managed by event officials, attached is a site plan with a general layout of the parking area and this includes additional overflow parking area at the rear of the pit area.</p> <p>Green – Overflow parking/camping</p> <p>Orange – Parking area</p> <p>Purple – Pit area (Lawnmowers and Pulling Vehicles only)</p> <p>Purple Area – Camping area during night</p>	
--------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

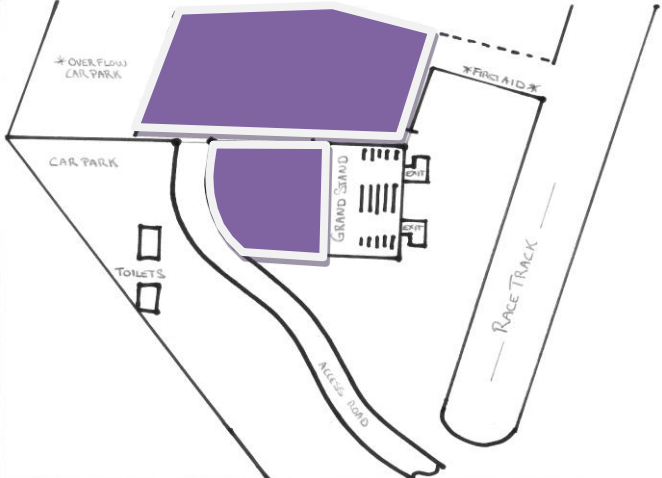
Event Management Plan for Western Australian Tractor Pull Association Pulling Events 2024

Item	Details	Map
<p>Ablution facilities/Arrangements</p>	<p>The grounds have separate male and female toilets. The male toilet block has 2 toilets and urinals while the female toilets have 4 toilets and a baby change station within the building. All toilets are easily accessible to wheelchair and elderly patrons.</p> <p>Blue building – Male toilets</p> <p>Red Building – Female toilets</p>	

Event Management Plan for Western Australian Tractor Pull Association
Pulling Events 2024






Item	Details	
<p>Management of the Environmental Impact in the following areas</p>	<p>Noise Suppression The noise suppression has been reduced by the following,</p> <ul style="list-style-type: none"> • Keeping all tractor and truck competition and activities to the designated track and pit area only. • Ending all motorsport activities by the agreed time. • Monitoring and addressing any additional noise from the spectators. <p>Dust Suppression The dust is reduced by the following,</p> <ul style="list-style-type: none"> • Limiting activities to the pulling track. • Water suppression on the track and busy road area. <p>Bulk Fuel Storage and Handling There is currently no bulk fuel storage involved or required for this event and venue, all fuels are supplied by the individual for their own machine in accordance with the rules and regulation specified in the WATPA rule book for each specific class. The largest capacity mobile fuel container onsite may be a 205litre drum.</p>	

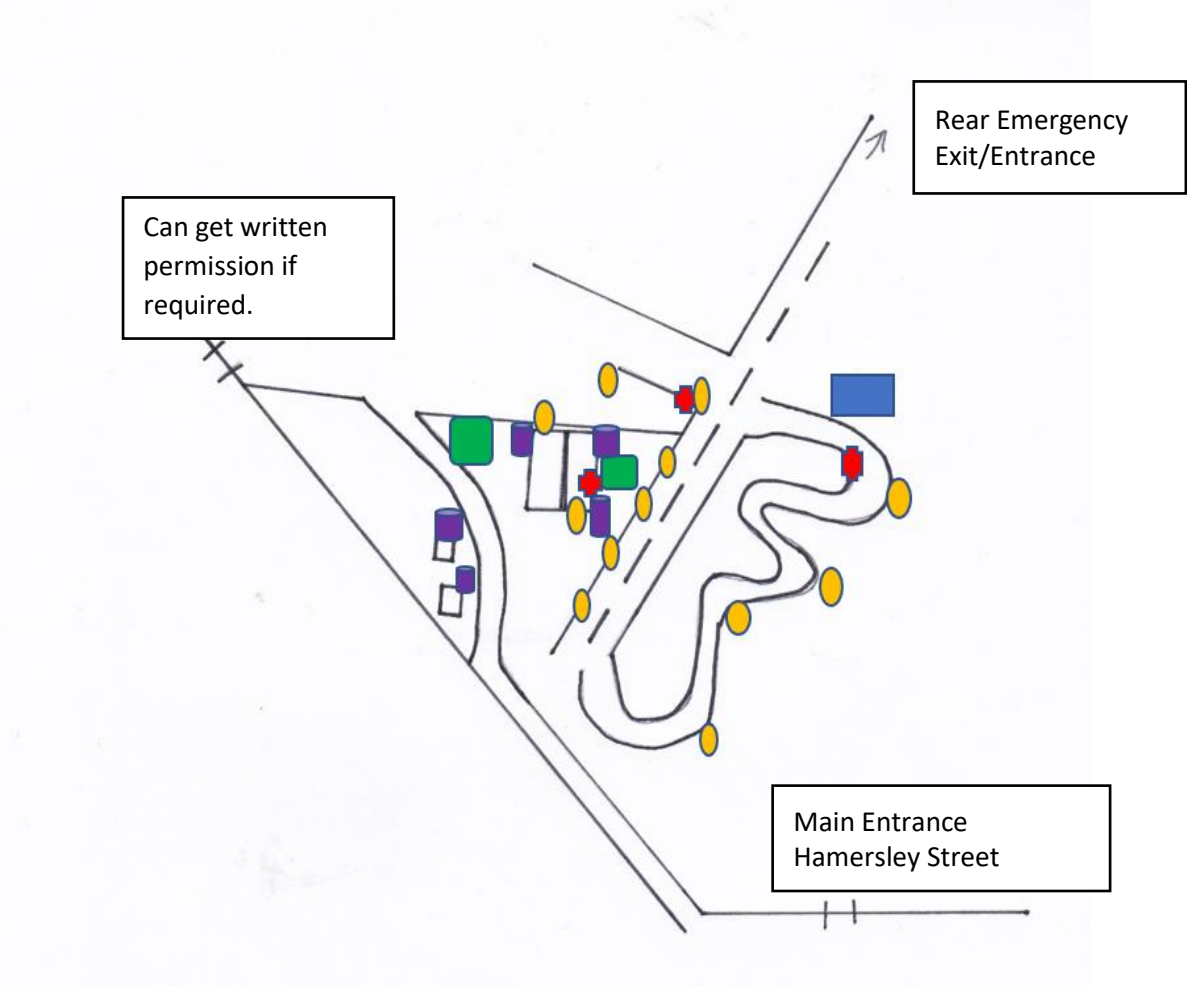
Event Management Plan for Western Australian Tractor Pull Association Pulling Events 2024

Item	Details	Map															
<p>Camping arrangements</p>	<p>Camping is usually for competitors only who stay behind and help pack up the next day. The pit area turns into parking as its close to toilets, shower and kitchen facilities inside the main building.</p> <p>In event of a major event, camping may commence a week prior to a race day where the Clubs groundsman stays overnight a weekend prior to an event.</p> <p>Purple Area – Camping area during night</p>																
<p>Waste management arrangements</p>	<p>Litter management is controlled by the WATPA. We currently supply our own 200 litre Rubbish Drums and have them placed strategically throughout the venue for the public to conveniently use. The bins are placed out prior to the event starting, the following day, we clean up the grounds of any additional litter followed by the bins being emptied at the local Beverley rubbish tip.</p>																
<p>Catering for Events</p>	<p>Food and Coffee for the 2024 Season will be provided by:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 35%;">“How’s Ya Doggie”</td> <td style="width: 20%;">Craig Fraser</td> <td style="width: 45%;">0458 242 415</td> </tr> <tr> <td>“Perth Chew Chew Truck”</td> <td>Kevin Tran</td> <td>0433 618 570</td> </tr> <tr> <td>“Mysta Barista”</td> <td>Gary & Kerri</td> <td>0418 337 625</td> </tr> <tr> <td> </td> <td></td> <td></td> </tr> <tr> <td>Coffee Van</td> <td>Liam Burgess</td> <td>0476 796 234</td> </tr> </table>	“How’s Ya Doggie”	Craig Fraser	0458 242 415	“Perth Chew Chew Truck”	Kevin Tran	0433 618 570	“Mysta Barista”	Gary & Kerri	0418 337 625	 			Coffee Van	Liam Burgess	0476 796 234	<p>Copies of each businesses current insurance certificate’s are attached.</p> <p>Liam Burgess has just contacted WATPA, we are yet to hold discussions with him (information to be forwarded)</p>
“How’s Ya Doggie”	Craig Fraser	0458 242 415															
“Perth Chew Chew Truck”	Kevin Tran	0433 618 570															
“Mysta Barista”	Gary & Kerri	0418 337 625															
Coffee Van	Liam Burgess	0476 796 234															

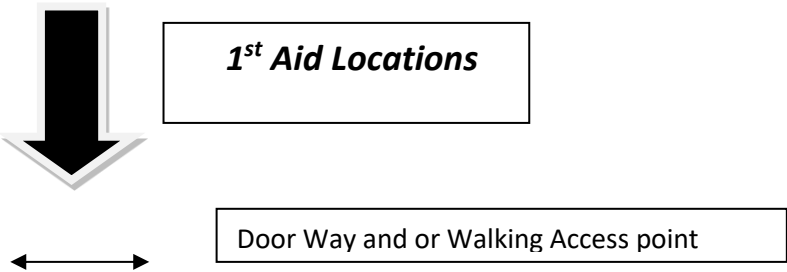
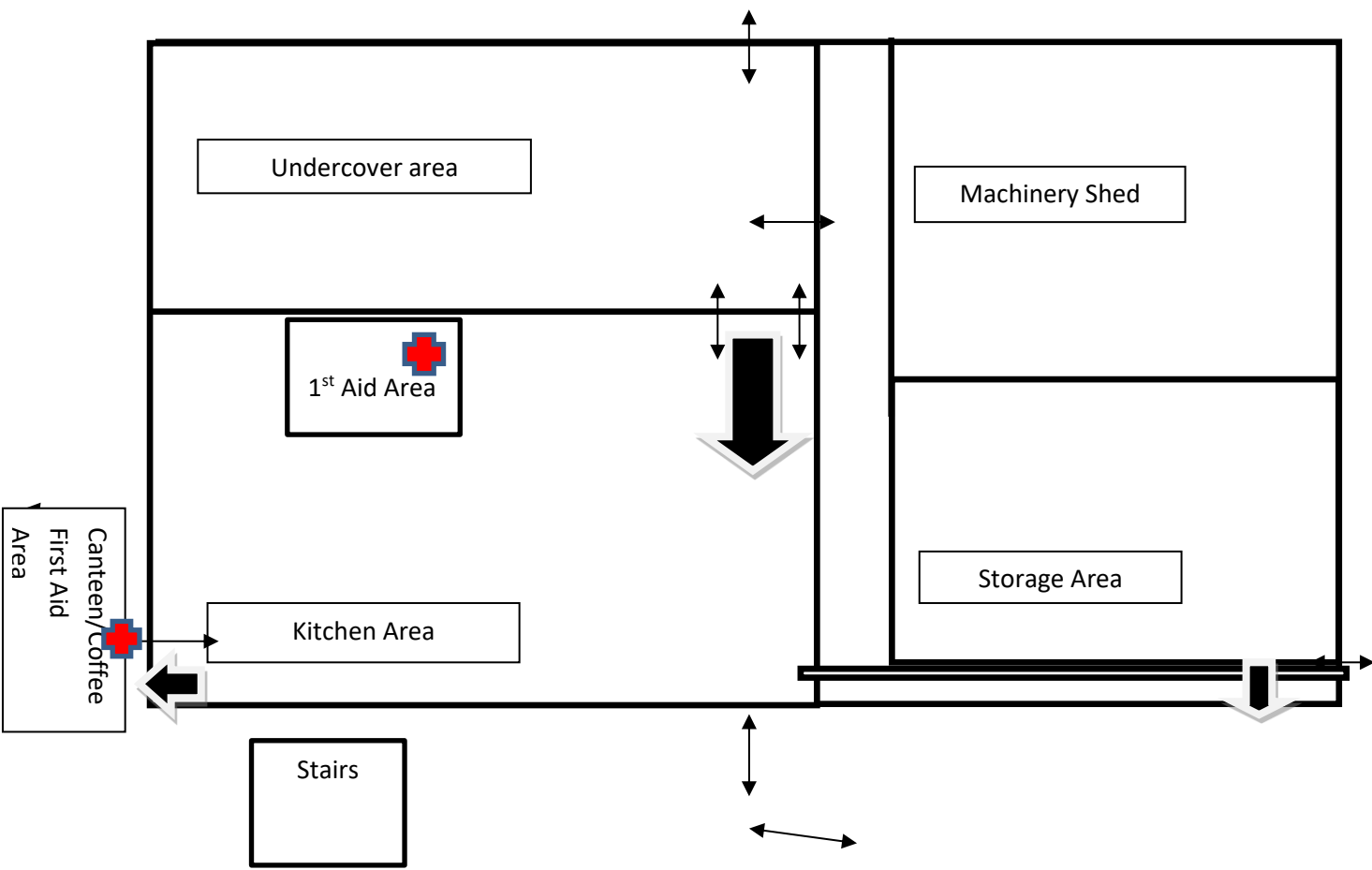
EMERGENCY POINTS AND INFORMATION MAP

FIRE PLAN:

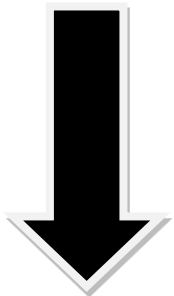
- Water Tender 
- Fire Extinguishers 
- Taps 
- Muster Points 
- Emergency Property Exits 
- 1st Aid Posts 

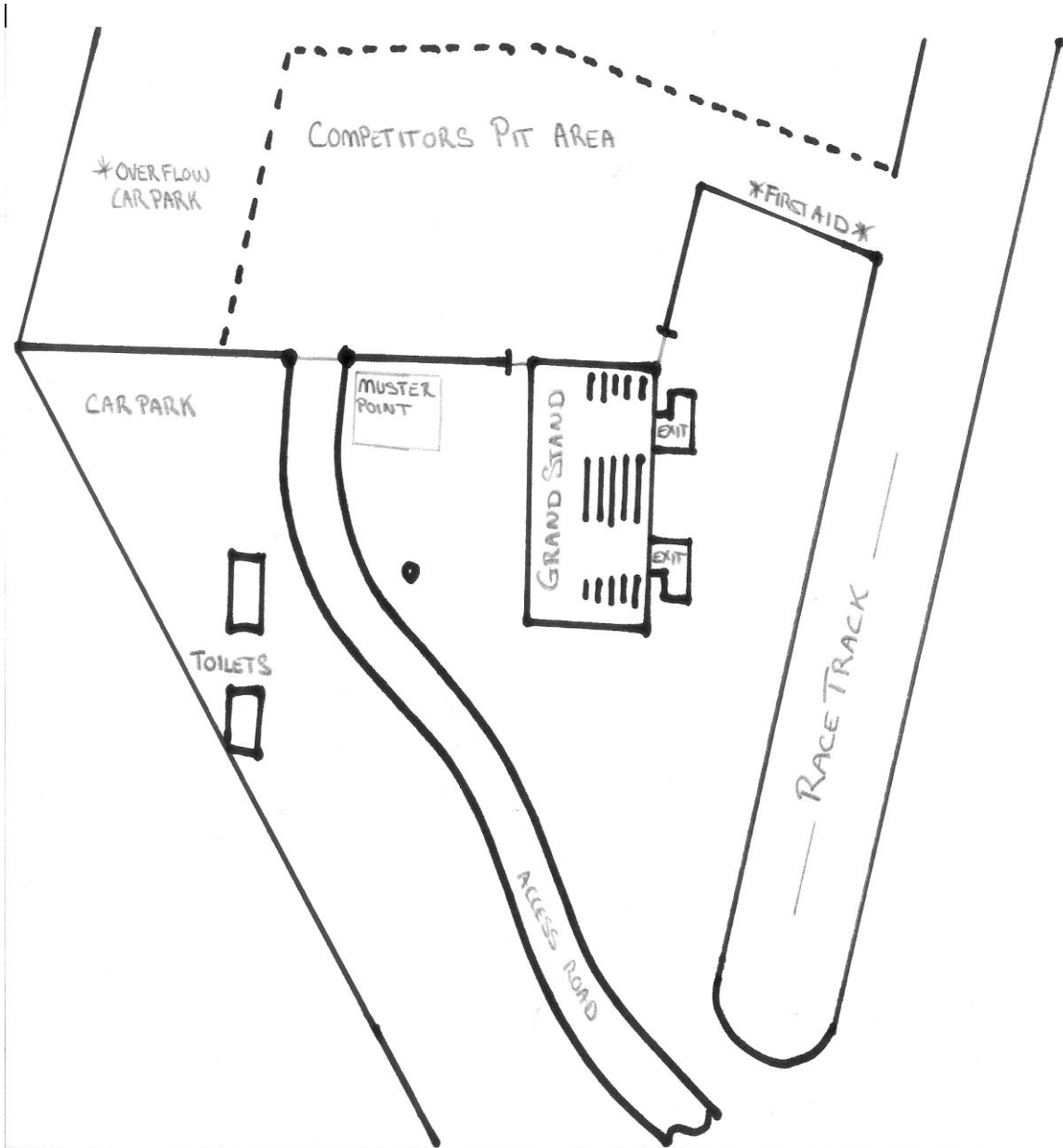


Attachments for Agenda Item 9.1
**1st Aid Locations
And Ambulance locations**



Ambulance
If Needed





WATPA Risk Action Plan

Risk #	Risk	Level of Risk	Recommended Action	Who's Responsible	Action Number	Resources required	Cost/benefit analysis Y-accept, N-reject	Timeframe	Reporting/Monitoring
1.	Out of control vehicle interaction with spectators	3/M	a) Fencing must be 1 metre in height b) Be made from plastic mesh, wire or similar so as to prevent spectator access to the track. c) Be a minimum of 3 metres (& up to 10 metres where possible) from the nearest edge of the racetrack. d) Have a 10-metre space [or more] between spectators and the track, at the end of the straight.	WATPA		Star pickets/caps Mesh fencing Bunting Warning signs Witches' hats		Ongoing	Check fencing prior to racing for any rusty posts and make sure caps, signs and bunting are in place.
2.	Out of control vehicle interaction with track staff – Control	3/M	a) Track Safety Barriers marking the edge of the track to be as a minimum windrow 300mm high b) Behind the hay bales and out of the direct line of oncoming traffic. c) Dressed in reflective vests or bright clothing of similar type to distinguish their status as Marshalls	WATPA		Reflective vests Safety barriers		Ongoing	Track staff to keep alert while racing is on
3.	Out of control vehicle interaction with other racers	4/H	a) track must be a minimum of 4 metres wide- but up to 8 metres where possible b) Have a maximum of 100 metre straight c) Have an appropriate safety run off at the end of the straight	WATPA		Track min 4m wide No tight corners Drivers to wear closed in shoes, helmet, neck brace, appropriate clothing for racing		Ongoing	Drivers to follow rules of racing and drivers not obeying rules are reprimanded accordingly

4.	Vehicle accident resulting in harm	4/H	<p>a) First Aid Personnel must be in attendance at all times while racing is in progress.</p> <p>b) recommends the use of St Johns or a similar First Aid Contractor for legal reasons but senior first aid will be accepted if event is run in a town within 10km of a fully staffed hospital</p>	WATPA		<p>Minimum of 3 qualified 1st aid attendees</p> <p>Hospital/Medical service contractor in attendance or on standby</p>		Ongoing	Incident reporting forms to be filled for insurance purposes
5.	Vehicle accident resulting in fire	2/L	<p>a. Fire extinguishers every 15m along tractor pulling track</p> <p>b. At least 1 is required and this is to be with the most centrally located Marshall on lawn mower racing track</p> <p>c. All vehicles require personal fire extinguishers for refiling fuel</p> <p>d. All tractor pulling vehicles must run with fire extinguisher in vehicle</p>	WATPA		<p>Fire extinguishers located around racetrack.</p> <p>Water tenders for fire that reaches paddock</p> <p>Fire extinguishers located in pit area</p>		Ongoing	Incident reporting forms to be filled for insurance purposes
6.	Medical Emergency	2/L	<p>First Aid Personnel must be in attendance at all times while racing is in progress.</p> <p>Local hospital to be notified of race dates</p>	WATPA		<p>Clear path for emergency vehicle to access accident where needed, clear access to 1st aid room at rear of grandstand</p>		Ongoing	Incident reporting forms to be filled for insurance purposes

7.	Spectators entering track	1/L	<p>a) spectator fencing must be 1 metre in height</p> <p>b) Be made from plastic mesh, wire or similar so as to prevent spectator access to the track.</p> <p>c) Be a minimum of 3 metres (& up to 10 metres where possible) from the nearest edge of the racetrack.</p> <p>d) Have a 10-metre space [or more] between spectators and the track, at the end of the straight.</p>	WATPA & gate attendant		<p>Star pickets/caps</p> <p>Mesh fencing</p> <p>Bunting</p> <p>Warning signs</p> <p>Witches' hats</p> <p>Gate attendants</p>		Ongoing	Gate and track attendants monitoring fence line, keeping an eye on spectators
8.	Traffic in pits	3/H	<p>Pit Marshall directs traffic in pit area.</p> <p>All vehicles have a 5kph only policy when moving around Pit area.</p>	WATPA & pit attendant		<p>Pit Marshall x 2</p> <p>Fluro vest</p> <p>Incident form(s)</p> <p>Two-way radio</p> <p>Gate attendant x 2</p>		Ongoing	Warning signs placed in pit area
9.	Spectators in pits	3/H	<p>Pit Marshall directs traffic in pit area.</p> <p>All vehicles have a 5kph only policy when moving around Pit area.</p> <p>Pit Marshall controls the flow of spectators and vehicles in pit area. All spectators asked to leave pit area prior to vehicles starting up.</p>	WATPA & pit attendant		<p>Pit Marshall x 2</p> <p>Fluro vest</p> <p>Incident form(s)</p> <p>Two-way radio</p> <p>Gate attendant x 2</p>		Ongoing	<p>Warning signs in pit area and at entry to pits.</p> <p>Emergency map and information located in race day program given to spectators at main gate entry</p>

Attachments for Agenda Item 9.1

10.	Pulling Sled	1/L	Sled hazard assessment and control sheet filled in prior to the running of every event. Scrutineers to assess sled to make sure it meets insurance and safety standards	WATPA		Sled Scrutineers x 3 Sled hazard assessment control sheet.		Ongoing	Every race meeting sled is serviced and checked so it meets Hazard assessment control standards
11.	Volunteers on track – Sled operator	2/L	All sled operators, Flag Marshalls, Track marshals and volunteer track workers to be trained and competent.	WATPA		Sled Trained operator who understands the rules and regulations of Tractor pulling		Ongoing	All drivers and hookers are trained in the process of hooking a competing vehicle to the sled and a flag marshal checks the hooking up process. Training is revised every 2 months.
12.	Volunteers on track – Hooking/ Unhooking	3/H	All sled operators, Flag Marshalls, Track marshals and volunteer track workers to be trained and competent process.	WATPA		Fluro vest Safety gear		Ongoing	All drivers and hookers are trained in the process of hooking a competing vehicle to the sled and a flag marshal checks the hooking up process Training is revised every 2 months..
13.	Volunteers on track – Pull back vehicle	2/M	Pull back vehicle to be a licensed roadworthy vehicle as per insurance requirements.	WATPA		Licensed road worthy vehicle		Ongoing	
14.	Pull back vehicle operator	2/L	All sled operators, Flag Marshalls, Track marshals and volunteer track workers to be trained and competent.	WATPA		Trained competent operator		Ongoing	

Attachments for Agenda Item 9.1

15.	Pulling Vehicle	3/M	All vehicles meet club standards and are built within the clubs' rules and regulations	WATPA & Vehicle Owner		Vehicle that meets WATPA rules and regulations. Has a fire extinguisher, safety kill switch, driver over 16years of age		Ongoing	Pre-start check on vehicle. All competing vehicles are scrutineered prior to the start of all events
16.	Fuel containers	3/M	All fuel containers are of approved type fire extinguishers for the fuel types are present at refuelling. WATPA has a no smoking policy in the pit area	WATPA & Vehicle owner		Appropriate fire extinguishers Scrutineers		Ongoing	Pit Marshall and scrutineers to inspect fuel containers and check fire extinguishers during scrutineering

Likelihood	Insignificant 1	Minor 2	Moderate 3	Major 4	Catastrophic 5
A (Almost Certain)	M	H	H	E	E
B (Likely)	M	M	H	H	E
C (Possible)	L	M	H	H	H
D (Unlikely)	L	L	M	M	H
E (Rare)	L	L	M	M	H

E (Extreme)	H (High)
M (Medium)	L (Low)

9.2 Revised Subdivision Application WAPC 164081: Lot 79, 102 & 106 Lennard Road, Beverley

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	FM Surveys – on behalf of Trevor Speedy
File Reference:	PL 164081
Author and Position:	Stefan de Beer, Manager of Planning and Development Services
Previously Before Council:	31 October 2023
Disclosure(s) Of Interest:	Applicant, T. Speedy is a Shire Employee.
Attachments:	Site Subdivision Plan & Application Letter

SUMMARY

A revised application has been received for the Homestead Lot subdivision of Lot 79 Lennard Road, Beverley. The application now includes lots 102 and 106 Lennard Road. The Application will be recommended for approval.

BACKGROUND

An application has been received from the Western Australian Planning Commission (WAPC) for a Homestead Lot Subdivision. The subject lots are Zoned 'Rural' in terms of the Shire of Beverley Local Planning Scheme No. 3.

The subject property contains a variety of agricultural related infrastructure (storage sheds) and a Homestead. Lot 79 is 48.3599 ha in extent.

In the revised application a portion of Lot 106, and lot 102 is included in the application.

COMMENT

The Homestead lot is proposed to be excised from lot 79.

The Shire of Beverley *Local Planning Scheme No. 3* pursuant to Clause 34 (2) determines that:

Subdivision of Rural land shall be in accordance with State planning policy, with the exception of the creation of homestead lots which will only be supported where the parent lot is greater than 100ha in area.

Council, at its meeting of 31 October 2023 resolved as follows, and this was communicated to the WAPC:

That Council resolve to recommend to the Western Australian Planning Commission that application WAPC No. 164081 for the subdivision of Lot 79 Lennard Road, Beverley, be supported on the following condition:

The Shire of Beverley Local Planning Scheme No. 3 pursuant to Clause 34 (2) determines that:

Subdivision of Rural land shall be in accordance with State planning policy, with the exception of the creation of homestead lots which will only be supported where the parent lot is greater than 100ha in area.

The subdivision application is supported on the condition that a parent lot of bigger than 100ha be created (through amalgamation with an adjacent lot/s) prior to excision of the Homestead Lot.

The resubmitted revised application satisfactorily addresses this matter by presenting a parent lot, before Homestead Lot Subdivision, which is 101.5261 Ha in extent.

This application will therefore be recommended for approval as it now complies with *Shire of Beverley Local Planning Scheme No. 3 Clause 34(2)*.

STATUTORY ENVIRONMENT

Subdivision and amalgamation are determined by the Western Australian Planning Commission in compliance with state policies and the Shire of Beverley's planning framework. Council's recommendation is considered when determining the application.

FINANCIAL IMPLICATIONS

There are no financial implications relative to this application.

STRATEGIC IMPLICATIONS

There are no strategic implications relative to this application.

POLICY IMPLICATIONS

There are no policy implications relative to this application.

RISK IMPLICATIONS

It is considered that the proposal has insignificant risks.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M5/1123

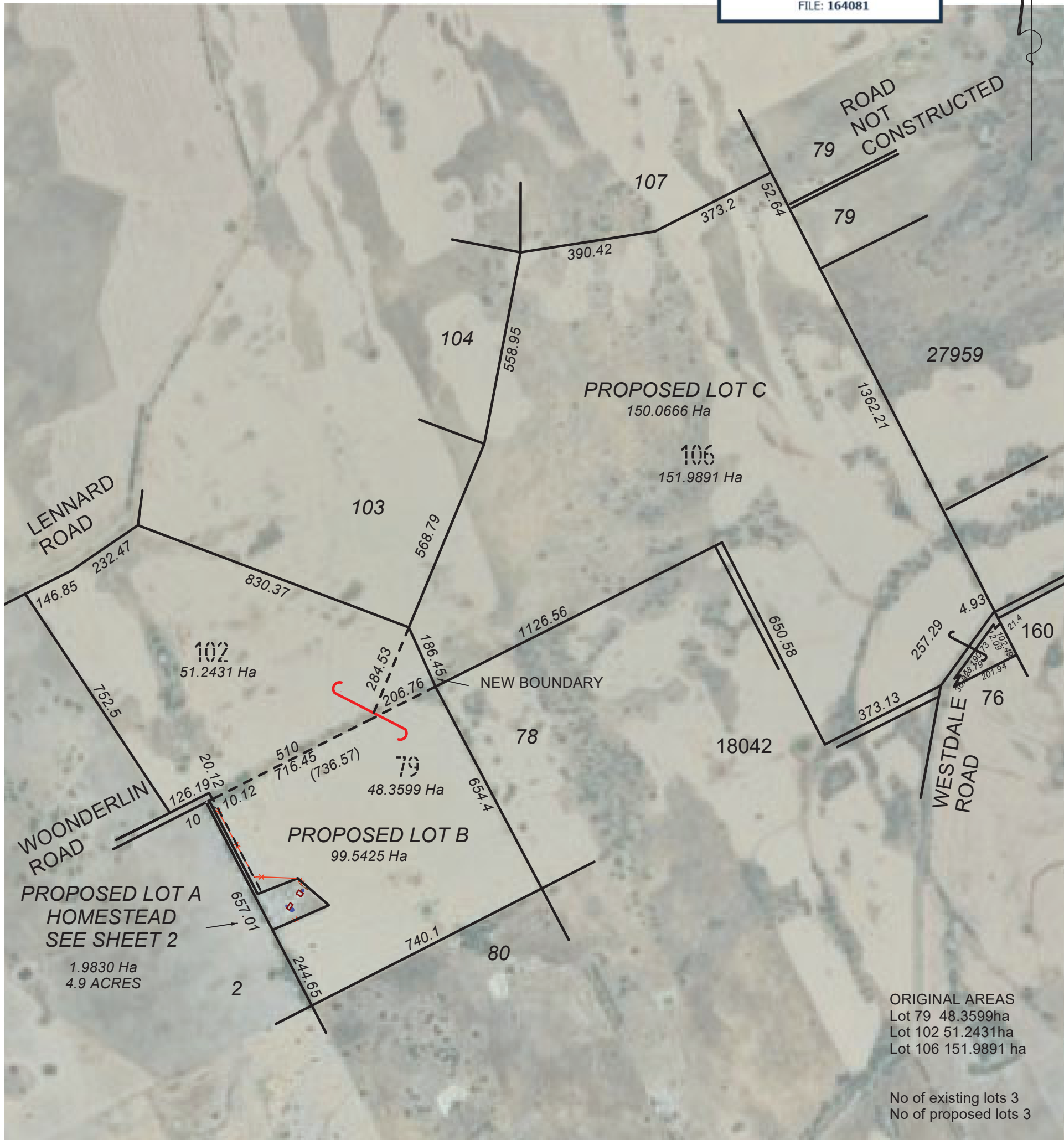
Moved Cr Lawlor

Seconded Cr Martin

That Council resolve to recommend to the Western Australian Planning Commission that application WAPC No. 164081 for the subdivision of Lots 79, 102 and 106 Lennard Road, Beverley, be supported.

CARRIED 6/0

AMEND PLAN
Received 17-Nov-2023
Supersedes all of the previous plan dated 22-Sep-2017
FILE: 164081



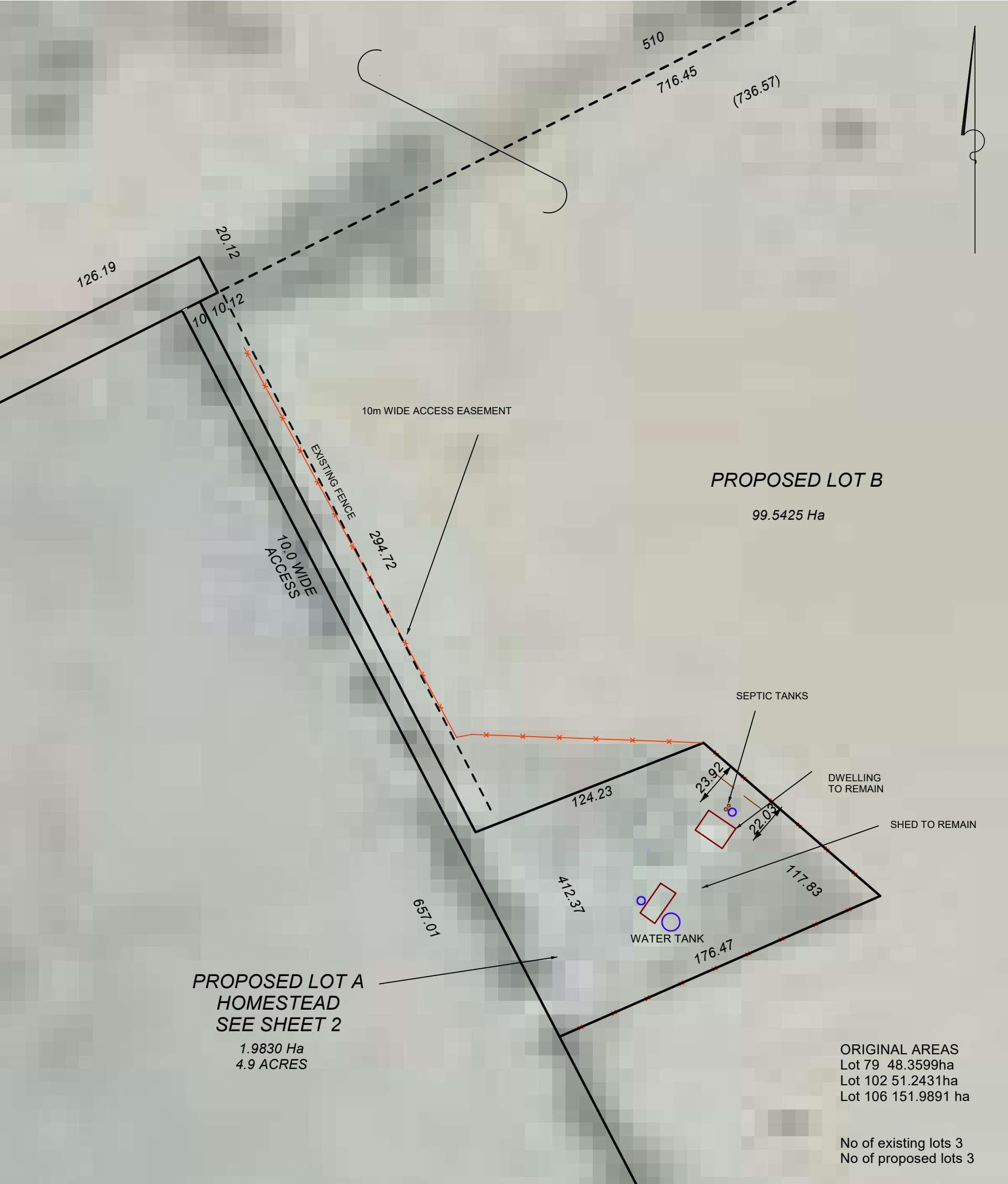
NOTES
 This survey does not guarantee the correct position of fences or found pegs.
 For the location of underground utility services see "Dial Before You Dig" plans
 All units are in metres
 Contour interval 20m
 Vertical datum is the A.H.D.
 Check title for easements, encumbrances and ownership etc.
 Lot dimensions and areas are subject to final survey
 Cadastral information has been sourced from Landgate and has been positioned by fences.

HOMESTEAD LOT
 NO SERVICES ARE AVAILABLE
 EXISTING DWELLINGS AND SHEDS ARE OFF GRID AND
 HAVE THEIR OWN POWER AND WATER



SHEET 1 OF 2 SHEETS

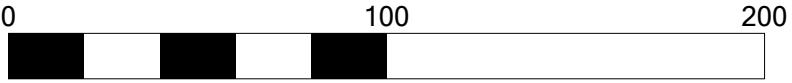
PLAN OF PROPOSED SUBDIVISION OF LOTS 79, 102 AND 106 321 LENNARD ROAD BEVERLEY	METADATA		JOB NUMBER 2062 VERSION 1	F.M. SURVEYS PTY LTD P.O. Box 81 NORTHAM WA 6401 Ph. 0400 781 694 Email: mark@fmsurveys.com.au Drawn Mark Spencer
	LOCAL AUTHORITY	SHIRE OF BEVERLEY		
	DATE OF SURVEY	15-3-2023		
	SCALE	1:12000 AT A3		



NOTES
 This survey does not guarantee the correct position of fences or found pegs.
 For the location of underground utility services see "Dial Before You Dig" plans
 All units are in metres
 Contour interval 20m
 Vertical datum is the A.H.D.
 Check title for easements, encumbrances and ownership etc.
 Lot dimensions and areas are subject to final survey
 Cadastral information has been sourced from Landgate and has been positioned by fences.

**NO SERVICES ARE AVAILABLE
 EXISTING DWELLINGS AND SHEDS ARE OFF GRID AND
 HAVE THEIR OWN POWER AND WATER**

SHEET 2 OF 2 SHEETS



PLAN OF PROPOSED SUBDIVISION OF LOTS 79, 102 AND 106 321 LENNARD ROAD BEVERLEY	METADATA		JOB NUMBER	F.M. SURVEYS PTY LTD P.O. Box 81 NORTHAM WA 6401 Ph. 0400 781 694 Email: mark@fmsurveys.com.au
	LOCAL AUTHORITY	SHIRE OF BEVERLEY		
	DATE OF SURVEY	15-3-2023	2062	Drawn Mark Spencer
	SCALE	1:12000 AT A3		
		VERSION 1		

3:09pm – Sheryl Burton and Stephen Hayes left the meeting and did not return.

10. BUILDING SERVICES & ENVIRONMENTAL HEALTH SERVICES

Nil

11. FINANCE

11.1 Monthly Financial Report

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	16 November 2023
Applicant:	N/A
File Reference:	N/A
Author and Position:	S.K. Marshall, Deputy Chief Executive Officer
Previously Before Council:	N/A
Disclosure(s) Of Interest:	Nil
Attachments:	October 2023 Financial Reports

SUMMARY

Council to consider accepting the financial report for the period ending 31 October 2023.

BACKGROUND

There is a statutory requirement that the Local Government is to prepare, each month, a statement of financial activity reporting on sources and applications of its funds and to present the statement to Council.

Council adopted a budget variance reporting parameter of 10% on budgeted items of \$10,000 or greater at the July 2023 Ordinary Meeting, item 11.4.

COMMENT

The monthly financial reports for the period ending 31 October 2023 have been provided and include:

- Financial Activity Statement by Nature;
- Statement of Net Current Assets;
- Statement of Financial Position; and
- Investment of Surplus Funds Report.

STATUTORY ENVIRONMENT

Section 6.4(1) of the *Local Government Act* provides that a local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Regulation 34 of the *Local Government (Financial Management) Regulations* requires a Statement of Financial Activity to be prepared each month which is to contain the following details:

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amount of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;

- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

FINANCIAL IMPLICATIONS

All revenue and expenditure, unless disclosed in the notes to material variances, are as per the 2023/24 Budget.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

AF004 – Investing Surplus Funds

RISK IMPLICATIONS

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that a Statement of Financial Activity is prepared within two months of the end of the reporting period. This report mitigates the risk of non-compliance.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION & COUNCIL RESOLUTION	
M6/1123	
Moved Cr Ridgway	Seconded Cr Martin
That the monthly financial report for the month of October 2023 be accepted and material variances be noted.	
CARRIED 6/0	

**SHIRE OF BEVERLEY
STATEMENT OF FINANCIAL ACTIVITY BY NATURE
FOR THE PERIOD ENDING
31 October 2023**

Description	Budget 2023/24	YTD Budget 2023/24	YTD Actual 2023/24	YTD Variance	Notes To Material Variances
Operating Revenue					
Rates	3,241,771.00	3,237,271.00	3,251,353.18	14,082.18	Rates Discount expense \$16,823 lower than anticipated. Rates raised (\$1,976) lower than anticipated.
Operating Grants, Subsidies and Contributions	569,235.00	236,147.00	289,645.30	53,498.30	Workers compensation insurance reimbursement \$48,263 greater than anticipated. Library grant Encouraging Promising Practices \$4,950 additional grant funding received.
Profit On Asset Disposal	27,900.00	10,900.00	6,386.71	(4,513.29)	
Service Charges	0.00	0.00	0.00	0.00	
Fees & Charges	798,854.00	433,076.00	438,302.40	5,226.40	
Interest Earnings	166,267.00	49,814.00	49,554.91	(259.09)	
Other Revenue	592,112.00	52,280.00	51,821.18	(458.82)	
Non-Operating Grants, Subsidies and Contributions	6,597,684.00	181,936.00	179,210.73	(2,725.27)	
Total Operating Revenue	11,993,823.00	4,201,424.00	4,266,274.41	64,850.41	
Operating Expenditure					
Employee Costs	(2,448,524.00)	(771,281.00)	(829,216.43)	(57,935.43)	Workers Compensation expense \$59,687 greater than expected offset by insurance reimbursement.
Materials & Contracts	(2,275,089.00)	(537,652.00)	(542,983.37)	(5,331.37)	
Utilities	(222,075.00)	(66,043.00)	(71,653.65)	(5,610.65)	
Depreciation On Non-Current Assets	(2,455,402.00)	(818,440.00)	(898,419.76)	(79,979.76)	Depreciation expense higher than anticipated due to 22/23 Infrastructure revaluation.
Interest Expenses	(67,594.00)	(7,212.00)	(7,679.92)	(467.92)	22/23 Accrual Reversals.
Insurance Expenses	(286,484.00)	(285,142.00)	(286,064.79)	(922.79)	
Other Expenditure	(84,001.00)	(46,758.00)	(46,085.65)	672.35	
Loss On Asset Disposal	(6,300.00)	(1,828.00)	0.00	1,828.00	
Loss on Revaluation of Non-Current Assets	0.00	0.00	0.00	0.00	
Total Operating Expenditure	(7,845,469.00)	(2,534,356.00)	(2,682,103.57)	(147,747.57)	
Net Operating	4,148,354.00	1,667,068.00	1,584,170.84	(82,897.16)	
Capital Income					
Self Supporting Loan - Principal Repayment	0.00	0.00	0.00	0.00	
Proceeds from Sale of Assets	264,400.00	45,400.00	40,454.54	(4,945.46)	
New Loan Raised	1,000,000.00	0.00	0.00	0.00	
Total Capital Income	1,264,400.00	45,400.00	40,454.54	(4,945.46)	

**SHIRE OF BEVERLEY
STATEMENT OF FINANCIAL ACTIVITY BY NATURE
FOR THE PERIOD ENDING
31 October 2023**

Description	Budget 2023/24	YTD Budget 2023/24	YTD Actual 2023/24	YTD Variance	Notes To Material Variances
Capital Expenditure					
Land and Buildings	(3,343,000.00)	0.00	(3,213.42)	(3,213.42)	
Plant and Equipment	(637,500.00)	(92,000.00)	(91,315.02)	684.98	
Office Furniture and Equipment	(33,000.00)	(33,000.00)	(26,455.33)	6,544.67	
Road Construction	(5,382,773.00)	(15,343.00)	(91,297.56)	(75,954.56)	AGRN1061 Storm Damage Project Management expenses.
Other Infrastructure	(2,041,855.00)	(77,000.00)	(77,925.33)	(925.33)	
Land Under Control	0.00	0.00	0.00	0.00	
Leases	(6,837.00)	(6,837.00)	(6,836.60)	0.40	
Loans - Principal Repayments	(117,135.00)	(45,481.00)	(45,481.23)	(0.23)	
Total Capital Expenditure	(11,562,100.00)	(269,661.00)	(342,524.49)	(72,863.49)	
Net Capital	(10,297,700.00)	(224,261.00)	(302,069.95)	(77,808.95)	
Adjustments					
Depreciation Written Back	2,455,402.00	818,440.00	898,419.76	79,979.76	Depreciation expense higher than anticipated due to 22/23 Infrastructure revaluation.
Movement in Leave Reserve Cash Balance	0.00	0.00	1,784.68	1,784.68	
Movement in Non-Current Loan Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current SSL Income	0.00	0.00	0.00	0.00	
Movement in Non-Current Lease Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current Investments	0.00	0.00	0.00	0.00	
Movement in Non-Current LSL Provision	0.00	0.00	0.00	0.00	
Movement in Non-Current Deferred Pensioner Rates	0.00	0.00	0.00	0.00	
(Profit)/Loss on Disposal of Assets Written Back	(21,600.00)	(10,900.00)	(6,386.71)	4,513.29	Profit on disposal lower than anticipated.
Loss on Revaluation of Non-Current Assets Written Back	0.00	0.00	0.00	0.00	
Rounding	0.00	0.00	0.00	0.00	
Add Funding From					
Transfer (To)/From Reserves	1,089,240.00	(28,000.00)	(28,144.53)	(144.53)	
Opening Surplus/(Deficit)	2,626,304.00	2,626,304.00	2,626,304.21	0.21	
Total Adjustments	6,149,346.00	3,405,844.00	3,491,977.41	86,133.41	
CLOSING SURPLUS/(DEFICIT)	0.00	4,848,651.00	4,774,078.30	(74,572.70)	

SHIRE OF BEVERLEY STATEMENT OF NET CURRENT ASSETS FOR THE PERIOD ENDING 31 October 2023		
Description	Actual 2022/23	YTD Actual 2023/24
Current Assets		
Cash at Bank	1,627,645.56	991,700.81
Cash - Unrestricted Investments	1,271,666.73	3,321,066.69
Cash - Restricted Reserves	2,280,553.31	2,308,697.84
Cash on Hand	700.00	700.00
Accounts Receivable	663,428.06	1,103,120.69
Prepaid Expenses	0.00	0.00
Self Supporting Loan - Current	0.00	0.00
Inventory - Fuel	9,932.34	14,809.51
Total Current Assets	5,853,926.00	7,740,095.54
Current Liabilities		
Accounts Payable	(652,689.79)	(364,725.39)
Loan Liability - Current	(117,135.16)	(71,653.93)
Lease Liability - Current	(6,836.60)	(6,836.60)
Annual Leave Liability - Current	(234,280.71)	(234,280.71)
Long Service Leave Liability - Current	(197,874.12)	(197,874.12)
Doubtful Debts	0.00	0.00
Total Current Liabilities	(1,208,816.38)	(875,370.75)
Adjustments		
Less Restricted Reserves	(2,280,553.31)	(2,308,697.84)
Less Self Supporting Loan Income	0.00	0.00
Add Leave Reserves - Cash Backed	144,612.74	146,397.42
Add Loan Principal Expense	117,135.16	71,653.93
Total Adjustments	(2,018,805.41)	(2,090,646.49)
NET CURRENT ASSETS	2,626,304.21	4,774,078.30

SHIRE OF BEVERLEY
STATEMENT OF FINANCIAL POSITION
AS AT
31 October 2023

Description	Actual 2022/23	YTD Actual 2023/24	Movement
Current Assets			
Cash and Cash Equivalents	5,180,565.60	6,622,165.34	1,441,599.74
Accounts Receivable	465,875.06	932,886.69	467,011.63
Contract Asset - Current	197,553.00	170,234.00	(27,319.00)
Prepaid Expenses	0.00	0.00	0.00
Self Supporting Loan - Current	0.00	0.00	0.00
Inventory	9,932.34	14,809.51	4,877.17
Total Current Assets	5,853,926.00	7,740,095.54	1,886,169.54
Current Liabilities			
Accounts Payable	(527,898.79)	(239,934.39)	287,964.40
Contract Liability - Current	(124,791.00)	(124,791.00)	0.00
Loan Liability - Current	(117,135.16)	(71,653.93)	45,481.23
Lease Liability - Current	(6,836.60)	0.00	6,836.60
Annual Leave Liability - Current	(234,280.71)	(234,280.71)	0.00
Long Service Leave Liability - Current	(197,874.12)	(197,874.12)	0.00
Doubtful Debts	0.00	0.00	0.00
Total Current Liabilities	(1,208,816.38)	(868,534.15)	340,282.23
Non-Current Assets			
Non-Current Debtors	161,234.90	161,234.90	0.00
Non-Current Investments	61,117.14	61,117.14	0.00
Land and Buildings	29,149,181.97	28,905,758.35	(243,423.62)
Plant and Equipment	2,369,732.12	2,339,474.07	(30,258.05)
Furniture and Equipment	98,756.30	115,726.15	16,969.85
Infrastructure	140,931,963.00	140,546,393.89	(385,569.11)
Self Supporting Loan - Non Current	0.00	0.00	0.00
Total Non-Current Assets	172,771,985.43	172,129,704.50	(642,280.93)
Non-Current Liabilities			
Loan Liability - Non Current	(2,001,137.54)	(2,001,137.54)	0.00
Lease Liability - Non Current	0.00	0.00	0.00
Annual Leave - Non Current	0.00	0.00	0.00
Long Service Leave Liability - Non Current	(52,492.51)	(52,492.51)	0.00
Total Non Current Liabilities	(2,053,630.05)	(2,053,630.05)	0.00
Net Assets	175,363,465.00	176,947,635.84	1,584,170.84

**SHIRE OF BEVERLEY
STATEMENT OF FINANCIAL POSITION
AS AT
31 October 2023**

Description	Actual 2022/23	YTD Actual 2023/24	Movement
Equity			
Accumulated Surplus	(47,528,324.75)	(49,084,351.06)	(1,556,026.31)
Reserves - Cash Backed	(2,280,553.31)	(2,308,697.84)	(28,144.53)
Reserve - Revaluations	(125,554,586.94)	(125,554,586.94)	0.00
Total Equity	(175,363,465.00)	(176,947,635.84)	(1,584,170.84)

SHIRE OF BEVERLEY						
INVESTMENT OF SURPLUS FUNDS						
AS AT 30 September 2023						
Account #	Account Name	Amount Invested (\$)		Term	Interest Rate	Maturation
4320546	Reserve Funds Bendigo					
	Long Service Leave	146,397.42				
	Airfield Emergency	42,057.59				
	Plant	102,484.01				
	Emergency Services	30,079.27				
	Building	590,835.19				
	Recreation Ground	612,125.44				
	Cropping Committee	178,190.88				
	Community Bus	41,409.26				
	Infrastructure	225,617.01				
	Senior Housing	234,541.37				
	Avondale Mach Museum	63,169.46				
	ITC Renewal Reserve	41,790.94	2,308,697.84	5 mnths	4.70%	22/02/2024
4465609	Term Deposit Bendigo	252,864.02		4 mnths	5.00%	8/12/2023
4473950	Term Deposit Bendigo	500,000.00		5 mnths	5.10%	17/01/2024
4446835	Term Deposit Bendigo	500,000.00		3 mnths	5.00%	24/10/2023
4515073	Term Deposit Bendigo	511,844.43		2 mnths	4.14%	27/11/2023
4481942	Term Deposit Bendigo	500,000.00		6 mnths	5.15%	23/02/2024
4481943	Term Deposit Bendigo	500,000.00		7 mnths	5.15%	25/03/2024
4481944	Term Deposit Bendigo	250,000.00	3,014,708.45	8 mnths	5.15%	24/04/2024
	Total		5,323,406.29			

11.2 Accounts Paid by Authority

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	N/A
File Reference:	N/A
Author and Position:	S.K. Marshall, Deputy Chief Executive Officer
Previously Before Council:	N/A
Disclosure(s) Of Interest:	Nil
Attachments:	October 2023 List of Reports

SUMMARY

Council to consider authorising the payment of accounts.

BACKGROUND

The following list represents accounts paid by authority for the month of October 2023.

COMMENT

Unless otherwise identified, all payments have been made in accordance with Council's 2023/24 Budget.

STATUTORY ENVIRONMENT

Regulation 12 of the *Local Government (Financial Management) Regulations* provides that:

- (1) A payment may only be made from the municipal fund or the trust fund —
 - (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

Regulation 13 of the *Local Government (Financial Management) Regulations* provides that:

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - (a) the payee's name;
 - (b) the amount of the payment;
 - (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;

and

- (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the Council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

FINANCIAL IMPLICATIONS

Unless otherwise identified, all payments have been made in accordance with Council’s 2023/24 Budget.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Authority to Purchase – All acquisitions should be in accordance with budget provisions or to a maximum specified cost.

RISK IMPLICATIONS

Failure to present a detailed listing in the prescribed form would result in non-compliance *Local Government (Financial Management) Regulations 1996*, this report mitigates the risk of non-compliance.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M7/1123

Moved Cr Maxwell

Seconded Cr Ridgway

That the List of Accounts as presented, be received:

October 2023:

(1) Municipal Fund – Account 016-540 259 838 056

Cheque vouchers

12 October 2023 1900-1900 (1) \$ 1,515.83 (authorised by DCEO S Marshall and Pres D White)
27 October 2023 1901-1901 (1) \$ 18,907.06 (authorised by DCEO S Marshall and Pres D White)

Total of cheque vouchers for October 2023 incl \$ 20,058.89 previously paid

EFT vouchers

03 October 2023 EFT 9742-9746 (5) \$ 20,615.31 (authorised by DCEO S Marshall and Pres D White)
04 October 2023 EFT 9747-9747 (1) \$ 8,468.80 (authorised by DCEO S Marshall and Pres D White)
06 October 2023 EFT 9748-9749 (2) \$ 501,086.00 (authorised by DCEO S Marshall and Cr D Davis)
11 October 2023 EFT 1-38 (38) \$ 63,609.91 (authorised by DCEO S Marshall and Cr D Davis)
12 October 2023 EFT 9750-9750 (1) \$ 9,300.00 (authorised by DCEO S Marshall and Cr D Davis)
12 October 2023 EFT 9751-9804 (54) \$ 222,422.47 (authorised by DCEO S Marshall and Pres D White)
18 October 2023 EFT 9805-9807 (3) \$ 8,805.48 (authorised by DCEO S Marshall and Cr D Davis)
19 October 2023 EFT 9808-9808 (1) \$ 1,500.00 (authorised by DCEO S Marshall and Cr J Maxwell)
25 October 2023 EFT 1-37 (37) \$ 66,453.52 (authorised by DCEO S Marshall and Pres D White)
27 October 2023 EFT 9810-9834 (25) \$ 208,547.67 (authorised by DCEO S Marshall and Pres D White)
31 October 2023 EFT 9835-9835 (1) \$ 40.07 (authorised by DCEO S Marshall and Pres D White)

Total of EFT vouchers for October 2023 incl \$ 1,110,849.23 previously paid

(2) Trust Fund – Account 016-259 838 128

Cheque vouchers

Nil vouchers

Total of cheque vouchers for October 2023 incl \$ 0.00 previously paid.

EFT vouchers

Nil vouchers

Total of EFT vouchers for October 2023 incl \$ 0.00 previously paid.

(3) Direct Debit Payments totalling \$ 93,947.09 previously paid.

(4) Credit Card Payments totalling \$ 7,854.36 previously paid.

CARRIED 6/0

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Cheque #	1900	12-Oct-2023	Water Corporation	Water use - Balkuling Rd Standpipe: 25 Jul - 20 Sep 23	(1,151.83)	(1,151.83)
Cheque #	1901	27-Oct-2023	Water Corporation	2023-10 Oct Water accounts	(18,907.06)	(18,907.06)
EFT Pymt	EFT 9742	03-Oct-2023	CES - City Electric Supply	Various bldgs: Lighting	(1,144.97)	
EFT Pymt	EFT 9743	03-Oct-2023	Focus Networks	2023-09 Sep Computer Support & UPS replacement	(4,905.53)	
EFT Pymt	EFT 9744	03-Oct-2023	Synergy	2023-09 Sep Power accounts	(10,982.05)	
EFT Pymt	EFT 9745	03-Oct-2023	Telstra Limited	2023-09 Sep Telephone accounts	(1,910.76)	
EFT Pymt	EFT 9746	03-Oct-2023	WA Contract Ranger Services Pty Ltd	Ranger Services: 12 - 19 Sep 2023	(1,672.00)	(20,615.31)
EFT Pymt	EFT 9747	04-Oct-2023	Beverley Dome Fuel and Hire (BDF)	4,000 L Diesel @ \$2.1172/L GST incl	(8,468.80)	(8,468.80)
EFT Pymt	EFT 9748	06-Oct-2023	Bendigo and Adelaide Bank	2023/24 Municipal Invest #08 - invested for 6 months @ 4.72%	(500,000.00)	
EFT Pymt	EFT 9749	06-Oct-2023	Boldstep Investments Pty Ltd	Rates refund (overpayment) for A51771 - 11 de Lisle Street, Beverley 6304	(1,086.00)	(501,086.00)
EFT Pymt	EFT 9750	12-Oct-2023	Cr David Charles White	22/23 Cr Year Presidential Remun Apr - Sep 2023 (2 of 2 pymts)	(9,300.00)	(9,300.00)
EFT Pymt	EFT 9751	12-Oct-2023	AITC Specialists Pty Ltd	2023-09 Sep Fuel Tax Credits	(328.46)	
EFT Pymt	EFT 9752	12-Oct-2023	ATO - Australian Tax Office	2023-09 Sep BAS Obligation (incl Sep23 FBT contribution)	(31,112.00)	
EFT Pymt	EFT 9753	12-Oct-2023	Afgri Equipment Australia Pty Ltd	BE029 (PGRD05): 1,000 hr service	(2,858.61)	
EFT Pymt	EFT 9754	12-Oct-2023	Agriparts and Repairs	Various: Parts and Supplies	(3,828.75)	
EFT Pymt	EFT 9755	12-Oct-2023	Alcolizer Technology	25 Sep 2023: Random Drug Testing x 23	(2,217.53)	
EFT Pymt	EFT 9756	12-Oct-2023	Australia Post	2023-09 Sep Postage	(126.14)	
EFT Pymt	EFT 9757	12-Oct-2023	Avon Waste	2,073 Bin Collection FE 15, 21 Sep 23 inc Recycling Bins & 4 x Recycling Collections	(5,496.56)	
EFT Pymt	EFT 9758	12-Oct-2023	BOC Limited	2023-09 Sep Cylinder Rental: Medical oxygen C size	(6.69)	
EFT Pymt	EFT 9759	12-Oct-2023	Beverley Bakehouse and Cafe	Staff & Cr Breakfast (inc Roadwise meet), 12 Oct 2023: Refreshments	(31.50)	
EFT Pymt	EFT 9760	12-Oct-2023	Beverley Electrical Services - BES	Rec Ground Lighting Towers: Electrical repairs	(3,656.55)	
EFT Pymt	EFT 9761	12-Oct-2023	Beverley Farm Services (BFS)	Noxious weed control: Chemical purchase	(1,119.25)	
EFT Pymt	EFT 9762	12-Oct-2023	Beverley Post News and Gifts (BPNG)	2023-09 Sep Newspaper Subscription & Stationery Purchases	(64.00)	
EFT Pymt	EFT 9763	12-Oct-2023	Beverley Supermarket & Liquor (IGA)	2023-09 Sep purchases	(1,090.05)	
EFT Pymt	EFT 9764	12-Oct-2023	Beverley Tyre Service - BTS	BE037 (PTRK08): Parts	(490.00)	
EFT Pymt	EFT 9765	12-Oct-2023	Bluejay Ag Solutions	2023-10 Oct (Ed 468) Compilation of the Blarney, plus extra duties re emails etc	(1,000.00)	
EFT Pymt	EFT 9766	12-Oct-2023	Bunnings Building Supplies P/L	Various: Hardware supplies	(111.94)	

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 9767	12-Oct-2023	C and D Cutri	BRG-3224A Corberding Rd: Preventative maintenance	(15,620.00)	
EFT Pymt	EFT 9768	12-Oct-2023	CTF - Construction Training Fund (BCI	2023-09 Sep23 Collections x 2 (Lics 23-24: 10; 22-23: 38)	(243.50)	
EFT Pymt	EFT 9769	12-Oct-2023	Castledex	OF2401 (Town Hall Bio Box): Compactus 6 bay ezi-slide	(6,980.60)	
EFT Pymt	EFT 9770	12-Oct-2023	Corsign WA Pty Ltd	Rural Roads Various: Various signage	(2,763.20)	
EFT Pymt	EFT 9771	12-Oct-2023	Cr Alan Fredrick Charles Sattler	22/23 Cr Year Remun Apr - Sep 2023 (2 of 2 pymts)	(2,300.00)	
EFT Pymt	EFT 9772	12-Oct-2023	Cr Christopher John Lawlor	22/23 Cr Year Deputy Presidential Remun Apr - Sep 2023 (2 of 2 pymts)	(2,987.50)	
EFT Pymt	EFT 9773	12-Oct-2023	Cr Donald William Davis	22/23 Cr Year Remun Apr - Sep 2023 (2 of 2 pymts)	(2,300.00)	
EFT Pymt	EFT 9774	12-Oct-2023	Cr John Russell Maxwell	22/23 Cr Year Remun Apr - Sep 2023 (2 of 2 pymts)	(2,300.00)	
EFT Pymt	EFT 9775	12-Oct-2023	Cr Matthew Henry Norman	22/23 Cr Year Remun Apr - Sep 2023 (2 of 2 pymts)	(2,300.00)	
EFT Pymt	EFT 9776	12-Oct-2023	Cr Peter Joseph Gogol	22/23 Cr Year Remun Apr - Sep 2023 (2 of 2 pymts)	(2,300.00)	
EFT Pymt	EFT 9777	12-Oct-2023	Cr Susan Wendy Martin	22/23 Cr Year Remun Apr - Sep 2023 (2 of 2 pymts)	(2,300.00)	
EFT Pymt	EFT 9778	12-Oct-2023	Cr Thomas William Timothy Seed	22/23 Cr Year Remun Apr - Sep 2023 (2 of 2 pymts)	(2,300.00)	
EFT Pymt	EFT 9779	12-Oct-2023	Dawsons Concrete and Reinforcing	23/24 Footpath Renewal (FC2401): John St	(32,947.00)	
EFT Pymt	EFT 9780	12-Oct-2023	Dead Tree Carpentry (K Blechynden)	Relief Maintenance: 27 Sep - 02 Oct 2023	(1,705.00)	
EFT Pymt	EFT 9781	12-Oct-2023	Department of Planning Lands and Her	23/24 Leases M252204 & M355805: Oct 2023	(389.51)	
EFT Pymt	EFT 9782	12-Oct-2023	Focus Networks	Computer Support: Upgrade of firewall	(1,232.00)	
EFT Pymt	EFT 9783	12-Oct-2023	Gronbek Security	Rec Ground - Ticket Boxes: Replacement lock	(76.75)	
EFT Pymt	EFT 9784	12-Oct-2023	HC Construction Services Pty Ltd	AGRN1061 Storm Damage: Project Management Services - Progress pymt 4	(24,178.00)	
EFT Pymt	EFT 9785	12-Oct-2023	Kleen West Distributors	Various bldgs: Cleaning products	(639.54)	
EFT Pymt	EFT 9786	12-Oct-2023	Kleenheat Gas	Rec Centre: 360.60L LPG bulk refill	(437.91)	
EFT Pymt	EFT 9787	12-Oct-2023	Landgate	Various title searches, GRV int vals: 13 May - 21 Jul 2023	(469.82)	
EFT Pymt	EFT 9788	12-Oct-2023	Local Government Professionals Austr	2023 LGPAWA State Conference, 08 Nov 2023 x 2: CEO, DCEO	(2,900.00)	
EFT Pymt	EFT 9789	12-Oct-2023	Michael Wilson	2023-10 Oct (Ed 468) Blarney: Printing & delivery	(250.00)	
EFT Pymt	EFT 9790	12-Oct-2023	RA-AN Enterprises	Refuse Site: Dozer & Excavator hire for rubbish pit	(6,000.00)	
EFT Pymt	EFT 9791	12-Oct-2023	Reap What You Sow	2023-09 Sep Gym Inductions x 5	(125.00)	
EFT Pymt	EFT 9792	12-Oct-2023	Resonline Pty Ltd	2023-09 Sep Room Manager Online Booking System Subscription	(242.00)	
EFT Pymt	EFT 9793	12-Oct-2023	Shazmac Plumbing	Various bldgs: Plumbing repairs	(4,510.00)	

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 9794	12-Oct-2023	Staff - Jacinta Murray	Reimbursement: Parking fees for Hiking Forum Workshop, Leederville 10 Oct 2023	(13.08)	
EFT Pymt	EFT 9795	12-Oct-2023	Synergy	Power use - (self read accounts): 01 Aug - 26 Sep 23	(1,798.78)	
EFT Pymt	EFT 9796	12-Oct-2023	T J Depiazzi & Sons	Vincent Street Gardens Mulch	(2,698.65)	
EFT Pymt	EFT 9797	12-Oct-2023	TQuip	PSP99 - Sundry plant: Panther 1800 blades	(658.40)	
EFT Pymt	EFT 9798	12-Oct-2023	Team Global Express Pty Ltd (nee Toll	Freight charges: 01 Sep - 04 Oct 2023	(371.64)	
EFT Pymt	EFT 9799	12-Oct-2023	Turf Developments WA Pty Ltd	Rec Ground - Oval: Treatments	(4,016.10)	
EFT Pymt	EFT 9800	12-Oct-2023	Unique Strokes WA	Various bldgs: Repair and paint banner poles in colourbond monument for installation	(2,260.00)	
EFT Pymt	EFT 9801	12-Oct-2023	WA Treasury Corporation	Loan 120 (Cornerstone Building): Deb 11 of 30 Repayment - Oct 2023	(34,503.80)	
EFT Pymt	EFT 9802	12-Oct-2023	Western Australian Local Government	2023-24 Central Country Zone (CCZ) subscription	(1,100.00)	
EFT Pymt	EFT 9803	12-Oct-2023	York Laundromat	28 Sep - 04 Oct 2023 Onsite Cabins Laundry fees	(545.71)	
EFT Pymt	EFT 9804	12-Oct-2023	Zircodata Pty Ltd	2023-09 Sep: Storage of Archives 155 x A1 Storage Boxes (Std Ctn)	(120.95)	(222,422.47)
EFT Pymt	EFT 9805	18-Oct-2023	BSL - DMIRS Dept Mines, Industry Rec	2023-09 Sep 23 Collections x 3 (Lics 22/23: 33; 23/24: 10, 39)	(394.70)	
EFT Pymt	EFT 9806	18-Oct-2023	Beverley Dome Fuel and Hire (BDF)	4,000 L Diesel @ \$2.0656/L GST incl	(8,262.40)	
EFT Pymt	EFT 9807	18-Oct-2023	Staff - Stefan de Beer	Reimbursements: Sep - Oct 2023 Landline/Inet costs & ULP	(148.38)	(8,805.48)
EFT Pymt	EFT 9808	19-Oct-2023	Perth Patio Magic P/L	LBS2404 - Gable patio for Admin Office: Progress payment 1	(1,500.00)	(1,500.00)
EFT Pymt	EFT 9810	27-Oct-2023	Avon Trading Pty Ltd	2023-09 Sep Hardware Purchases	(1,372.96)	
EFT Pymt	EFT 9811	27-Oct-2023	Avon Waste	4,149 Bin Collection ME 13, 20 Oct 23 inc Recycling Bins & 8 x Recycling Collections	(11,000.55)	
EFT Pymt	EFT 9812	27-Oct-2023	Barrie Grant Johnston	Relief Maintenance: 16 - 24 Oct 2023 (48.5 hrs)	(2,425.00)	
EFT Pymt	EFT 9813	27-Oct-2023	Beverley District High School P and C /	Community Grant (Jul 2023) - Safe4Kids community education presentations	(3,237.00)	
EFT Pymt	EFT 9814	27-Oct-2023	Beverley Dome Fuel and Hire (BDF)	5,000 L Diesel @ \$2.0665/L GST incl	(10,332.50)	
EFT Pymt	EFT 9815	27-Oct-2023	Beverley Gas and Plumbing Services -	Various bldgs: Plumbing repairs	(1,867.95)	
EFT Pymt	EFT 9816	27-Oct-2023	Beverley Historical Society	2023/24 Annual Assistance Donation	(2,500.00)	
EFT Pymt	EFT 9817	27-Oct-2023	Country Copiers Northam (DA Gardner	Copier Charges: 07 Sep - 10 Oct & A3 copy paper order	(2,191.44)	
EFT Pymt	EFT 9818	27-Oct-2023	Focus Networks	2023-10 Oct Computer Support & Vulnerability scan	(6,061.92)	
EFT Pymt	EFT 9819	27-Oct-2023	Fulton Hogan Industries Pty Ltd	Various Rural Rds: CRS 170/60 emulsion	(1,529.00)	
EFT Pymt	EFT 9820	27-Oct-2023	Hungry Sky Pty Ltd	Visitor Centre & Museum: Interactive Kiosk 1	(577.50)	
EFT Pymt	EFT 9821	27-Oct-2023	Kleen West Distributors	Various Bldgs: Cleaning products	(1,117.93)	

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 9822	27-Oct-2023	LGIS (LGISWA)	2023/24 Property insurance - 2 of 2 instalments	(151,986.96)	
EFT Pymt	EFT 9823	27-Oct-2023	Local Government Professionals Austr	Commtelligence Forum 2023, 30 Oct 2023: Project Officer	(340.00)	
EFT Pymt	EFT 9824	27-Oct-2023	Node One Pty Ltd	2023-11 Nov NBN Fixed wireless Business FW Plus 75/10 mbps unlimited (5 shares)	(89.00)	
EFT Pymt	EFT 9825	27-Oct-2023	RJ Jas - All Mechanical and Electronics	Various plant: Parts, Repairs & Services	(1,623.32)	
EFT Pymt	EFT 9826	27-Oct-2023	S and K Duff Holdings Pty Ltd	Chemical User training, 06 Dec 2023, Quairading x 3 attendees	(1,348.20)	
EFT Pymt	EFT 9827	27-Oct-2023	Services Australia (Child Support - D J	Payroll deductions	(1,147.16)	
EFT Pymt	EFT 9828	27-Oct-2023	Staff - Michael Gordon West	Reimbursement for MR driving license permit	(159.90)	
EFT Pymt	EFT 9829	27-Oct-2023	Staff - Stefan de Beer	Reimbursement: BE1 52.91L @ \$1.899/L	(100.48)	
EFT Pymt	EFT 9830	27-Oct-2023	Synergy	Power use x 4: 13 Sep - 16 Oct 23	(2,885.71)	
EFT Pymt	EFT 9831	27-Oct-2023	Telstra Limited	2023-10 Oct Telephone accounts	(2,256.07)	
EFT Pymt	EFT 9832	27-Oct-2023	WA Contract Ranger Services Pty Ltd	Ranger Services: 10 - 23 Oct 2023	(1,619.75)	
EFT Pymt	EFT 9833	27-Oct-2023	Wren Oil	Sep 2023: Disposal of 4,200 L waste oil	(16.50)	
EFT Pymt	EFT 9834	27-Oct-2023	York Laundromat	04 - 26 Oct 2023 Onsite Cabins Laundry fees	(760.87)	(208,547.67)
EFT Pymt	EFT 9835	31-Oct-2023	Staff - Stefan de Beer	Reimbursement: BE1 - 20.88 L @ \$1.919/L	(40.07)	(40.07)
Direct Debit	DD 4360.01	10-Oct-2023	Shadforth Portfolio Service - Super	Superannuation contributions	(1,102.89)	
Direct Debit	DD 4360.02	10-Oct-2023	National Mutual Retirement Fund	Superannuation contributions	(257.13)	
Direct Debit	DD 4360.03	10-Oct-2023	Cbus Super Fund	Superannuation contributions	(150.82)	
Direct Debit	DD 4360.04	10-Oct-2023	Mercer Super Trust, The Trustee for	Superannuation contributions	(600.57)	
Direct Debit	DD 4360.05	10-Oct-2023	Australian Super	Superannuation contributions	(1,650.15)	
Direct Debit	DD 4360.06	10-Oct-2023	Aware Super Pty Ltd	Superannuation contributions	(7,029.14)	
Direct Debit	DD 4360.07	10-Oct-2023	Australian Retirement Trust (Super fun	Superannuation contributions	(459.01)	
Direct Debit	DD 4360.08	10-Oct-2023	MLC MasterKey Personal Super	Superannuation contributions	(84.76)	
Direct Debit	DD 4360.09	10-Oct-2023	Colonial First State Super (Gibson Dan	Superannuation contributions	(317.51)	
Direct Debit	DD 4360.10	10-Oct-2023	AMP Lifetime Super	Superannuation contributions	(198.94)	
Direct Debit	DD 4360.11	10-Oct-2023	UniSuper	Superannuation contributions	(257.66)	
Direct Debit	DD 4360.12	10-Oct-2023	Prime Super P/L	Superannuation contributions	(275.96)	(12,384.54)
Direct Debit	DD 4374.01	24-Oct-2023	Shadforth Portfolio Service - Super	Superannuation contributions	(1,102.89)	

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Direct Debit	DD 4374.02	24-Oct-2023	National Mutual Retirement Fund	Superannuation contributions	(255.57)	
Direct Debit	DD 4374.03	24-Oct-2023	Cbus Super Fund	Superannuation contributions	(242.39)	
Direct Debit	DD 4374.04	24-Oct-2023	Mercer Super Trust, The Trustee for	Superannuation contributions	(576.15)	
Direct Debit	DD 4374.05	24-Oct-2023	Australian Super	Superannuation contributions	(1,646.45)	
Direct Debit	DD 4374.06	24-Oct-2023	Aware Super Pty Ltd	Superannuation contributions	(7,204.40)	
Direct Debit	DD 4374.07	24-Oct-2023	Australian Retirement Trust (Super fund)	Superannuation contributions	(434.13)	
Direct Debit	DD 4374.08	24-Oct-2023	MLC MasterKey Personal Super	Superannuation contributions	(176.58)	
Direct Debit	DD 4374.09	24-Oct-2023	Colonial First State Super (Gibson Dan)	Superannuation contributions	(317.51)	
Direct Debit	DD 4374.10	24-Oct-2023	AMP Lifetime Super	Superannuation contributions	(212.12)	
Direct Debit	DD 4374.11	24-Oct-2023	UniSuper	Superannuation contributions	(257.66)	
Direct Debit	DD 4374.12	24-Oct-2023	Prime Super P/L	Superannuation contributions	(275.96)	(12,701.81)
Direct Debit	98	03-Oct-2023	7 - CBA Merchant Fee	CBA Merchant Fee - Muni	(696.28)	(696.28)
Direct Debit	98	03-Oct-2023	7 - CBA Merchant Fee	CBA Merchant Fee - Trust	(21.31)	(21.31)
Direct Debit	98	05-Oct-2023	8 - ANZ Transactive	ANZ Transactive	(77.00)	(77.00)
Direct Debit	98	05-Oct-2023	12 - ANZ - BPAY	ANZ - BPAY	(191.40)	(191.40)
Direct Debit	98	05-Oct-2023	12 - ANZ - BPAY	ANZ - BPAY	(77.00)	(77.00)
Direct Debit	98	02-Oct-2023	3 - Payment for DoT	Payment for DoT	(9,573.75)	
Direct Debit	98	03-Oct-2023	3 - Payment for DoT	Payment for DoT	(5,428.90)	
Direct Debit	98	04-Oct-2023	3 - Payment for DoT	Payment for DoT	(2,609.10)	
Direct Debit	98	05-Oct-2023	3 - Payment for DoT	Payment for DoT	(1,908.95)	
Direct Debit	98	06-Oct-2023	3 - Payment for DoT	Payment for DoT	(4,531.20)	
Direct Debit	98	09-Oct-2023	3 - Payment for DoT	Payment for DoT	(1,523.65)	
Direct Debit	98	10-Oct-2023	3 - Payment for DoT	Payment for DoT	(4,222.20)	
Direct Debit	98	11-Oct-2023	3 - Payment for DoT	Payment for DoT	(1,050.05)	
Direct Debit	98	12-Oct-2023	3 - Payment for DoT	Payment for DoT	(763.20)	
Direct Debit	98	13-Oct-2023	3 - Payment for DoT	Payment for DoT	(1,894.80)	
Direct Debit	98	16-Oct-2023	3 - Payment for DoT	Payment for DoT	(1,633.30)	

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Direct Debit	98	17-Oct-2023	3 - Payment for DoT	Payment for DoT	(2,297.70)	
Direct Debit	98	18-Oct-2023	3 - Payment for DoT	Payment for DoT	(5,245.75)	
Direct Debit	98	19-Oct-2023	3 - Payment for DoT	Payment for DoT	(2,738.35)	
Direct Debit	98	20-Oct-2023	3 - Payment for DoT	Payment for DoT	(1,452.25)	
Direct Debit	98	25-Oct-2023	3 - Payment for DoT	Payment for DoT	(3,562.85)	
Direct Debit	98	26-Oct-2023	3 - Payment for DoT	Payment for DoT	(2,533.70)	
Direct Debit	98	27-Oct-2023	3 - Payment for DoT	Payment for DoT	(7,630.30)	
Direct Debit	98	30-Oct-2023	3 - Payment for DoT	Payment for DoT	(4,815.30)	
Direct Debit	98	31-Oct-2023	3 - Payment for DoT	Payment for DoT	(2,382.45)	(67,797.75)
Direct Debit	EFT 9809	25-Oct-2023	Credit Card - Shire of Beverley	2023-09 Sep Credit Card Purchases	(7,854.36)	(7,854.36)
PAYMENTS RAISED IN CURRENT MONTH					(1,102,646.14)	(1,102,646.14)

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS	
WAGES & SALARIES							
EFT Pymt		11-Oct-2023	Wages & Salaries	FE - 10 October 2023	(63,609.91)		
EFT Pymt		25-Oct-2023	Wages & Salaries	FE - 24 October 2023	(66,453.52)		
					WAGES & SALARIES	(130,063.43)	(130,063.43)
UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT							
					UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT	0.00	0.00
PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS							
					PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS	0.00	0.00
OTHER AMENDMENTS/GENERAL JOURNALS							
					OTHER AMENDMENTS/GENERAL JOURNALS	0.00	0.00
INVESTMENTS							
EFT Pymt	EFT 9748	06-Oct-2023	Bendigo and Adelaide Bank	2023/24 Municipal Invest #08 - invested for 6 months @ 4.72%	(500,000.00)		
					INVESTMENTS	(500,000.00)	
					TOTAL EXPENDITURE for MUNICIPAL ACCOUNT		(1,232,709.57)

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
CREDIT CARD PAYMENT SUMMARY for CURRENT BANK STATEMENT						
CEO - STEPHEN GOLLAN						
Credit card	#0040123930761	27-Aug-2023	Atlas Fuel Sawyers Valley	BE1 (PSDN17) - 64.62.L @ \$1.845/L GST incl	119.22	
Credit card	#0010424630391	03-Sep-2023	Atlas Fuel Ascot	BE1 (PSDN17) - 46.22 L @ \$1.855/L GST incl	85.74	
Credit card	503461561	04-Sep-2023	ACMA	Land mobile Appart Lic Renewal Lic 252869/1	114.00	
Credit card	#0040125330652	10-Sep-2023	Atlas Fuel Sawyers Valley	BE1 (PSDN17) - 59.12 L @ \$1.889/L GST incl	111.68	
Credit card	792817235.1	17-Sep-2023	Crown Towers	LG Convention 17 -19 Sep 2023: 4 x Accom - 1st payment	626.28	
Credit card	792817235.2	17-Sep-2023	Crown Towers	LG Convention 17 -19 Sep 2023: 4 x Accom - 2nd payment	3,312.92	
Credit card	REC 00385113	20-Sep-2023	Vibe Welshpool	BE1 (PSDN17) - ULP 57.57 L @ \$1.883 / L GST incl	108.40	4,478.24
DCEO - SIMON MARSHALL (AVONDALE MACHINERY SHED)						
Credit card	484144	08-Sep-2023	Avon Trading	Supplies: 1L coolant xtra cool (Avondale)	35.00	
Credit card	CHK 4212257	17-Sep-2023	Epicurean Crown Perth	LG Week 17-19 Sep 2023: LG Convention Dinner x 4	664.00	
Credit card	NN170923	17-Sep-2023	Lobby Lounge	LG Week 17-19 Sep 2023: Refreshments x 4	36.00	
Credit card	NN180923	18-Sep-2023	Lobby Lounge	LG Week 17-19 Sep 2023: Refreshments x 4	42.00	
Credit card	CHK 5717138	18-Sep-2023	Lobby Lounge	LG Week 17-19 Sep 2023: Refreshments x 4	66.50	
Credit card	CHK 5717094	18-Sep-2023	Lobby Lounge	LG Week 17-19 Sep 2023: Refreshments x 4	40.00	
Credit card	194607	18-Sep-2023	Rockpool Bar & Grill	LG Week 17-19 Sep 2023: Dinner x 4	1,018.72	
Credit card	866126	19-Sep-2023	Clark Rubber Midland	2 x anti fatigue mats for EA & Payroll Officers	63.90	1,966.12
MOW - STEPHEN VINCENT						
Credit card	SI06837132	20-Sep-2023	Appliances Online	58 John St - Oven, cooktop and extraction system	1,410.00	1,410.00
September 2023 transactions presented on 25 October 2023 (EFT 9809), Shire of Beverley Municipal Bank account						7,854.36

SHIRE OF BEVERLEY

CHEQUE DETAIL - Municipal and Trust Accounts - OCTOBER 2023

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
<i>TRUST ACCOUNT DETAILS</i>						
<i>PAYMENTS RAISED IN CURRENT MONTH</i>						
				<i>PAYMENTS RAISED IN CURRENT MONTH</i>	<u>0.00</u>	<u>0.00</u>
<i>PAYMENTS UNPRESENTED IN CURRENT BANK #</i>						
				<i>PAYMENTS UNPRESENTED IN CURRENT BANK #</i>	<u>0.00</u>	<u>0.00</u>
<i>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</i>						
				<i>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</i>	<u>0.00</u>	<u>0.00</u>
<i>OTHER AMENDMENTS / GENERAL JOURNALS</i>						
				<i>OTHER AMENDMENTS / GENERAL JOURNALS</i>	<u>0.00</u>	<u>0.00</u>
				<i>TOTAL EXPENDITURE for TRUST ACCOUNT</i>	<u>0.00</u>	<u>0.00</u>
TOTAL EXPENDITURE as reconciled to the OCTOBER 2023 BANK STATEMENTS						
				Municipal Account Expenditure		(1,232,709.57)
				Trust Account Expenditure		0.00
				TOTAL EXPENDITURE for OCTOBER 2023		<u>(1,232,709.57)</u>

11.3 Refuse Site Contractor – Increase in Contract Charge – Revision

Submission To:	Ordinary Council Meeting 31 October 2023
Report Date:	24 October 2023
Applicant:	Wheatbelt Arborist Service Professionals (M Heavey)
File Reference:	ADM 0188
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	31 October 2023
Disclosure(s) Of Interest:	Nil
Attachments:	Nil

SUMMARY

Council to consider an increase to the fees charged for the Beverley Refuse Site contractor, Wheatbelt Arborist Service Professionals (WASP) be approved and backdated to 1 July 2023.

BACKGROUND

At the 31 October 2023 Ordinary Council Meeting it was proposed and resolved to increase the charges to \$50 per hour and be backdated to the original meeting date of 12 September 2023.

The Chief Executive Officer was on long service leave during the October meeting and staff and Council were unaware that the CEO was in favour of backdating the hourly rate to 1 July 2023.

Rescinding the previous resolution to increase the payment and backdate it to 12 September will be recommended and a new recommendation to increase the hourly rate backdated to 1 July 2023 will be presented.

COMMENT

Information previously provided to Council:

Mick Heavy of Wheatbelt Arborist Service Professionals has been informally contracted to manage the Beverley Refuse Site since May 2022. In that time, he and his wife Jen have made significant improvements to the site through recycling of various materials; ensuring that non-Beverley residents and ratepayers are not dumping their waste; and with successful use of Shire machinery.

The improvements made by WASP are essentially extending the life of the Beverley Refuse Site. If the Refuse Site is not managed effectively and the site runs out of space, a transfer station option will need to be explored. To date, the Manager of Works is very pleased with WASP's management of the site.

The Chief Executive Officer and Manager of Works met with Mick and Jen Heavey on Tuesday 12 September 2023 to develop a formal contract to operate the Beverley Refuse Site. In the meeting they requested an increase in the hourly rate from \$36.50 to \$50.00. The increase is to cover a second person (Jen); personal liability insurance and general cost of living expenses. WASP are responsible for their own superannuation, workers compensation and personal liability insurance.

The CEO and MOW are supportive of the increase in charges. The request for an increase was not presented to Council in September due to the Electoral Caretaker period.

STATUTORY ENVIRONMENT

N/A

CONSULTATION

CEO – Stephen Gollan

MOW – Steve Vincent

FINANCIAL IMPLICATIONS

The increase in charges request is an unbudgeted expense.

2023/24 budget \$65,770 (*materials and contractors*).

Approximate additional cost \$16,200 unbudgeted (based on 100hrs per month, extra \$13.50 p/hr)

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

RISK IMPLICATIONS

Medium (9) - There is a medium to high risk to Council if the Refuse Site is not managed effectively. If the site runs out of space a transfer station option will need to be explored.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M8/1123

Moved Cr Davis

Seconded Cr Lawlor

That;

1. the previous Council resolution, M11/1023, being:

That Council, noting the unbudgeted expense, agree to pay Wheatbelt Arborist Service Professionals a rate of \$50 per hour for the management of the Beverley Refuse Site, backdated to 16 September 2023.

be rescinded; and

2. noting the unbudgeted expense, Council agree to pay Wheatbelt Arborist Service Professionals a rate of \$50 per hour for the management of the Beverley Refuse Site, backdated to 1 July 2023.

CARRIED BY ABSOLUTE MAJORITY 6/0

3:18pm – Prior to any consideration of Item 11.4, Cr Ridgway declared a Financial Interest as she is a current Lessee and partner in CR & J Ridgway who have made a submission for a cropping lease. Cr Ridgway left the meeting.

11.4 Awarding of Cropping Leases

Submission To:	Ordinary Council Meeting 29 November 2023
Report Date:	22 November 2023
Applicant:	Administrative
File Reference:	ADM 0092
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	14 October 2020, 22 August 2023
Disclosure(s) Of Interest:	Nil
Attachments:	Submissions in table.

SUMMARY

Council to consider awarding various Cropping Leases as recommended by the Cropping Committee.

BACKGROUND

At the 22 August 2023 Cropping Committee Meeting the Committee recommended that Council;

OFFICER RECOMMENDATION & COMMITTEE RESOLUTION

MCC2/0823

Moved Cr Sattler

Seconded Cr Seed

1. That the Cropping Committee recommends to Council that the Lease for Reserve 38798 Mt Kokeby is advertised with advice that a new lease is being drawn up between the Shire of Beverley and Department of Lands.

2. That the Cropping Committee recommends to Council that Lease for the Reserve 25266 Bethany Farm be discontinued.

3. That the Cropping Committee recommends to Council that it call for submissions for the remaining six leases via the October edition of the Beverley Blarney and weekly on Facebook.

4. That the Cropping Committee recommends to Council that it write to the current lease holders to advise them of the next lease advertising period and which blocks will be leased.

5. That the Cropping Committee recommends to Council it continue with the lease period of 3 years, 1 April 2024 to 31 March 2027; and allow hay to be cut once in the three year period.

CARRIED 3/0

The above recommendation was endorsed by Council at the 22 August 2023 Ordinary Council meeting.

The cropping leases were advertised 1-31 October 2023 in the October edition of the Beverley Blarney; on Facebook and on the Shire Website.

COMMENT

At the close of business Tuesday 31 October 2021, a total of six (6) submissions, with eleven (11) prices were received.

As previously advised to Council, Shire management are still in the process of negotiating the lease for Reserve 38798 Mt Kokeby with the Department of Lands and Heritage (DPLH). This process may take several more months, and therefore it will be recommended that the lease be awarded subject to a successful negotiation with DPLH.

At its meeting, 22 November 2023, the Cropping Committee reviewed the tenders and made a recommendation to Council.

A summary of the tenders received, follows:

	Reserve 5265A Old Commonage	Reserve 5265B Sand Pit	Reserve 5265C Great Southern Hwy	Reserve 5265D Off Bremner Rd	Reserve 3788 Old Racecourse	Reserve 38798 Mt Kokeby	Lot 78 Waterhatch Rd
Bernard Hunt				\$3,350.00			
Beverley Football Club			\$6,110.00				\$2,410.00
Beverley Tennis Club					\$2,400.00		
CR & J Ridgway						\$9,800.00	
Roesland Farms	\$23,000.00	\$10,000.00	\$5,000.00				
St Kirstelle Farms			\$4,180.00	\$4,500.00		\$5,850.00	

STATUTORY ENVIRONMENT

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

FINANCIAL IMPLICATIONS

Future Budgets

STRATEGIC IMPLICATIONS

Review land use strategies and plans, whilst protecting viable farming options.

POLICY IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

COMMITTEE'S RECOMMENDATION & COUNCIL RESOLUTION

M9/1123

Moved Cr Davis

Seconded Cr Lawlor

That;

- 1. the following leases for a period of 3 years, 1 April 2024 to 31 March 2027 be awarded to:**

Lease	Lessee	Yearly Rent Ex GST
Lot 78 Waterhatch Rd	Beverley Football Club	\$2,410.00
Reserve 3788 Old Racecourse	Beverley Tennis Club	\$2,400.00
Portion Reserve 5265A Old Commonage	Roesland Farms	\$23,000.00
Portion Reserve 5265B Sand Pit	Roesland Farms	\$10,000.00
Portion Reserve 5265C Between Great Southern Hwy & Railway Line	Beverley Football Club	\$6,110.00
Portion Reserve 5265D Off Bremner Road	St Kirstelle Farms	\$4,500.00

- 2. the lease for Reserve 38798 Mt Kokeby be awarded to CR & J Ridgway, for a period of 3 years, 1 April 2024 to 31 March 2027 for the submitted amount of \$9,800.00, subject to the successful lease negotiation between the Shire of Beverley and the Department of Lands and Heritage.**

CARRIED BY ABSOLUTE MAJORITY 5/0

3:19pm – Cr Ridgway rejoined the meeting.

12. ADMINISTRATION

12.1 Adoption of the Draft Strategic Community Plan

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	17 November 2023
Applicant:	Administrative
File Reference:	ADM 0449
Author and Position:	Ashleigh Fleay, Project Officer
Previously Before Council:	August 2021
Disclosure(s) Of Interest:	None
Attachments:	Draft Strategic Community Plan 2023-2033

SUMMARY

Council to consider the adoption of the Strategic Community Plan 2023 – 2033 following a full review and the public consultation period.

BACKGROUND

Following Community Consultation and Councillor workshops, Council adopted its first Strategic Community Plan (SCP) in February 2012.

The Local Government Regulations prescribe that Primary Strategic documents be reviewed on a regular basis and in the case of the SCP, it should be reviewed every two years and a full review every 4 years from date of adoption.

A two year review was completed in August 2021.

A full review of the Strategic Community Plan commenced in April 2023 with a Council workshop session facilitated by Caroline Robinson. Following this a public consultation workshop was held in June and groups and organisations were contact for feedback and input into the plan.

A draft plan was then developed and further workshopped with Council on 10th August 2023.

COMMENT

The reviewed Strategic Community Plan is attached with amendments made to profile statistics, updated achieved list, updated risks, updated strengths and opportunities and a new strategic direction going forward.

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.

*Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

CONSULTATION

Major Review - Shire of Beverley Councillors and Shire of Beverley Staff.
Public Consultation Workshop

FINANCIAL IMPLICATIONS

Future Budgets

STRATEGIC IMPLICATIONS

The Strategic Community Plan serves as a key strategic planning tool and forms part of the Integrated Planning Framework.

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

RISK IMPLICATIONS

Low (2) – the completed review and adoption of the SCP will mitigate the risk of non-compliance.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M9/1123

Moved Cr Martin

Seconded Cr Davis

That Council review and adopt the Strategic Community Plan 2023-2033 as presented.

CARRIED 6/0

A large, dark silhouette of a biplane is positioned diagonally across the lower half of the page, extending from the bottom left towards the top right. The biplane has two sets of wings, a tail section, and a propeller at the front.

STRATEGIC COMMUNITY PLAN 2023 - 2033

SHIRE VISION

A vibrant and progressive community which values its history in a welcoming and friendly place to live, work and visit. Beverley is the place to BE!

WE VALUE:

- The contributions made by our community towards an inclusive, active, diverse and friendly community.
- Our natural resources and our place in the natural environment.
- Economic diversity and opportunistic growth.
- Forward thinking leadership and good governance.

COUNCIL PRIORITIES

1. Our investments support or facilitate employment and local business growth.
2. Our people, the community and quality of life are important to our success.
3. Our relationships bring financial, social, health and environmental benefits to the organisation and residents.

INTRODUCTION

This Strategic Community Plan has been developed using previous plans, data, and surveys as its foundation. It has been 'checked' and priorities reconfirmed by the community and Council to ensure continuity and demonstrated progress towards our vision and purpose.

This Strategic Community Plan guides Council for the next 10yrs and it has a key place in the Shire's delivery and management of services and infrastructure.



ROLE OF COUNCIL

Council's role is to govern the local government's affairs, be responsible for the performance of the local government's functions, oversee the allocation of the local government's finances and resources and determine the local government's policies.



MESSAGE FROM THE SHIRE PRESIDENT AND COUNCILLORS

We are pleased to present the revised Strategic Community Plan, guiding Council's strategic direction forward towards 2033.

The document presented draws on extensive community consultation, surveys and workshops. We thank everyone in the community for their important feedback and contributions.

The Shire has recognised the importance of identifying progress made since the first strategic plan in 2012. It is an integral part of providing a point of measure for Council and to review growth and challenges encountered which can be learned for future directions.

Whilst it is recognised that not all outcomes can be delivered immediately, the plan will continue to guide our decisions through till 2033.

Cr David White
SHIRE PRESIDENT



ACHIEVEMENTS SINCE THE LAST STRATEGIC PLAN

Our Shire has achieved the following since our last major Strategic Community Plan Review (2017):

ECONOMY

- Continued road upgrades including bituminising of town site roads and sealing, widening of rural roads.
- Construction of onsite cabins at the Beverley Caravan Park
- Employment of a Projects Officer
- Welcoming new business at the industrial area
- Welcoming new businesses in the Cornerstone building
- Vincent Street redevelopment funding and upgrade
- Avondale feasibility study

COMMUNITY

- Construction of Moort Wabiny Park
- Town Hall upgrades
- Construction of Lesser Hall Courtyard
- Upgrades to Hunt Road Village Units
- Completion of Beverley Swimming Pool feasibility and upgrade designs

ENVIRONMENT

- Brooking Street Walk Trail
- County Peak Trail Plan
- Review of the Trails Master Plan

GOVERNANCE

- Completion and continuation of 5year Recordkeeping Plan
- Completion and continuation of statutory requirements



SHIRE OF BEVERLEY PROFILE

LOCATION

The Shire covers an area of 2,310km². The township of Beverley is located 138km southeast of Perth on the Great Southern Highway, the town is within an easy one and a half hours drive of Perth. The Shire is known for its quiet, safe and peaceful lifestyle.

OUR PEOPLE

The area provides an attractive place and lifestyle choice for long term agriculture, small hobby farms, retirees, 'tree changers' and families. The population is steadily growing and there is a relatively large number of 'newcomers' to the town site and rural areas, with a large number of drive in and drive out workers. The below data compares to a 10-year period (2011 – 2021)

WHEATBELT:



75,863
People



Median Age
47yrs



Population Change:

1,401

more people called the
Wheatbelt region home in
2022 compared to 2012

BEVERLEY:



1,694 ↑
People



Median Age
47yrs ↓



48 Aboriginal
and Torres
Strait Islander People



Families
↑ **458**
with children

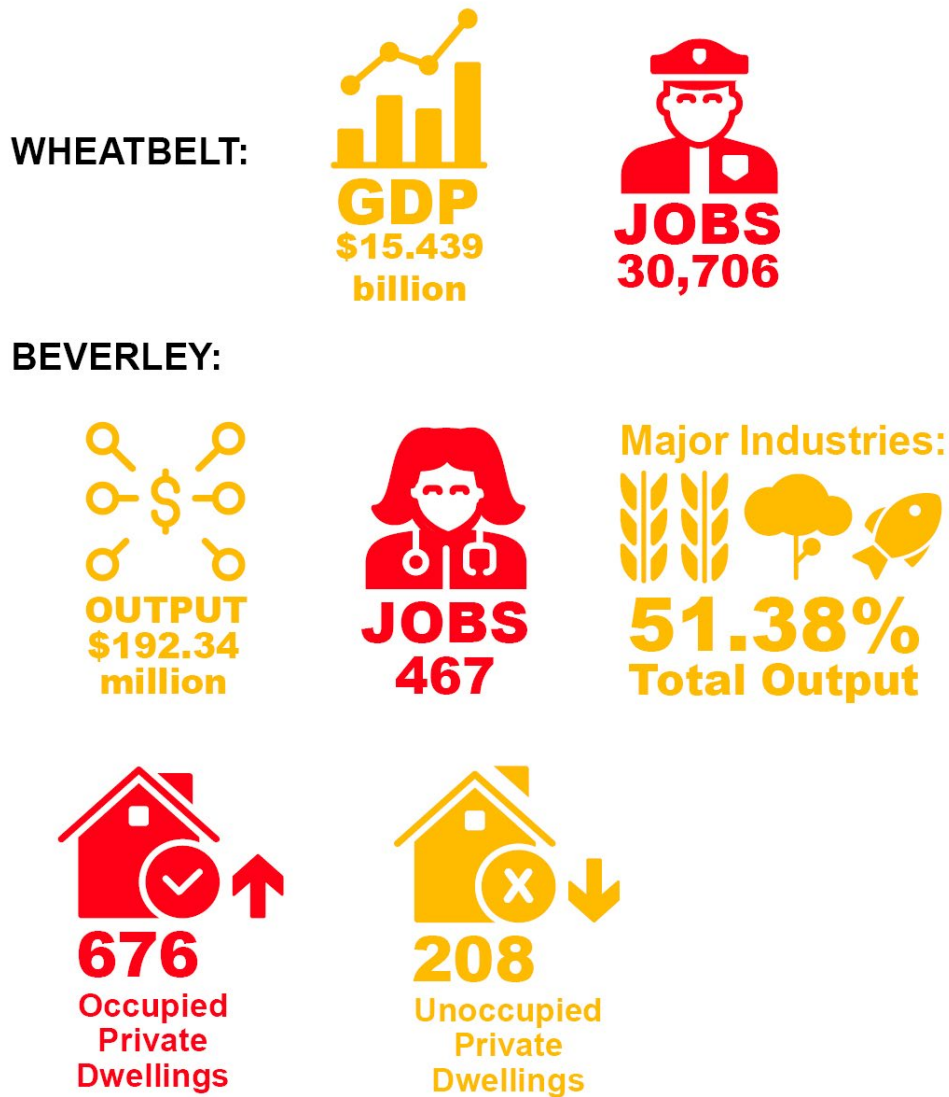


Voluntary work
23.5% ↓
of the population

↑ **\$1,503**
Median weekly
household income

ECONOMY

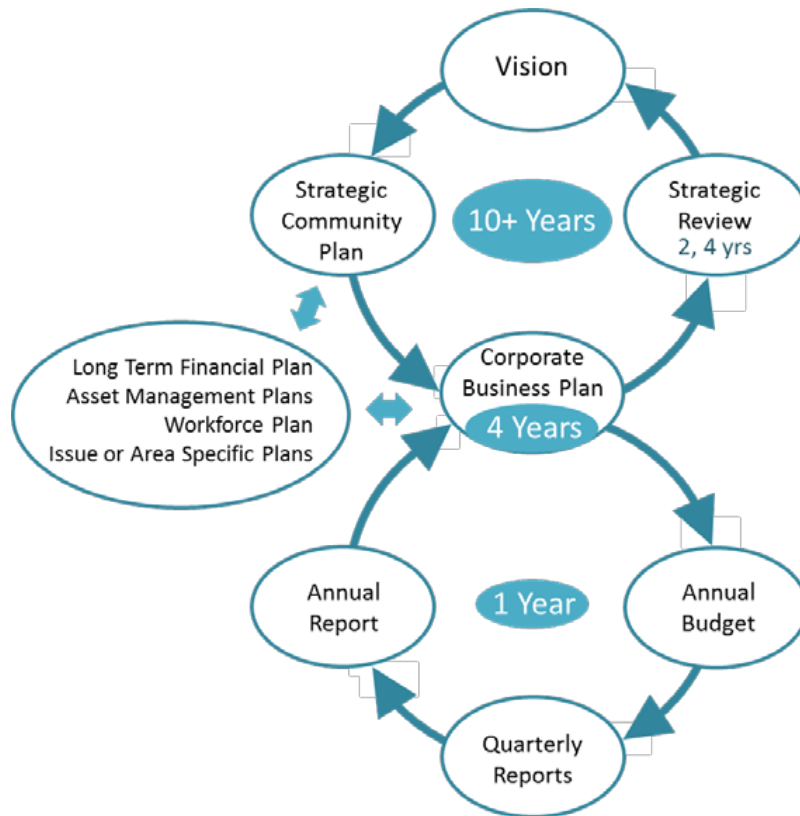
The predominant industry is broad acre agriculture, particularly livestock and cropping. Other supporting industries, such as farm suppliers, steel fabricators, financial services and general retail are found in the Beverley townsite. The below data compares to a 10-year period (2011 – 2021)



SERVICES AND FACILITIES

The town of Beverley provides a range of commercial, recreational and social services for residents and visitors alike. The main street of Beverley provides all the goods and services that are vital to a country town. The town has an independent District High School catering for students from pre-primary to Year 10. Other educational opportunities are available via the Beverley Community Resource Centre. The town is proud of its health facilities boasting a district hospital, medical centres with several doctors, a frail aged lodge and a retirement village. Beverley has football, cricket, netball, tennis, swimming, bowls, gliding and golf clubs amongst others. There are a number of arts, theatre and culture clubs and organisations.

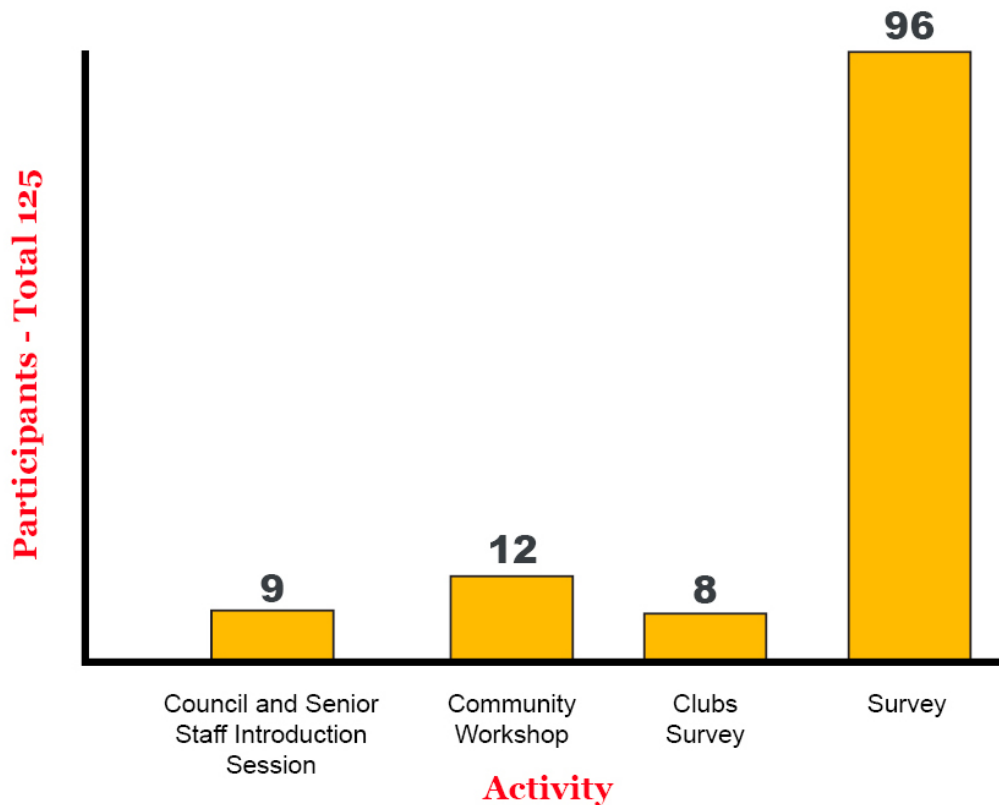
HOW WE DEVELOPED THIS DOCUMENT



Our Strategic Community Plan reinforces our commitment to the people who live, work and visit Beverley. The purpose of this document is to provide a clear purpose and strategic direction for our Shire, and to source the funding and support required to address the community priorities detailed later in this document.

It was developed based on:

- The blueprint for the region.
- Community engagement on what is important to the people that live within our Shire.
- Input from Elected Members based on feedback they have received and their strong desire to deliver positive outcomes for their community.
- Current partnerships and projects already being delivered.



PROGRESS REPORTING

The Shire of Beverley has adopted a traffic light based quarterly update to report progress against the priorities as detailed in this plan, which will be shared via a Council Item and on the Shire website. In addition, results are formally communicated to the community annually via the legislated Annual Report

IPR REVIEW CYCLE

The Integrated Planning Framework should consist of linked documents which evolve to reflect changes in organisation and community. The Strategic Community Plan 2023 – 2032 initiates a fresh review of integrated plans.

Strategic Community Plan

2023 (major)

2025 (minor)

Corporate Business Plan

Long Term Financial Plan

Asset Management Plan

Workforce Plan

STRATEGIC PRIORITIES

In 2023, community members were asked to review the strategies from the previous strategic plans (2013, 2017, 2021) through a survey and workshop, to determine whether the strategies/projects were still priorities for the next 10-years. The following strategies/projects were highlighted as the most important and have been continued into this Strategic Integrated Plan:

ECONOMIC

- Maintenance and improvement of road and bridge infrastructure
- Support for childcare services
- Improved telecommunications

COMMUNITY

- Facilities, services and programs for seniors, aged care housing
- Supporting volunteers
- Swimming Pool upgrade
- Sports and recreation facilities
- Community arts
- Heritage and culture

ENVIRONMENT

- Importance of the river and lakes
- Bushfire prevention and control
- Avon River Park redevelopment

CIVIC LEADERSHIP

- Keeping the community informed
- Responsible and accountable leaders



STRATEGIC RISKS FOR THE SHIRE OF BEVERLEY

The following risks were identified by Council and mitigation of these risks are included in the Integrated Planning documents:

INTERNAL RISKS

- Ageing workforce
- Increase in workforce turnover
- Minimising rate increases
- Pressure on financial position in light of rising business costs and less government funding
- Increasing legislative compliance burden on local governments
- Keeping up with technology
- Asset management and preservation necessities
- Reliance on external government funding
- Robust project cost benefit analysis and appropriate planning
- Lack of diverse representation on Council
- High number of bridges requiring ongoing maintenance

EXTERNAL RISKS

- Facilities, services and programs for seniors, aged care housing
- Supporting volunteers
- Swimming Pool upgrade
- Sports and recreation facilities
- Community arts
- Heritage and culture



OUR PLAN ON A PAGE

There are four strategic pillars to our Strategic Integrated Plan – economy, community, environment and civic leadership. For each pillar there is an aspiration and desired outcomes. The Shire will report against these outcomes.

Within each pillar there are details of what we will focus on aside from our ‘business as usual’ approach and desire for continuous improvement.

Strategic Pillar	1. Economy	2. Community	3. Environment	4. Civic Leadership
Strategic Priorities	1.1 Safe, efficient and connected transport network 1.2 Reliable and fast telecommunications 1.3 Beverley attractions and experiences are promoted 1.4 Stable increase in the resident population 1.5 Local business growth 1.6 Locals can participate in the workforce	2.1 High quality arts and cultural experiences 2.2 Preservation and protection of local heritage 2.3 Active and healthy community 2.4 Older residents feel safe and connected	3.1 Diverse recreation and leisure activities amongst our natural assets 3.2 Well prepared for adverse natural events 3.3 Natural resources are sustainably managed	4.1 Community and customer focus 4.2 Continuous organisational improvement 4.3 Responsible planning

Current Informing Strategies:

Disability Access and Inclusion Plan | Corporate Business Plan | Annual Budget | Asset Management Plan | Workforce Plan | Long Term Financial Plan | Local Planning Strategy and Scheme | Public Health Plan | ICT Policy

1. ECONOMY

STRATEGIC PRIORITY	OUTCOME
1.1 Safe, efficient and connected transport network	Achievement of the 10 year road plan
	Maintenance of unsealed roads can cater for increased freight and weather impacts
	Achievement of the footpath strategy
1.2 Reliable and fast telecommunications	Demonstrated achievement of the Digital Connectivity Plan
	Reduction in mobile black spots
	Reliable high-speed internet for business and the community
1.3 Beverley attractions and experiences are promoted	Demonstrated achievement of the Tourism Plan
	Increased awareness and impact of the BE brand
	Sustainable visitor servicing model
	Expansion of Caravan Park infrastructure
	Well patronaged museums
1.4 Stable increase in the resident population	Shire's housing stock is expanded
	Shire's housing stock is well maintained
	Residential land, connected to infill sewerage is available
1.5 Local business growth	Development of an Economic Development Strategy
	Diverse and vibrant central business district
	Shire collaborates with the business community to reduce barriers to growth and improve economic resilience



1.6 Locals can participate in the workforce	Available serviced industrial land
	Expansion of and access to local early childhood facilities
	Apprenticeships and traineeships offered at the Shire

We Will Continue:

- Roads, drains, bridges and footpath construction and maintenance
- Planning and development services
- Transport licensing
- Building maintenance
- Fleet management and fixed plant acquisition and maintenance
- Provision of an airstrip and associated infrastructure
- Tourism promotion and development
- Advocate for local education facilities and services



2. COMMUNITY

STRATEGIC PRIORITY	OUTCOME
2.1 High quality arts and cultural experiences	Beverley is recognised as an Arts Precinct in the Avon
	High levels of local and visitor participation in arts and cultural activities
2.2 Preservation and protection of local heritage	Community groups have access to central records storage and support to make records digital
	Avondale Machinery Museum is activated, well patronaged and plays a contributing role to our local economy.
2.3 Active and healthy community	Community has access to quality local health care services and facilities
	Upgrade completed at the Swimming Pool Precinct
	Coordinated and planned facility improvements to sport and recreation playing surfaces and community facilities
	Volunteer run community groups are supported in achieving their goals
2.4 Older residents feel safe and connected	Demonstrated achievement of the Aged Friendly Community Plan
	Support to acquire the nursing quarters for local benefit
	Support towards the achievement of the Beverley Frail Aged Lodge Strategic Plan
	Local access to services and programs that connect and support older residents

We Will Continue:

- Supporting the Cornerstone and Community Resource Centre
- Providing library services
- Implementation of the Public Health Plan
- Events and celebrations
- Care for community parks, gardens and playgrounds
- Streetscapes, verges and lighting
- Provision of a community bus

3. ENVIRONMENT

STRATEGIC PRIORITY	OUTCOME
3.1 Diverse recreation and leisure activities amongst our natural assets	Demonstrated achievement of the Trails Master Plan
	Upgrade of river foreshore amenities at Avon River Park.
3.2 Well prepared for adverse natural events	The impact of natural events and hazards on the community and businesses are reduced
	Evacuation Centre and local emergency service groups are resourced
3.3 Natural resources are sustainably managed	Waterways are healthy, water is conserved and used efficiently
	Increase in the number of renewable energy sources on Shire facilities
	Upgraded waste management infrastructure, review of opening hours and resource recovery methods

We will continue:

- Provision of Environmental Health Services
- Provision of Ranger Services
- Maintenance and improvements at the cemetery
- Pest and mosquito control
- Management of nature reserves
- Provision of standpipes and associated infrastructure
- Waste management services and transfer station infrastructure
- Emergency Services Management



4. CIVIC LEADERSHIP

STRATEGIC PRIORITY	OUTCOME
4.1 Community and customer focus	Communications Plan is developed and implemented
	Community is consulted and informed
4.2 Continuous organisational improvement	External funds and strategic partnerships assist us achieve our goals
	Innovation and technology improve our efficiency and effectiveness
	Council is supported and works with a capable and skilled team
4.3 Responsible planning	Responsible management of Council assets and finances
	Regular reporting of progress towards our Integrated Planning documents

We will continue:

- High level of customer service
- Manage organisation in a financially sustainable manner
- Reporting results from audit and compliance reviews
- Provision of Councillor training and education
- Records management
- Law making (local laws)
- Resourcing sharing where appropriate



12.2 Draft Disability Access and Inclusion Plan 2023-28

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	10 November 2023
Applicant:	Administration
File Reference:	ADM 0048
Author and Position:	Alison Lewis, Executive Assistant
Previously Before Council:	December 2018
Disclosure(s) Of Interest:	Nil
Attachments:	Draft DAIP 2023-28

SUMMARY

Council to review the Draft Disability Access and Inclusion Plan and consider it be recommended for final public comment.

BACKGROUND

In July 2013 Council adopted the 2013-2018 Disability Access and Inclusion Plan (DAIP). The *Disability Services Act 1993* requires that DAIP's are to be reviewed every 5 years.

COMMENT

A desk top review of the 2018-2023 DAIP was completed in September 2023. The review included analysis of which tasks in the 2018-2023 DAIP were completed, incomplete, achieved and successful or achieved but unsuccessful.

A Community Survey was then prepared based on the seven desired outcome areas of the Disability Services Act. The survey was available online or in hardcopy format from the Shire office. The survey ran from 22 September to 31 October 2023, with a total of 26 responses received. Many of the results and comments from the survey are placed in the draft 2023-2028 DAIP.

After Council reviews the attached draft DAIP and makes any further changes it will then be sent to Disability Services and be available for public comment before being adopted at the December Council meeting.

STATUTORY ENVIRONMENT

The *Disability Services Act 1993* (amended 2004), requires that West Australian public authorities develop and implement a Disability Access and Inclusion Plan. The Act makes these plans mandatory and prescribes their development, implementation and reporting.

CONSULTATION

Community – survey and workshops
Council
Disability Services

FINANCIAL IMPLICATIONS

The DAIP identifies that any major tasks will need to be planned and costed through the Long Term Financial Plan and annual budgeting process.

STRATEGIC IMPLICATIONS

Goal 8: Beverley continues to be an inclusive, friendly and caring community
 Goal 9: We have a healthy and safe community
 Strategy 9.3 Continue to improve our facilities and assets for inclusive access
 Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

RISK IMPLICATIONS

Low (2) – the completed review and eventual adoption of the DAIP will mitigate the risk of non-compliance. While the Shire and Council should always strive to meet its implementation strategies and outcomes, there is generally no penalty if a strategy cannot be met for acceptable reasons.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M10/1123

Moved Cr Ridgway

Seconded Cr Davis

That Council endorse the reviewed draft Disability Access and Inclusion Plan 2023-2028 and advertise it for public comment.

CARRIED 6/0



Shire of Beverley Disability Access & Inclusion Plan 2023-2028

This plan is available online www.beverley.wa.gov.au or upon request in alternative formats such as large print, electronic format, audio or Braille.

DISABILITY ACCESS & INCLUSION PLAN

2023-2028

Document Status	Draft
Revision No.	1
Revision Date	7 September 2023
Prepared By	Alison Lewis Executive Assistant
Endorsed By	Stephen Gollan Chief Executive Officer
Adopted By Council	
Submitted to DS	
Accepted by DSC	

Version	Issue Date	Author	Reason for Change
1	7/09/2023	A Lewis	Draft for CEO
3	30/10/2023	A Lewis	Changes from Surveys
4	8/11/2023	A Lewis	Changes from Workshop
5			
6			

Contents

Acknowledgments	4
Background	4
• The Shire of Beverley	4
• Functions, facilities and services provided by the Shire of Beverley	5
• People with Disability in the Shire	6
• Legislation and Framework	6
Access and inclusion policy statement	7
Development of the DAIP 2023 - 2028	8
• Community consultation process	8
• Findings of the consultation and barriers	9
• Notable Achievements 2018 - 2023	10
• Barriers	12
DAIP Strategies, Outcomes and Implementation	13
• Responsibility for implementing the DAIP	20
• Communicating the plan to staff and people with Disability	20
• Evaluation	20
• Reporting on the DAIP	20

Acknowledgements

The Shire of Beverley acknowledge the Traditional Owners of the land, the Ballardong People, on which the Shire is situated. We recognise and respect their continuing culture and contribution they make to our community. We pay our respects to Elders past and present.

The Shire of Beverley acknowledges and appreciates the contribution received from community members, Shire staff and Shire Councillors which has been invaluable in the review process and preparation of this Disability Access Inclusion Plan.

Background

The Shire of Beverley

The Shire of Beverley is a stable and viable farming community located 130km to the east of Perth and covers an area of approximately 2,310 square kilometers.

For thousands of years the Ballardong Noongar have inhabited the region along the Avon (Colguler) River and Dale (Boyagurring Bilya) River and have a deep attachment to their country.

Beverley was one of the first areas in Western Australia opened for agriculture after a glowing report to Governor Stirling by Ensign Dale. Beverley was first settled in 1838 and was named after a town in Yorkshire, Northern England. The Beverley town site was established around 1868.

The Beverley Town site is located in a shallow basin with the Avon River running north-south and an intersected valley east-west. It is the rural service centre to the farming community which produces wheat and course grains as well as livestock.

Tourist Attractions include Wall Art Murials, Cornerstone Community Centre, Beverley Station Arts and Platform Theatre, Avondale Museum, Gliding, Dead Finish Museum, Various Art spaces, Yenyening Lakes and County Peak.

Functions, facilities and services provided by the Shire of Beverley

The Shire of Beverley is responsible for a large range of functions, facilities and services including:

Services to property:

- Construction and maintenance of roads and footpaths;
- Construction and maintenance of community buildings and facilities;
- Land drainage and development;
- Waste collection and disposal;
- Planting and caring for street trees;
- Numbering of buildings and lots; and
- Bush fire control and mitigation.

Services to the community:

- Provision and maintenance of playing areas, parks, gardens, reserves;
- Community grants;
- Citizenship ceremonies;
- Facilities for sporting and community groups;
- Facilities and management of caravan park and cabins;
- Management of cemeteries;
- Management of pool, public library, community bus; and
- Advocates of health and aged care services.

Regulatory services:

- Planning of road systems and town planning schemes;
- Building approvals for construction, additions or alterations to buildings; and
- Environmental health services and ranger services.

General administration:

- The provision of general information to the public;
- The lodging of complaints and maintenance reports; and
- Payment of fees including rates, dog licences, cat licences and Department of Transport licensing.

Processes of government:

- Providing Local Government to the Shire of Beverley;
- Ordinary and Special Council and committee meetings;
- Electors' meetings and election of Council Members;
- Public meetings, community consultation;
- Monthly update from the Shire President in the Beverley Blarney; and
- Integrated Planning – Long Term Financial Plan, Workforce Plan, Strategic Community Plan, Asset Management and Corporate Business Plans.

People with Disability in the Shire of Beverley

There are 1,669 people living in the Shire of Beverley (2021 Census of Population and Housing). 190 require some form of assistance, 678 are living with a long-term health condition. 176 people provided unpaid assistance to a person with disability, health condition or aged person.

The Australian Bureau of Statistics (released in October 2019) Survey of Disability, Ageing and Carers (2018) identifies the following important statistics:

- In 2018 there were 4.4 million Australians with disability, 17.7% of the population
- 5.7% of all Australians had a profound or severe disability.
- Almost one-quarter (23.2%) of all people with disability reported a mental or behavioural disorder as their main condition, up from 21.5% in 2015.

Legislation and Framework

With the largest age group in Beverley being 65 years and over and recognition that disability comes in many forms, the Shire of Beverley is committed to ensuring its DAIP strategies meet the required legislation and is considered in all strategic documents.

The Western Australia Disability Services Act (1993) requires all Local Governments to develop and implement a Disability Access and Inclusion Plan (DAIP) to ensure that people with disability have equal access to its facilities and services.

Other legislation underpinning access and inclusion includes the Western Australia State Equal Opportunity Act (1984) and the Commonwealth Disability Discrimination Act 1992 (DDA), both of which make discrimination on the basis of a person's disability unlawful.

The Council, management and staff promote a proactive approach to Disability Access and Inclusion into the culture and daily routine of the Shire of Beverley.

Access and Inclusion Policy Statement

The Shire of Beverley is committed to ensuring that the community is accessible for and inclusive of people with disability, their families and carers.

The Shire of Beverley interprets an accessible and inclusive community as one in which all Council functions, facilities and services (in-house and contracted) are open, available and accessible to people with disability, providing all people with the same opportunities, rights and responsibilities as other people in the community.

The Shire of Beverley:

- recognises that people with disability are valued members of the community who contribute to social, economic and cultural life;
- believes that a community that recognises its diversity and supports the participation and inclusion of all of its members makes for a richer community;
- believes that people with disability, their families and carers should be supported to be able to remain in the community of their choice;
- is committed to consulting with people with disability, their families and carers and disability organisations in addressing barriers to access and inclusion;
- will ensure its staff, agents and contractors work towards the desired seven outcomes in the DAIP; and

The Shire of Beverley is committed to achieving the seven outcomes of its Disability Access and Inclusion Plan, which are:

1. People with disability have the same opportunities as other people to access the services of, and any events organised by, the Shire of Beverley.
2. People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Beverley.
3. People with disability receive information from the Shire of Beverley in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disability receive the same level and quality of service from the staff of the Shire of Beverley.
5. People with disability have the same opportunities as other people to make complaints to the Shire of Beverley.
6. People with disability have the same opportunities as other people to participate in any public consultation by the Shire of Beverley.
7. People with disability have the same opportunities as other people to obtain and maintain employment within the Shire of Beverley.

Development of the 2023 – 2028 Disability Access and Inclusion Plan

Community consultation process

In 2023, the Shire consulted with the Beverley Community to undertake a full and open review of the Council's Disability Access and Inclusion Plan (DAIP). This has included:

- Desktop review of the Disability Access and Inclusion Plan 2018 – 2023 including achievements and required improvements.
- Inviting the Community to participate in a DAIP survey.
- Beverley Blarney newspaper advertising, Beverley Bulletin advertising, Front Counter and Notice Board information at the Shire Office about the review and an invitation to comment or make a submission.
- Public Workshop with community members.
- Discussions with Councillors.
- A 'town tour' to physically assess connecting routes and facilities around town.
- Drafting a revised and updated DAIP which includes feedback and suggestions received throughout the consultation process.
- The draft plan will again be sent to the Disability Services, Department of Communities.

Findings of the consultation

The review and consultation found that many of the strategies and tasks within with 2018-23 DAIP had been achieved, however a small number were unsuccessful, ongoing or incomplete.

From the community survey, there was an overall satisfaction rate of over 89% in the six DAIP Outcome areas. However, Outcome 7 relating to employment, only scored a satisfaction rate of 75%.

The community workshops were very positive with a general feeling of appreciation for the Shire's continued upgrades to roads, footpaths and buildings. However, there was a general consensus that information could be received quicker and that the rocks in the main street deter ACROD parking users from parking in those bays.

Listed on the following pages are the achievements from the previous DAIP and the current identified barriers.

The new 2023-2028 plan will continue to strengthen the overall Shire and community culture and aim to address access barriers at the local level.

Notable Achievements from DAIP 2018-23

Since the adoption of the DAIP 2018-23 the Shire has implemented initiatives and made progress towards better understanding, communication, consultation and access.

Outcome Area	Achievements
<p>1. People with disability have the same opportunities as other people to access the services of, and any events organised by, the Shire of Beverley.</p>	<ul style="list-style-type: none"> ▪ Spring Back to Beverley 150th Anniversary Event planned using Project Accessibility ▪ Holds all public workshops in accessible venues.
<p>2. People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Beverley.</p>	<ul style="list-style-type: none"> ▪ Installation of electronic sliding doors at the Town Hall and Lesser Hall. ▪ Construction of new accessible short stay cabin at the Caravan Park. ▪ Construction of Moort Wabiny family park, includes wide paths, wide entrance. ▪ Continuation of the 10 Year Footpath upgrade/repair or replacement program. ▪ Completion of the Main Street redevelopment – wide and level footpaths, new ACROD bays, seating, improved lighting and kerbing. ▪ Construction of ramp access to the Amenities Building at the Recreation Ground. ▪ Safer crossing location for Hunt Road Village on Great Southern Highway (Hunt Rd)
<p>3. People with disability receive information from the Shire of Beverley in a format that will enable them to access the information as readily as other people are able to access it.</p>	<ul style="list-style-type: none"> ▪ New Shire Facebook page to distribute information. ▪ Shire SMS system for emergencies. ▪ Beverley Blarney available electronically.

<p>4. People with disability receive the same level and quality of service from the staff of the Shire of Beverley.</p>	<ul style="list-style-type: none"> ▪ 2019 and 2021 Councillor Elect packs distributed to potential Councillors to be aware of the Shire's DAIP and expectations. ▪ New Staff receive DAIP as part of induction process.
<p>5. People with disability have the same opportunities as other people to make complaints to the Shire of Beverley.</p>	<ul style="list-style-type: none"> ▪ The Shire continues a robust complaint register which is audited monthly to ensure any necessary action is taken and completed. ▪ Added forms to website as an alternative method of contact.
<p>6. People with disability have the same opportunities as other people to participate in any public consultation by the Shire of Beverley.</p>	<ul style="list-style-type: none"> ▪ Consultation held in safe accessible venues and presentations have paper and electronic copies made available. ▪ The Shire will accept feedback from consultation in any format.
<p>7. People with disability have the same opportunities as other people to obtain and maintain employment within the Shire of Beverley.</p>	<ul style="list-style-type: none"> ▪ The Shire continues to practices Equal Opportunity in its recruitment processes. ▪ Shire staff are actively invited to give notice of their disability through surveys to ensure their workplace and equipment meets their needs annually.

Current Barriers

The barriers identified in the 2023 consultation process:

- A very small number of footpath upgrades and repairs are still required in areas around the town. Issues with the identified footpaths include uneven surfaces incorrect gradients.
- The Community Bus does not have wheelchair access. Unfortunately due to costs, this will not be upgraded.
- Access issues for people with disability at the Swimming Pool and function room toilets in the Amenities Building.
- Door entrance access issues for people with disability at the main entrance of the Amenities Building.
- Shire website no longer meeting standards.
- Event Planning form needs updating.
- Station Arts universal access toilet requires a ramp.
- Hooks are required in the Disabled Toilets for hanging bags.
- Large rocks next to ACROD Bays in the main street.
- Cemeteries do not have a dedicated ACROD Bay and uneven surfaces at the Niche Wall.
- Information dissemination needs to be more frequent.
- Wombat crossings – confusion in community as to who gives way.
- Yearly budget allocation or reserve for disability, access and inclusion improvements.

These findings will guide the development of strategies in this DAIP.

Shire of Beverley

Disability Access and Inclusion Plan

Strategies, Outcomes and Implementation Plan 2023 – 2028

The following strategies have been developed to address each of the seven desired outcome areas of the Disability Services Act from feedback gained in the consultation process.

The Implementation Plan is the task, timelines and responsibilities for each strategy to be implemented throughout 2023-2028.

Outcome 1: People with disability have the same opportunities as other people to access the services of, and any events organised, by the Shire of Beverley.			
Strategy	Task	Task Timeline	Responsibility
Ensure that people with Disability are consulted on their need for services and the accessibility of current services.	<ul style="list-style-type: none"> ▪ Meet with people who have disability every two years as part of the DAIP reporting review. ▪ Establish a yearly budget allocation or reserve to meet outcomes within the DAIP. 	Bi-Annually 24/25	Executive Staff
Monitor Shire services to ensure equitable access and inclusion.	<ul style="list-style-type: none"> ▪ Conduct internal reviews of the accessibility of services. ▪ Inform Council of identified barriers and provide feedback to customers 	Annually	All Staff
Retain links between the DAIP and other Shire Integrated Plans.	<ul style="list-style-type: none"> ▪ Continue to incorporate the objectives and strategies of the DAIP into the Shire's integrated planning processes. 	Ongoing	CEO DCEO
Shire organised or funded events are accessible to people with Disability.	<ul style="list-style-type: none"> ▪ Ensure that all events are planned using the Shire event planning tool. ▪ Regularly update the event planning tool. 	Ongoing	All Staff
Promote Disability Services and programs or events.	<ul style="list-style-type: none"> ▪ Identify any suitable programs or events to advertise and promote in the Beverley Blarney and Shire Website. 	Ongoing	PO TO EA

Outcome 2: People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Beverley.			
Strategy	Task	Task Timeline	Responsibility
Ensure that all Shire buildings and facilities are physically accessible to people with Disability.	<ul style="list-style-type: none"> ▪ Council to cost and plan an approach to make at least one electronic door conversion at the Amenities Building. ▪ Ensure Swimming Pool Redevelopment includes safe access considerations. ▪ Ensure any future Administration building development includes safe access considerations. ▪ Ensure the proposed Civic Centre Refurbishment includes safe access considerations. ▪ Ensure any Regional Precinct Planning considers safe access and inclusion. ▪ Install ramp to Beverley Station Arts Disabled Toilet. 	<p>2024/25 Budget</p> <p>As it occurs</p> <p>As it occurs</p> <p>As it occurs</p> <p>As it occurs</p> <p>2023/24</p>	CEO
Ensure that all new or redevelopment work to public buildings and applications incorporates universal access and meets BCA standards.	<ul style="list-style-type: none"> ▪ Ensure that the legal requirements for access are met in all plans for new or redeveloped buildings and facilities. ▪ Ensure that development applications meet the legal requirements, and building or planning permits are not issued before doing so. 	2023-2028	MPDS BS

Outcome 2: People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Beverley.			
Strategy	Task	Task Timeline	Responsibility
Continuation of the 10 year footpath program.	<ul style="list-style-type: none"> ▪ Council to consider the extension of the footpath program until all identified paths are upgraded. ▪ Repair gradient on the Dawson Street side of the Cornerstone Building. ▪ Repair/replace uneven pavers at the Swimming Pool. ▪ Repair/replace the footpath and car access to the Recreation Ground (Southern/Bowling Club side). 	2023-28	CEO DCEO SP MOW
Advocate to local business the benefits flowing from the provision of accessible venues.	<ul style="list-style-type: none"> ▪ Increase awareness to local businesses on becoming more accessible and inclusive by providing results of DAIP surveys and workshops. ▪ If funding becomes available for access and inclusion improvements, disseminate the information to local business. 	Ongoing	CEO EA PO TO
Ensure that all recreational areas are accessible.	<ul style="list-style-type: none"> ▪ Ensure any redevelopment in recreational areas includes universal access. ▪ Redevelop the entrance to the Recreation Ground on the Southern Side. ▪ Plan for future upgrade of the toilets located within the “old amenities” building. 	Ongoing	CEO BS

Outcome 2: People with disability have the same opportunities as other people to access the buildings and other facilities of the Shire of Beverley.			
Strategy	Task	Task Timeline	Responsibility
Ensure that ACROD parking meets the needs of people with Disability in terms of visibility quantity and location.	<ul style="list-style-type: none"> ▪ Evaluate ACROD bays and signs in the vicinity of Shire owned assets and buildings. ▪ Remove large rocks that are situated near ACROD Bays on Vincent Street. ▪ Install ACROD Bay at the Anglican Cemetery. 	Annually	MOW

Outcome 3: People with disability receive information from the Shire of Beverley in a format that will enable them to access the information as readily as other people are able to access it.			
Strategy	Task	Task Timeline	Responsibility
Improve community awareness of Shire information being available in alternative formats.	<ul style="list-style-type: none"> ▪ Advertise that Shire documents and information is available in other formats in the Beverley Blarney. ▪ Investigate a fortnightly newsletter via email in addition to the Blarney. 	Ongoing	EA
Improve employee awareness of accessible information needs and how to provide information in other formats.	<ul style="list-style-type: none"> ▪ Ensure all new employees, councillors and contractors are aware of the DAIP in their respective induction process. 	Ongoing	HRO
Ensure that the Shire's website meets accessibility guidelines.	<ul style="list-style-type: none"> ▪ Upgrade the website to ensure it complies with the accessible web content guidelines and meets local needs. ▪ Evaluate the website 	Ongoing	DCEO

Outcome 4: People with disability receive the same level and quality of service from the employees of the Shire of Beverley as other people receive.			
Strategy	Task	Task Timeline	Responsibility
Ensure that all employees, current and new are aware of disability and access issues and have the skills to provide appropriate service and information.	<ul style="list-style-type: none"> ▪ Provide access and inclusion updates at staff meetings. ▪ Assess Staff training needs in relation to DAIP knowledge at each performance review. ▪ Provide all new employees a copy of the DAIP in the induction process. 	Ongoing	CEO DCEO HRO
Ensure that all Shire of Beverley's Policies and procedures relevant to Customer Service are consistent with the DAIP	<ul style="list-style-type: none"> ▪ Conduct an annual review of the Policy Manual and consider the DIP when doing so. 	Ongoing	CEO

Outcome 5: People with disability have the same opportunities as other people to make complaints to the Shire of Beverley.			
Strategy	Task	Task Timeline	Responsibility
Ensure that feedback and grievance mechanisms are known and accessible for people with disability and are acted upon.	<ul style="list-style-type: none"> ▪ Continue with current grievance mechanisms by accepting complaints via phone, post, web-form, email, in-person and continue to audit and review monthly. ▪ Promote alternative methods of communication including the National Relay Service and assistive technology apps. 	Ongoing	DCEO

Outcome 6: People with disability have the same opportunities as other people to participate in any public consultation by a public authority.			
Strategy	Task	Task Timeline	Responsibility
Ensure that people with disability are actively consulted about the DAIP.	<ul style="list-style-type: none"> ▪ Advertise the DAIP in all mediums (print, online, email) ▪ Update the register of people to provide comment on access and inclusion issues. 	Ongoing	EA
Ensure that all Shire public consultations, forums, workshops and meetings are inclusive and accessible and people with Disability are aware of them.	<ul style="list-style-type: none"> ▪ Ensure consultation can take form in different mediums, including in person, phone or electronically. ▪ Ensure the consultation documentation is available in different formats. ▪ Ensure feedback is able to be given in a range of formats. ▪ Ensure consultation is held in an accessible location. 	Ongoing	All Staff

Outcome 7: People with disability have the same opportunities as other people to obtain and maintain employment with the Shire of Beverley.			
Strategy	Task	Task Timeline	Responsibility
Ensure that inclusive recruitment practices are applied when advertising all employment positions.	<ul style="list-style-type: none"> ▪ Review all draft advertisements and ensure the Equal Employment Opportunity statement is applied. ▪ Advertise in different mediums. ▪ Hold interviews in an accessible venue. ▪ Promote equity and diversity in the work place and with volunteers. 	Ongoing	HRO CEO DCEO
Improve methods of attracting, recruiting and retaining people with Disability.	<ul style="list-style-type: none"> ▪ Review the suitability of the Shire of Beverley as a workplace, including - workstations, plant and equipment, building access, parking and work hours. ▪ Examine current methods of recruitment. ▪ Ensure the relevant legislation is met when recruiting. 	Ongoing	HRO CEO DCEO

Responsibility for implementing the DAIP

Implementation of the DAIP is the responsibility of every staff member and all operational areas of the Shire. The Disability Services Act (1993) requires all public authorities to take practical measures to ensure that the DAIP is implemented by its officers, employees, agents and contractors.

Communicating the plan to staff and people with Disability

During review and following adoption, the Disability Access and Inclusion Plan will be sent to all those who contributed to the planning process.

Review and evaluation mechanisms

The Disability Services Act requires that DAIPs be reviewed at least every five years. Whenever the DAIP is amended, a copy of the amended plan must be lodged with the Disability Services.

Evaluation

- An evaluation will occur as part of the five-yearly review of the DAIP.
- The community, staff and Elected Members will be consulted as per the endorsed consultation strategies, as part of any evaluation.

Reporting on the DAIP

The Disability Services Act requires the Shire to report on the progress of implementation of its DAIP in its annual report outlining:

- progress towards the desired outcomes of its DAIP;
- progress of its agents and contractors towards meeting the seven desired outcomes; and
- the strategies used to inform agents and contractors of its DAIP.

12.3 Proposed Shire of Beverley Health Local Law 2023

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	Administrative
File Reference:	ADM 0135
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	-
Disclosure(s) Of Interest:	None
Attachments:	Health Local Law 2023

SUMMARY

The proposed new *Shire of Beverley Health Local Law 2023, as attached* is submitted for Council's consideration and approval for local public advertising for a minimum of 42 days (6 weeks).

If Council agrees, the draft local law can be advertised for public comment; the results must then be returned to Council for consideration before the local law can be made.

BACKGROUND

This local law repeals the *Shire of Beverley Health Local Law* published in the Government Gazette on 3 April 2001.

The Shire has undertaken workshops to support this review of existing local laws and establishment of new local laws. This is achieved by establishing provisions, controls and enforcement actions that protect and enhance community, residents, business and visitors use of land, dwellings, animals, nuisances and public domain activities.

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws using the process set out in section 3.12 of the Act.

Section 3.16(1) of the *Local Government Act 1995* requires a local government to review a local law within a period of eight years from the day when it commenced.

COMMENT

The proposed local Law is recommended to provide rules and guidelines which apply to *sanitation, housing* and liquid disposal, nuisances and keeping of animals.

The Shires local law takes a contemporary approach, similar to that taken by a number of other local governments.

The Shire's local law has been prepared having due regard for

- operational requirements of the Shire
- compliance and consistency with legislative requirements

STATUTORY ENVIRONMENT

Health (Miscellaneous Provisions) Act 1911

Local Government Act 1995 - section 3.12 - Procedure for making local laws.

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.
- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.
- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the Shire will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

CONSULTATION

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws subject to the conditions outlined in Part 3, Division 2, Subdivision 1 and following the procedure outlined in section 3.12(3) of the Act.

Amongst other things this requires a local government to

- give state-wide and local public notice stating that it proposes to make a local law, for a period of 6 weeks after it first appears.
- Summarise the purpose and effect in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the *Shire of Beverley Health Local Law 2023*, is:

Purpose	The purpose is to <i>provide for</i> the regulation, control and management of day-to-day health matters within the district to enable people to live in a safe and healthy environment.
Effect	The effect of this local law is to establish various health standards and requirements which people living, visiting and working within the district are required to observe.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

FINANCIAL IMPLICATIONS

Costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

RISK IMPLICATIONS

Shire of Beverley Council has a statutory obligation to ensure that various health standards are maintained to enable people and animals to live in a safe and healthy environment.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M11/1123

Moved Cr Lawlor

Seconded Cr Davis

That Council;

- 1. Gives state-wide and local public notice, pursuant to Section 3.12 (2) and (3) of the Local Government Act 1995, that it proposes to make the *Shire of Beverley Health Local Law 2023*
 - a. For a period of not less than 6-weeks timeframe;**
 - b. By providing copies of the proposed local law for inspection at the Shire offices; and**
 - c. inviting submissions.****

- 2. Notes the Presiding Member gives notice to the meeting of the purpose and effect of the *Health Local Law 2023* as follows:**

Purpose	The purpose is to <i>provide</i> for the regulation, control and management of day-to-day health matters within the district to enable people to live in a safe and healthy environment.
Effect	The effect of this local law is to establish various health standards and requirements which people living, visiting and working within the district are required to observe.

- 3. Provides copies of the local law, in accordance with s3.12(3) of the Act, as soon as the notice is given, to the Minister for Local Government, and any other person requesting.**

CARRIED BY ABSOLUTE MAJORITY 6/0

HEALTH ACT 1911**LOCAL GOVERNMENT ACT 1995**

SHIRE OF BEVERLEY

HEALTH LOCAL LAW 2023**TABLE OF CONTENTS**

PART 1—PRELIMINARY	7
1.2 Commencement.....	7
1.3 Application	7
1.4 Repeal	7
1.5 Interpretation	7
PART 2—SANITATION	9
2.1 Interpretation	9
<i>Division 1—Sanitary Conveniences</i>	9
2.2 Dwelling house.....	9
2.3 Premises other than a dwelling house	10
2.4 Events	10
2.5 Temporary sanitary conveniences at temporary work sites.....	10
2.6 Maintenance of sanitary conveniences and fittings	10
2.7 Public sanitary conveniences	10
2.8 Lighting	11
<i>Division 2—Bathrooms, Laundries and Kitchens</i>	11
2.9 Bathrooms	11
2.10 Laundries	11
2.11 Washing or keeping of clothes in kitchens	12
2.12 Kitchens	12
PART 3—HOUSING AND GENERAL	12
<i>Division 1—Maintenance of Dwelling Houses</i>	12
3.1 Dwelling house maintenance	12
3.2 Guttering and downpipes.....	13
<i>Division 2—Ventilation of Houses</i>	13
3.3 Exemption for short term hostels and recreational campsites	13
3.4 Overcrowding	13
3.5 Calculated sufficient space	13

<i>Division 3—Water Supply</i>	14
3.6 Water supply	14
3.7 Rainwater tanks.....	14
3.8 Pollution	14
PART 4—LIQUID REFUSE AND LIQUID WASTE.....	14
4.2 Deposit of liquid refuse.....	15
4.3 Disposal of liquid waste	15
PART 5—NUISANCES AND GENERAL.....	15
<i>Division 1—Nuisances</i>	15
5.1 Interpretation	15
5.2 Escape of smoke etc.	16
5.3 Public vehicles to be kept clean.....	16
5.4 Prohibition against spitting	16
5.5 Dust management	16
5.6 Emission or reflection of light	18
5.7 Use or storage of fertiliser	18
<i>Division 2—Keeping of Animals</i>	18
5.8 Cleanliness	18
5.9 Animal enclosures	19
5.10 Disposal of dead animals	19
<i>Division 3—Keeping of Large Animals</i>	20
5.11 Interpretation	20
5.12 Keeping of large animals and provisions of stables	20
5.13 Proximity of large animals to a dwelling house	21
5.14 Manure receptacles	22
<i>Division 4—Keeping of Poultry and Pigeons</i>	22
5.15 Interpretation	22
5.16 Keeping poultry, pigeons or aviary birds in a residential zone.....	22
5.17 Conditions of keeping poultry	23
5.18 Roosters, geese, turkeys, peafowl and gamebirds	23
5.19 Conditions of keeping pigeons	23
5.20 Conditions for keeping aviary birds	23
5.21 Removal of nonconforming structures or enclosures	24
5.22 Restrictions on pigeon nesting or perching.....	24
5.23 Restrictions on feeding wild birds.....	24
<i>Division 5—Feedlots</i>	24
5.24 Interpretation	24
5.25 Premises to be approved	24

5.26	Compliance with direction or notice of an Authorised Officer	24
	Table 1 - Required Buffer Distances for Feedlots	24
	PART 6—PEST CONTROL	25
	<i>Division 1—Flies</i>	25
6.1	Interpretation	25
6.2	Control of flies	25
	<i>Division 2—Mosquitoes</i>	25
6.3	Interpretation	25
6.4	Measures to be taken to prevent mosquito breeding.....	25
6.5	Measures to be taken by occupier	25
6.6	Removal of undergrowth or vegetation.....	26
6.7	Filling in excavations etc.	26
6.8	Drains, channels and septic tanks	26
6.9	Drainage of land	26
	<i>Division 3—Rodents</i>	26
6.10	Interpretation.....	26
6.11	Measures to be taken to eradicate rodents	26
	<i>Division 4—Cockroaches</i>	27
6.12	Interpretation.....	27
6.13	Measures to be taken to eradicate cockroaches	27
	<i>Division 5—Argentine Ants</i>	27
6.14	Interpretation.....	27
6.15	Measures to be taken to keep premises free from Argentine ants.....	27
	<i>Division 6—European Wasps</i>	27
6.16	Interpretation.....	27
6.17	Measures to be taken to keep premises free from European wasp nest	27
	<i>Division 7—Bee Keeping</i>	27
6.18	Interpretation.....	27
6.19	Limitation on numbers of hives.....	28
6.20	Restrictions on keeping of bees in hives	28
6.21	Bees which cause a nuisance not to be kept	28
	<i>Division 8—Arthropod Vectors of Disease</i>	28
6.22	Interpretation.....	28
6.23	Responsibility of the owner or occupier	28
6.24	Local government may execute work and recover costs	29
	PART 7—INFECTIOUS DISEASES	29
	<i>Division 1—General Provisions</i>	29
7.2	Purpose of exercise of powers	29

7.3	Authorised Officer may visit, inspect and report	29
7.3	Requirements on owner or occupier to clean, disinfect and disinfect.....	29
7.4	Authorised Officer may disinfect or disinfect the premises	29
7.5	Insanitary houses, premises and things	30
7.6	Medical Officer may authorise disinfecting	30
7.7	Persons in contact with an infectious disease sufferer	30
7.8	Declaration of infected house or premises	30
7.9	Destruction of infected animals.....	30
7.10	Disposal of a body	31
7.11	Local government may carry out work and recover costs.....	31
	<i>Division 2—Disposal of Used Condoms and Needles</i>	31
7.12	Disposal of used condoms.....	31
7.13	Disposal of used needles	31
	PART 8—LODGING HOUSES	31
	<i>Division 1—Registration</i>	31
8.1	Interpretation	31
8.2	Accommodation not to be kept unless registered.....	33
8.3	Application for registration	33
8.4	Certificate of Registration of accommodation	33
8.5	Renewal of registration	33
8.6	Notification upon sale or transfer	33
8.7	Revocation of registration	33
	<i>Division 2—Construction and Use Requirements</i>	34
8.8	General construction requirements.....	34
8.9	Insect screening	34
8.10	Sanitary conveniences	34
8.11	Laundry unit.....	34
8.12	Kitchen.....	35
8.13	Cooking facilities.....	35
8.14	Dining room.....	35
8.15	Lounge room	35
8.16	Fire prevention and control	35
8.17	Obstruction of passages and stairways	36
8.18	Fitting of locks	36
8.19	Restriction on use of rooms for sleeping	36
8.20	Sleeping accommodation short term hostels and recreational campsites	37
8.21	Furnishing etc. of sleeping apartments	37
8.22	Ventilation.....	38

8.23	Numbers to be placed on doors	38
	<i>Division 3—Management and Care</i>	38
8.24	Keeper or manager to reside in the lodging house.....	38
8.25	Register of lodgers.....	38
8.26	Keeper report	38
8.27	Certificate of Sleeping Accommodation	38
8.28	Duplicate keys and inspection.....	38
8.29	Room occupancy	39
8.30	Infectious disease	39
8.31	Maintenance of a room by a lodger or resident	39
8.32	Cleaning and maintenance requirements	39
8.33	Responsibilities of lodgers and residents	40
	PART 9—OFFENSIVE TRADES	41
	<i>Division 1—General</i>	41
9.1	Interpretation	41
9.2	Consent to establish an offensive trade	41
9.3	Notice of application.....	41
9.4	Registration of premises.....	41
9.5	Certificate of Registration of Premises for Offensive Trade.....	41
9.6	Change of occupier	42
9.7	Alterations to premises	42
	<i>Division 2—General Duties of an Occupier</i>	42
9.8	Interpretation	42
9.9	Cleanliness	42
9.10	Rats and other vectors of disease	42
9.11	Sanitary conveniences and hand wash basins	42
9.12	Painting of walls etc.	43
9.13	Effluvia, vapours or gases	43
9.14	Offensive material.....	43
9.15	Storage of materials	43
9.16	Directions.....	43
	<i>Division 3—Fat Rendering Establishments</i>	43
9.17	Interpretation	43
9.18	Ventilation	43
9.19	Covering of apparatus.....	44
9.20	Rendering of walls.....	44
	<i>Division 4—Laundries, Dry Cleaning Establishments and Dye Works</i>	44
9.21	Interpretation.....	44

9.22	Receiving depot	44
9.23	Reception room	44
9.24	Walls and floors	45
9.25	Laundry floor	45
9.26	Escape of dust	45
9.27	Precautions against combustion	45
9.28	Trolleys	45
9.29	Sleeping on premises	45
	<i>Division 5—Abattoirs</i>	45
9.30	Construction	45
	<i>Division 6—Piggeries</i>	46
9.31	Interpretation	46
9.32	Premises to be approved	46
	Table 2 – Required Buffer Distance for Piggeries	46
9.34	Conditions of registration	46
9.35	Sties, enclosures or sheds	46
9.36	Slaughtering	47
9.37	Feed	47
9.38	Fencing	47
9.39	Water supply	47
9.40	Feeding troughs	47
9.41	Prevention of nuisance	48
	Table 3 – Required Buffer Distances for Intensive Piggeries	48
	PART 10—OFFENCES AND PENALTIES	48
10.2	Form of infringement notices.....	49
10.3	Other enforcement actions.....	49
10.4	Power of entry into private property	49
	PART 11—OBJECTION AND APPEAL	49
11.1	Objection and appeal rights	49
	SCHEDULE 1—OFFENSIVE TRADES	50
	SCHEDULE 2—PRESCRIBED OFFENCES	51
	51

HEALTH ACT 1911

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

HEALTH LOCAL LAW 2023

Under the powers conferred by the *Health (Miscellaneous Provisions) Act 1911*, *Local Government Act 1995* and under all powers enabling it, the Council of the Shire of Beverley resolved on *(Insert date)* to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This is the *Shire of Beverley Health Local Law 2023*.

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals the *Shire of Beverley Health Local Laws 2001* as published in the *Government Gazette* on 3 April 2001.

1.5 Interpretation

(1) In this local law, unless the context otherwise requires—

Act means the *Health (Miscellaneous Provisions) Act 1911*;

adequate means satisfactory or fit for purpose or, if there is any doubt, at the discretion of an Authorised Officer;

adequate supply of water means a flow of water of not less than 5 litres per minute.

approved means approved by the local government;

AS or AS/NZS means an Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time;

AS 3786 means Australian Standard for Smoke alarms using scattered light, transmitted light or ionization;

AS 2293.1 means Australian Standard for Emergency escape lighting and exit signs for buildings - System design, installation and operation;

AS 1530.2 means Australian Standard for Methods for fire tests on building materials, components and structures - Test for flammability of materials;

AS 1530.3 means Australian Standard for Methods for fire tests on building materials, components and structures - Simultaneous determination of ignitability, flame propagation, heat release and smoke release;

AS 4282 means Australian Standard for Control of obtrusive effects of outdoor

lighting;

Authorised Officer means a person appointed under

- (a) the provisions of the *Public Health Act 2016*; or
- (b) the *Local Government Act 1995*; and
- (c) includes officers employed or contracted by the local government as an Environmental Health Officer, Acting Environmental Health Officer, Assistant Environmental Health Officer, Community and Development Services Manager and Principal Environmental Health Officer;

bed means a piece of furniture on which to sleep;

bedding includes beds, mattresses, pillows and bed heads as well as bed linen;

bed linen includes sheets, blankets, pillowcases, quilt and doona covers and mattress covers;

Building Code means the latest edition of the Building Code of Australia published from time to time by or on behalf of the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

CEO means the Chief Executive Officer of the local government;

Chief Health Officer means a person appointed to this position under the provisions of the *Public Health Act 2016*;

district means—

- (a) the district of the local government under the *Local Government Act 1995*;
- (b) any area placed under the jurisdiction of the local government under section 22 of the Act; and
- (c) any river, or other water deemed to be within the district of the local government under section 25 of the Act;

drinking water means drinking water as defined in the *Australian Drinking Water Guidelines* developed by the National Health and Medical Research Council;

dwelling house means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

habitable room means a room used for normal domestic activities, and—

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room or the like; but
- (b) excludes a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

hot water means water at a temperature of at least 65 degrees Celsius;

local government means the Shire of Beverley;

Medical Officer means the Medical Officer appointed by the local government under the Act and includes an Acting Medical Officer so appointed;

morgue means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation;

nuisance has the meaning given to it in section 182 of the Act;

public place includes every place to which the public ordinarily have access, whether by payment of a fee or not;

sanitary convenience includes urinals, toilets, sinks, baths, wash troughs, apparatus for the treatment of sewage, or other receptacle for the deposit of faecal matter, or refuse, and all similar conveniences;

Schedule means a Schedule to this local law;

sewage means any kind of sewage, faecal matter or urine, and any waste composed wholly or in part of liquid;

sewer includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;

street includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

toilet means a toilet bowl, or urinal and includes a room or cubicle in which one or more of these are located;

townsite means the following townsites constituted under section 26(2) of the *Land Administration Act 1997*, or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*—

- (a) Beverley;
- (b) Kokeby; and
- (c) Mawson.

urinal may be—

- (a) an individual stall or wall-hung urinal;
 - (b) each 600 millimetres length of a continuous urinal trough; or
 - (c) a toilet bowl used in place of a urinal.
- (2) Where in this local law, a duty or liability is imposed on an "owner or occupier" the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.
- (3) Where under this local law an act is required to be done or is prohibited, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the prohibited act, as the case may be.

PART 2—SANITATION

2.1 Interpretation

In this Division, unless the context otherwise requires—

apparatus for the treatment of sewage has the same meaning as in section 3 of the Act;

event includes a fair, function or festival;

organiser means a person—

- (a) to whom approval has been granted by the local government to conduct the event; or
- (b) is responsible for the conduct of the event;

public sanitary convenience means a sanitary convenience to which the public ordinarily have access;

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and includes the irrigation effluent disposal area of an aerobic treatment system; and

temporary sanitary convenience means a sanitary convenience, temporarily placed for use by—

- (a) patrons in conjunction with an event; or
- (b) employees at construction sites or the like.

Division 1—Sanitary Conveniences

2.2 Dwelling house

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

- (2) A room in which a toilet is located shall have adequate electrical lighting.

2.3 Premises other than a dwelling house

- (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—
- (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
 - (b) the toilets required by this clause are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
 - (c) the premises have hand wash basins—
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
 - (iv) separate from any trough, sink or hand wash basin used in connection with any process carried out on the premises; and
 - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of the premises other than a dwelling house shall ensure that—
- (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
 - (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

2.4 Events

The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's "Guidelines for concerts, events and organised gatherings".

2.5 Temporary sanitary conveniences at temporary work sites

A person who undertakes temporary work at any place shall ensure that every temporary sanitary convenience is—

- (a) Installed and maintained in accordance with the requirements of *the Health (Temporary Sanitary Conveniences) Regulations 1997*; and
- (b) Removed within 48 hours of completion of works.

2.6 Maintenance of sanitary conveniences and fittings

- (1) The occupier of premises shall—
- (a) keep clean, in good condition and repair; and
 - (b) whenever required by an Authorised Officer, effectively disinfect and clean; all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises shall—
- (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water to; all sanitary conveniences including sanitary fittings in or on the premises.

2.7 Public sanitary conveniences

- (1) A person shall not foul, damage or vandalise or write on or otherwise deface a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
- (2) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was

intended.

2.8 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

Division 2—Bathrooms, Laundries and Kitchens

2.9 Bathrooms

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that is equipped with—
 - (a) a hand wash basin; and
 - (b) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.
- (3) The floor of the bathroom must be properly surfaced, with an even fall to a floor waste unless otherwise approved, suitably trapped and discharging to—
 - (a) the sewer of a licensed water service operator; or
 - (b) an apparatus for the treatment of sewage approved by the local government.

2.10 Laundries

- (1) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling, unless otherwise approved.
- (2) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—
 - (a) not be more than 1,220 millimetres wide; and
 - (b) have a door which when closed shall completely fill the opening.
- (3) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—
 - (a) is properly enclosed and roofed;
 - (b) is adequately lined with an impervious material;
 - (c) has a floor of concrete or other approved impervious material of an approved thickness;
 - (d) is properly surfaced, with an even fall to a floor waste unless otherwise approved, suitably trapped and discharging to—
 - (i) the sewer of a licensed water service operator; or
 - (ii) an on-site wastewater disposal system of a type approved as approved by the local government; and
 - (e) is provided with adequate ventilation.
- (4) The laundry referred to in subclause (1) must conform to the provisions of the Building Code and the *Health Act (Laundries and Bathrooms) Regulations*.
- (5) In the case of a single occupancy dwelling, the laundry referred to in subclause (1) shall have—
 - (a) either—
 - (i) two wash troughs;
 - (ii) a washing machine and either a wash trough or a sink; and
 - (b) clothes drying facility, comprising either a mechanical clothes dryer or not less than 20 metres of clothesline erected externally.
- (6) All wash troughs, sinks and washing machines shall be—
 - (a) in a laundry and connected to an adequate supply of hot and cold water;
 - (b) installed to manufacturer's specifications; and

- (c) all wash troughs shall have a capacity of at least 36 litres.
- (7) Sole or multiple occupancy units, each being a separate dwelling, shall have—
 - (a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or
 - (b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

2.11 Washing or keeping of clothes in kitchens

A person shall not in any kitchen or other place where food is kept—

- (a) wash or permit to be washed any clothing or bed linen; or
- (b) keep or permit to be kept any soiled clothing or bed linen.

2.12 Kitchens

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen which complies with the requirements of the Building Code and which is equipped with—
 - (a) a cooking facility which is adequate in the opinion of an Authorised Officer; and
 - (b) a sink which is adequate in the opinion of an Authorised Officer and which has an adequate supply of hot and cold water.
- (2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall—
 - (a) be installed in accordance with the requirements of the Department of Mines, Industry Regulation and Safety, and the manufacturer's specifications; and
 - (b) not be installed or used in any room other than a kitchen.
- (4) Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—
 - (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
- (5) In this clause, a **cooking facility** includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (6)

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Dwelling Houses

3.1 Dwelling house maintenance

The owner or occupier of a dwelling house and any appurtenant buildings shall maintain the dwelling house and appurtenant buildings in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Authorised Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;

- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all floors even in surface and free from cracks;
- (h) maintain all ceilings, internal wall finishes, skirting boards, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (i) maintain all doors and windows in good working order and weatherproof condition;
- (j) retain all-natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (k) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Water Services Act 2012*, the Plumbing Code of Australia and relevant associated standards, and any other legal requirements to which they are subject;
- (l) maintain all electric wiring, gas services and fittings to comply with the requirements of all relevant public authorities; and
- (m) maintain all ventilators in good order and repair.

3.2 Guttering and downpipes

The owner or occupier of a dwelling house which has guttering and downpipes shall—

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and
- (b) not permit any rainwater from the premises to discharge from the guttering onto or over a footpath, street or other property.

Division 2—Ventilation of Houses

3.3 Exemption for short term hostels and recreational campsites

This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

3.4 Overcrowding

The owner or occupier of a house shall not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes;
- (b) a habitable room in the house to be used for sleeping purposes unless—
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
 - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- (c) any garage, shed or area under a veranda or patio to be used for sleeping purposes.

3.5 Calculated sufficient space

For the purpose of clause 3.4, in calculating the space required for each person—

- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
- (b) deduction shall be made for the space occupied by furniture, beds, equipment, fittings and projections of the walls into a room.

Division 3—Water Supply

3.6 Water supply

- (1) The owner of every house shall provide a continuous supply of drinking water, reticulated for use and obtained from—
 - (a) a licensed water service operator; or
 - (b) an underground bore; or
 - (c) a rainwater storage system with a minimum capacity of 120,000 litres.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.
- (3) The water supply to toilets or for garden use may be from an alternative source that is not necessarily, drinking water but must comply with the requirements of relevant legislation, codes of practice or guidelines where applicable.

3.7 Rainwater tanks

The owner or occupier of a house for which the water supply is drawn from a rainwater tank shall ensure that it is managed and maintained so as to meet the relevant standards in the *Australian Drinking Water Guidelines* developed by the National Health and Medical Research Council and in particular—

- (a) maintain in a clean condition—
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of inspecting, cleaning, repairing or maintaining the tank;
- (c) if the tank water is breeding mosquitoes, eliminate the point of entry and treat with a small quantity of liquid paraffin at a rate of not more than 5 millilitres per square metre of surface area so as to form a thin even film over the whole surface or otherwise as advised by an Authorised Officer;
- (d) inspect the rainwater tank and associated components at least every 6 months including gutters, catchment roof, tank inlet, debris traps, mosquito cowls, inside of the tank, tank roof and connecting pipework and remove any accumulated debris, leaf material or other contaminants evident and repair any damaged components;
- (e) at least once every two years, inspect the bottom and walls of the tank for accumulated sediments, sludge and slime and where necessary thoroughly clean any tank which contains water used for human consumption;
- (f) when directed by an Authorised Officer, empty, clean and disinfect any tank upon the premises which contains water used for human consumption; and
- (g) dispose of any organic material and water from cleaning and desludging operations around the garden or yard ensuring that it is retained on site and does not cause a health nuisance.

3.8 Pollution

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

PART 4—LIQUID REFUSE AND LIQUID WASTE**4.1 Interpretation**

In this Division, unless the context otherwise requires—

apparatus for the treatment of sewage has the same meaning as in section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

liquid refuse includes all washing from the commercial cleaning of vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges;

liquid waste means wastewater or any other liquid waste from domestic, industrial or commercial activities, other than effluent; and includes bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage;

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

4.2 Deposit of liquid refuse

- (1) A person shall not deposit or cause or permit to be deposited liquid refuse—
 - (a) on a street;
 - (b) in a storm water disposal system; or
 - (c) on any land or place other than a place or depot duly authorised for that purpose.
- (2) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.
- (3) Subclause (2) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an Authorised Officer.

4.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall—
 - (a) provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods—
 - (a) discharging it into the sewage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage approved by the Chief Health Officer or the local government; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation

In this Division, unless the context otherwise requires—

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

fertiliser includes manure;

liquid waste means waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser, solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor; and

public vehicle includes bus, tram, taxi or any other public transport.

5.2 **Escape of smoke etc.**

- (1) An owner or occupier of premises shall take reasonable measures to prevent the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.
- (2) A person shall not on any land of an area 0.4 hectares or less, set fire to rubbish, refuse or other materials on sites zoned Residential R2, R2.5, R5 and Rural Residential, property unless—
 - (a) written approval has first been obtained from the local government;
 - (b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;
 - (c) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
 - (d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and
 - (e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.
- (3) Subclause (2) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.
- (4) Subclause (2) is subject to any fire danger rating as determined by the Bureau of Meteorology.

5.3 **Public vehicles to be kept clean**

The owner or person in control of a public vehicle shall take reasonable measures to maintain the vehicle at all times—

- (a) in a clean condition;
- (b) free from vectors of disease; and
- (c) whenever directed to do so by an Authorised Officer, thoroughly clean and disinfect the vehicle.

5.4 **Prohibition against spitting**

A person shall not spit on a footpath, street or within or on, any public place, building or facility accessible to the public which is within the local government's jurisdiction.

5.5 **Dust management**

- (1) If an owner or occupier of land intends to undertake any work involving the

- clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause, the owner or occupier shall—
- (a) submit to an Authorised Officer a Dust Management Plan in accordance with "A guideline for managing the impacts of dust and associated contaminants from land development sites, remediation and other related activities (2011)" as produced by the Department of Water and Environmental Regulation, and amended from time to time; and
 - (b) obtain written approval of the Dust Management Plan from an Authorised Officer before commencement of any work.
- (2) An owner and or occupier of land must take effective measures to—
- (a) stabilise dust on the land;
 - (b) contain all liquid waste on the land;
 - (c) ensure no dust or liquid waste is released or escapes from the land whether by means of wind, water or any other cause; and
 - (d) notify the owners or occupiers of adjoining land in writing 48 hours prior to the commencement of any activity that has the potential to cause the release or escape from the land of dust or liquid waste giving details of;
 - (i) the nature of the activity;
 - (ii) the proposed commencement time, frequency, duration time and location of the activity; and
 - (iii) the name of the person responsible for carrying out the activity and how and where that person may be contacted.
- (3) The local government may serve on the owner and or occupier a notice requiring the owner or occupier to undertake one or more of the following—
- (a) comply with subclause (2)(a) or (2)(b);
 - (b) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - (d) take effective measures to stop any further release or escape of dust or liquid waste.
- (4) The local government may serve on the owner and or occupier a notice requiring the owner or occupier to undertake one or more of the following—
- (a) comply with subclause (2)(a) or (2)(b);
 - (b) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - (d) take effective measures to stop any further release or escape of dust or liquid waste.
- (5) The local government may serve on the owner and or occupier a notice requiring the owner or occupier to undertake one or more of the following—
- (a) comply with subclause (2)(a) or (2)(b);
 - (b) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - (d) take effective measures to stop any further release or escape of dust or liquid waste.
- (6) The requirements set out in a notice issued under subclause (3) must be complied with—
- (a) within 48 hours of service of the notice where no other time is specified;
 - (b) within such other period as is specified in the notice; or
 - (c) immediately, if the notice so specifies.

- (7) Where the local government forms the opinion that dust or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government may serve a notice on the owner and or occupier of the land and or the operator of the equipment, as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice.
- (8) Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

5.6 Emission or reflection of light

- (1) Where artificial light is emitted or reflected from anything on a lot so as to contravene the requirements of Australian Standard AS 4282, then every owner and occupier of the lot commits an offence.
- (2) Where natural light is reflected from anything on a lot so as to create or be a nuisance to any—
 - (a) owner or occupier of land; or
 - (b) person using a thoroughfare as a thoroughfare, then every owner and occupier of the lot commits an offence.
- (3) All lighting installations as defined within the Australian Standard AS 4282 must be maintained in good working order and repair at all times.
- (4) An owner and or occupier of a lot on which floodlights, lighting installations or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto an adjoining lot.
 The local government may give a notice to the owner and or occupier of a lot—
 - (a) requiring that any reflective surfaces creating a nuisance within clause 5.6(1) be painted or otherwise treated so as to abate the nuisance; and
 - (b) on which floodlights, lighting installations or other exterior lights are erected, requiring -
 - (i) the hours of use of the lighting to be limited to the hours specified in the notice; or
 - (ii) the direction in which the lights are shining to be altered as specified in the notice.

5.7 Use or storage of fertiliser

- An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any—
- (a) pig manure;
 - (b) human faeces; or
 - (c) urine.

Division 2—Keeping of Animals

5.8 Cleanliness

- An owner or occupier of premises where an animal or bird is kept shall—
- (a) keep the premises free from excrement, filth, food waste and all other matters that is likely to become offensive or injurious to health or to attract rodents or other vermin and vectors of disease.
 - (b) when so directed by an Authorised Officer, clean and disinfect the premises; and
 - (c) keep the premises, so far as possible, free from flies or other vermin and vectors of disease by spraying with a residual insecticide or other effective

means.

5.9 Animal enclosures

- (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by an Authorised Officer, pave, grade and drain floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.
- (3) The owner or occupier of premises where an animal is kept must ensure that each animal is kept in a suitable enclosure that effectively prevents it from escaping.
- (4) The owner or person in charge of livestock shall not permit livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

5.10 Disposal of dead animals

- (1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (2) An owner, or a person having the care of any animal that dies or is killed in a public or private place, shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (3) The requirements of subclauses (1) and (2) shall not apply to farmers, pastoralists and the like who dispose of carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.
- (4) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

Division 3—Keeping of Large Animals

5.11 Interpretation

In this Division, unless the context otherwise requires—

large animal includes an alpaca, cow, horse, sheep, goat, deer, camel, llama, emu, ostrich, kangaroo, pig or other large animal;

cow includes an ox, calf or bull;

horse includes an ass, mule, donkey or pony; and

natural shelter means a mature tree or belt of trees.

5.12 Keeping of large animals and provisions of stables

- (1) An owner or occupier of premises shall not keep a large animal within a townsite or on a property zoned residential with a density code of R2, R2.5 R5 under a local planning scheme and/or 0.5 hectares or less, without approval of the local government.
- (2) An owner or occupier of premises who keeps a large animal shall provide adequate natural shelter if approved by the local government or a stable which shall comply with the requirements of the Building Code, and which—
 - (a) is not situated within 15 metres of a house;
 - (b) has exclusive space for each animal of 0.2 hectares;
 - (c) is constructed of weatherproof materials and of a design which provides adequate protection from the elements;
 - (d) provides adequate natural ventilation;
 - (e) prevents the animal from escaping; and
 - (f) subject to subclauses (6) and (8), has a floor, which—
 - (i) is constructed of a material approved by an Authorised Officer; and
 - (ii) has a fall which effectively drains liquid wastes into a trapped gully situated outside the stable and discharged in a manner approved by an Authorised Officer.
- (3) An application for approval to keep an approved animal shall include the following information—
 - (a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the animal is to be kept and the distance of that location from any residential building on another lot, or commercial premises;
 - (b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing to be provided for the animal; and
 - (c) a detailed written plan for the management of manure which addresses—
 - (i) control of flies and other vermin;
 - (ii) disease prevention; and
 - (iii) prevention of nuisance odours.
- (4) The local government may vary the conditions of approval after it has been issued, and shall give notice of such variation to the owner or occupier within 14 days of such variation.
- (5) The local government may cancel its approval in the event that the owner or occupier—
 - (a) fails to comply with any condition of the approval; or
 - (b) breaches this clause.
- (6) The owner or occupier of premises on which a stable is located shall—
 - (a) maintain the stable in a clean and hygienic condition at all times;
 - (b) keep all parts of the stable so far as possible free from flies, vermin or other vectors of disease; by spraying with an approved residual insecticide or other effective means; and
 - (c) comply with the relevant requirements of the *Biosecurity and Agriculture*

Management Act 2007 and the Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019 (as amended from time to time by the Department of Primary Industries and Regional Development).

- (7) The owner or occupier of a stable shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.
- (8) The owner or occupier of premises that contains a stable is to ensure a stable shall—
- (a) have a proper separate stall for each horse or cow; and
 - (i) with walls measuring not less than 3 metres, both horizontally and vertically, unless it has a sand floor provided in accordance with subclause (8)(f); and
 - (ii) with a floor area of not less than 11 square metres, unless it has a sand floor provided in accordance with subclause (8)(f);
 - (b) have each wall and roof constructed of an approved impervious material;
 - (c) have a roof that covers the entire floor area of the stall;
 - (d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;
 - (e) subject to subclause (8)(f), have a floor, the upper surface of which shall—
 - (i) be at least 75 millimetres above the surface of the ground;
 - (ii) be constructed of cement, concrete or other similar impervious materials; and
 - (iii) have a fall ratio of 1:100 to a drain, which shall empty, into a trapped gully situated outside the stable and shall discharge in a manner approved by the local government; or
 - (f) have a sand floor, if permitted by the local government, subject to the following—
 - (i) the site must be well drained with the highest known water table at least 0.6 metres below the sand floor level, which may be achieved artificially;
 - (ii) a 300 millimetres thick bed of aggregate approved by an Authorised Officer shall be laid under the sand of the stable;
 - (iii) sand, whether natural or imported, must be clean, coarse and free from dust;
 - (iv) footings to each stable shall be a minimum of 450 millimetres below ground level;
 - (v) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;
 - (vi) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally; and
 - (vii) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.
 - (g) Where an owner had lawful authority to keep an approved animal on their premises prior to this local law coming into operation, they are not required to obtain approval under this clause; however they will not substitute or replace any approved animal once that animal—
 - (i) dies; or
 - (ii) is permanently removed from the premises.

5.13 Proximity of large animals to a dwelling house

An owner or occupier of premises shall not permit a large animal to approach within 15 metres of a dwelling house.

5.14 Manure receptacles

An owner or occupier of premises on which a stable is constructed shall—

- (a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily cleanable and provided with a tight-fitting hinged cover, and with no part of the floor lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it coming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle or comply with such other arrangements as approved by an Authorised Officer.

*Division 4—Keeping of Poultry and Pigeons***5.15 Interpretation**

- (1) In this Division, unless the context otherwise requires—
aviary bird means any bird, other than poultry or pigeons, kept or usually kept in an aviary or cage;
poultry includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls; and
pigeons are birds that are classified within the family Columbidae and includes doves.
- (2) This Division applies to the keeping of poultry on residential properties for domestic purposes and not to commercial poultry establishments such as broiler, breeder or egg producing farms.
- (3) Commercial poultry establishments mentioned in subclause (2) are to manage operations in accordance with the *Environmental Code of Practice for Poultry Farms in Western Australia 2004* produced by the Western Australian Broilers Growers Association and Poultry Farmers Association of Western Australia, in conjunction with state and local authorities to control environmental and health nuisances.

5.16 Keeping poultry, pigeons or aviary birds in a residential zone

- (1) An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and 12 pigeons on any one lot of land, unless approved by an Authorised Officer.
- (2) An owner or occupier of premises within a townsite shall not keep more than 24 aviary birds on any one lot of land, unless otherwise approved by an Authorised Officer.
- (3) An Authorised Officer may issue a written notice to the owner or occupier of land, whether in a townsite or not, where poultry, pigeons or aviary birds are kept for the number of poultry, pigeons or aviary birds to be reduced to ensure that a health nuisance does not exist.
- (4) An Authorised Officer may increase the number of poultry, pigeons or aviary birds kept on any one lot of land if satisfied that a health nuisance does not exist.
- (5) An owner or occupier shall not keep pigeons, poultry or aviary birds so as to create a nuisance.

- (6) An Authorised Officer may apply relevant conditions, or require a reduction of the approved number of poultry, pigeons, or aviary birds on any premises within the district, or alternatively prohibit the keeping of poultry, pigeons, or aviary birds on a particular premises, if the conditions of this Division are not complied with or if unreasonable noise or a nuisance is being caused.
- (7) An owner or occupier shall comply with a direction of an Authorised Officer under this clause.
- (8) Subclause (4) does not apply to premises used for veterinary purposes or as a pet shop.

5.17 Conditions of keeping poultry

- (1) A person who keeps poultry or permits poultry to be kept shall ensure that—
 - (a) all poultry is kept in a properly constructed and securely fastened structure or enclosure; and
 - (b) no poultry is able to approach within 6 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, an Authorised Officer has approved a lesser distance.
- (2) A person who keeps poultry or permits poultry to be kept shall ensure no poultry is able to encroach within 9 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared manufactured or sold.

5.18 Roosters, geese, turkeys, peafowl and gamebirds

- (1) Except in the rural zone, rural residential zone and on lots zoned residential with a density code of R2, R2.5 and R5 under a local planning scheme, an owner or occupier of premises shall not keep or permit to be kept on those premises, any one or more of the following birds without the written approval of the local government—
 - (a) a rooster;
 - (b) a goose or gander;
 - (c) a turkey;
 - (d) a peacock or peahen; and
 - (e) a gamebird (includes emus and ostriches).
- (2) An Authorised Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of birds under this clause.
- (3) An Authorised Officer may rescind approval for the keeping of birds under this clause if they cause a nuisance.

5.19 Conditions of keeping pigeons

- A person who keeps, or permits to be kept, pigeons shall ensure that—
- (a) except where homing pigeons are freed for exercise, the pigeons are kept in a properly constructed pigeon loft that is in a yard having an otherwise unobstructed area of at least 30 square metres;
 - (b) none is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and
 - (c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of a dwelling, public building, premises where people are employed or where food is stored, prepared, manufactured or sold.

5.20 Conditions for keeping aviary birds

A person who keeps, or permits to be kept, aviary birds on any premises, shall ensure that the aviary or cage in which the birds are kept is located at least 1

metre from any lot boundary and at least 9 metres from a dwelling house on any other lot.

5.21 **Removal of nonconforming structures or enclosures**

If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of clauses 5.17 or 5.19, as applicable, an Authorised Officer may direct the owner or occupier to amend it or remove it.

5.22 **Restrictions on pigeon nesting or perching**

An Authorised Officer may order an owner or occupier of a house or other structure in or on which pigeons are, or are in the habit of, nesting or perching so as to create a health nuisance to take adequate steps to prevent them continuing to do so.

5.23 **Restrictions on feeding wild birds**

- (1) A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird—
 - (a) so as to cause a nuisance or be injurious or dangerous to health; or
 - (b) with a food or substance that is not a natural food of a bird.
- (2) Where an Authorised Officer forms the opinion that a person has not complied with subclause (1) the Authorised Officer may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Division 5—Feedlots

5.24 **Interpretation**

In this Division, unless the context otherwise requires—

feedlot means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;

animal includes cattle, sheep, goats, deer and the like;

birds includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.

5.25 **Premises to be approved**

- (1) No premises shall be used as a feedlot unless approved by the local government.
- (2) Subject to subsection (3) no premises shall be approved by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1 (below).
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.
- (4) Notwithstanding subclause (1), cattle feedlots with more than 500 animals are to be licensed under Schedule 1 (Category 1) of the *Environmental Protection Regulations 1987*.

5.26 **Compliance with direction or notice of an Authorised Officer**

The owner or occupier of a feedlot shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

Table 1 - Required Buffer Distances for Feedlots

Feedlots & facilities catering for	Townsite boundaries	Isolated rural dwellings, dairies & industries	Public roads and recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses / rural water impoundment	Bores/wells/soaks, drinking water supply	Stock irrigation supply
>5000 animals or birds	5000m	1000m	200m	50m	Not permitted	300m	300m	100m
500-5000 animals or birds	3500m	1000m	150m	50m	Not permitted	300m	300m	100m
50-500 animals or birds	2000m	1000m	100m	50m	Not permitted	300m	300m	100m
<50 animals or birds	1000m	1000m	50m	50m	Not permitted	200m	300m	100m
Land used to dispose of raw or partly treated wastes	1000m	1000m	100m	300m	Not permitted	300m	300m	300m
Land used to dispose of effectively treated waste	200m	1000m	20m	20m	Not permitted	100m	100m	100m

PART 6—PEST CONTROL

Division 1—Flies

6.1 Interpretation

In this Division, unless the context otherwise requires,

flies means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

6.2 Control of flies

Owners and occupiers of any land within the district that is breeding flies, or that is likely to breed flies, are to comply with the requirements of the *Fly Eradication Regulations*.

Division 2—Mosquitoes

6.3 Interpretation

In this Division, unless the context otherwise requires

mosquitoes means any of the two-winged insects constituting the family *Diptera Clicidae* commonly known as mosquitoes.

6.4 Measures to be taken to prevent mosquito breeding

An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—

- (a) follow any direction or notice of an Authorised Officer for the purpose of—
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication of mosquitoes; and
 - (iii) effectively preventing the breeding of mosquitoes; and
- (b) assist an Authorised Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

6.5 Measures to be taken by occupier

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime. Where it appears to the Authorised Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the Authorised Officer may direct the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.6 Removal of undergrowth or vegetation

Where it appears to an Authorised Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the officer may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.7 Filling in excavations etc.

A person who undertakes any activity on any land which creates an excavation likely to hold water and cause mosquito breeding shall as soon as practicable following the completion of the activity, and taking into consideration the purpose of the excavation, ensure that the excavation is filled in with clean material and made level with the surrounding surface or alternatively treated with an approved pesticide to control mosquito breeding.

6.8 Drains, channels and septic tanks

An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
 - (i) apply an approved larvicide according to the direction on the container, into the septic tank system, whenever directed to do so by an Authorised Officer; and controlling the prevalence of mosquitoes; and
 - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

6.9 Drainage of land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall—

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land; and
- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
 - (i) the water on the land may flow into the drains without obstruction;
 - (ii) no water shall remain on any portion of the land other than the drains; and
 - (iii) keep all drains in good order and free from obstruction.

Division 3—Rodents

6.10 Interpretation

In this Division **rodents** means those animals belonging to the order *Rodentia* and includes rats and mice but does not include native rodents, laboratory bred rats and mice or animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pet animals of that kind.

6.11 Measures to be taken to eradicate rodents

- (1) If there are indications of the presence of rodents in, on or about premises, and while the indications continue, the owner or occupier of the premises shall take effective measures to keep the premises free from rodents including—
 - (a) protecting food stuffs;
 - (b) using a rodenticide bait or a properly baited trap; and
 - (c) preventing rodents having access to water on the premises.
- (2) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Authorised Officer, is necessary to prevent the presence of rodents in or on the premises.

Division 4—Cockroaches

6.12 Interpretation

This this Division **cockroach** means any of the various orthopterous insects commonly known as cockroaches.

6.13 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action is necessary to prevent or deter the presence of cockroaches in or about the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Authorised Officer.

Division 5—Argentine Ants

6.14 Interpretation

In this Division **Argentine ant** means an ant belonging to the species *Linepithema humile* (formerly *Irdomyrmex humi/is*).

6.15 Measures to be taken to keep premises free from Argentine ants

An owner or occupier of premises shall comply with the requirements of an Authorised Officer if an infestation of Argentine ants is found on their premises.

Division 6—European Wasps

6.16 Interpretation

In this Division **European wasp** means a wasp belonging to the species *Vespa/a germanica*.

6.17 Measures to be taken to keep premises free from European wasp nest

An owner or occupier of premises shall ensure that the premises are kept free from European wasp nests and shall—

- (a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European wasp nest;
- (b) follow any direction of an Authorised Officer for the purpose of destroying the wasps and their nest; and
- (c) assist an Authorised Officer, of his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7—Bee Keeping

6.18 Interpretation

In this Division, unless the context otherwise requires—

bee means an insect belonging to any of the various *hymenopterous* insects of the super family *Apoidea* and commonly known as bee; and

hive means a moveable or fixed structure, container or object in which a colony of bees is kept.

6.19 Limitation on numbers of hives

- (1) A person shall not keep or permit the keeping of bees in more than 2 beehives on any land anywhere within the district unless approval to do so has been given by an Authorised Officer.
- (2) An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.
- (3) A person shall comply with any conditions imposed by an Authorised Officer under subclause (2).

6.20 Restrictions on keeping of bees in hives

A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- (a) an adequate and permanent supply of water in a receptacle is provided on the lot within 3 metres of the beehive;
- (b) no more than 2 hives are kept on land of less than 2,000 square metres in area unless otherwise approved;
- (c) the hive is kept—
 - (i) outside, and at least 10 metres from, a dwelling house on any other lot or building other than a fence;
 - (ii) at least 10 metres from any footpath, street, private street or public place; and
 - (iii) at least 5 metres from the boundary of the lot;
- (d) the hive is enclosed on all sides by a fence, wall or other enclosure to encourage bees to fly at a height over the property boundary; and
- (e) the person is registered as a beekeeper if required by the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

6.21 Bees which cause a nuisance not to be kept

- (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.

Division 8—Arthropod Vectors of Disease

6.22 Interpretation

In this Division **arthropod vectors of disease** includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularious*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*); and
- (e) head lice (*Pediculus humanus var. capitis*).

6.23 Responsibility of the owner or occupier

The owner or occupier of the premises shall—

- (a) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- (b) comply with the direction of an Authorised Officer to treat the premises, or

anything on the premises, for the purpose of destroying any vectors of disease.

6.24 Local government may execute work and recover costs

- (1) Where—
 - (a) a person is required under this Part or directed by a notice given under this Part to execute any work; and
 - (b) that person fails or neglects to comply with the requirement, the local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.
- (2) The costs and expenses incurred by the local government in the execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from that person.
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

7.2 Purpose of exercise of powers

The powers under this Part are to be exercised for the purpose of preventing or controlling the spread of an infectious disease.

7.3 Authorised Officer may visit, inspect and report

An Authorised Officer may visit and inspect any house, its occupants, fixtures and fittings, outbuildings, yards, drains and sewers connected with any house where an infectious disease has been identified or where an infectious disease is suspected in order to check or prevent the spread of any infectious disease.

7.3 Requirements on owner or occupier to clean, disinfect and disinfest

An Authorised Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—

- (a) the premises; or
- (b) such things in or on the premises as are specified in the notice; or both, to the satisfaction of an Authorised Officer.

7.4 Authorised Officer may disinfect or disinfest the premises

- (1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an Authorised Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier of premises shall permit, and provide access to enable, an Authorised Officer, other local government officer or other person to carry out the direction given under subclause (1).
- (3) The local government may recover the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.

- (4) The local government is not liable to pay compensation or damages of any kind to the owner or occupier of the premises in relation to any action taken by the local government or any of its staff under this clause, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty.

7.5 Insanitary houses, premises and things

- (1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
- (2) Where the local government considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to remove or repair the house as specified in Section 135 of the *Health (Miscellaneous Provisions) Act 1911*.
- (3) Where an Authorised Officer considers that—
- (a) a house or premises is not being maintained in a sanitary condition; or
 - (b) anything is insanitary, the officer may, by notice in writing, direct, as the case may be—
 - (i) the owner or occupier of the house or premises to amend any insanitary condition; or
 - (ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice.
- (4) A person who is given notice under subclauses (2) or (3) shall comply with the terms of the notice.

7.6 Medical Officer may authorise disinfecting

Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Medical Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

7.7 Persons in contact with an infectious disease sufferer

If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

- (a) shall obey such instructions or directions as the local government or the Medical Officer may issue; and
- (b) may be removed, at the direction of the local government or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the Medical Officer directs otherwise.

7.8 Declaration of infected house or premises

- (1) To prevent or check the spread of infectious disease, the local government or the Medical Officer may from time to time declare any house or premises to be infected.
- (2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or an Authorised Officer.

7.9 Destruction of infected animals

An Authorised Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice of writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

- (a) in the manner and within the time specified in the notice; and
- (b) by the person in whose possession, or upon whose premises, the animal is located.

7.10 Disposal of a body

- (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.
- (2) A body shall not be removed from the premises where death occurred except to a cemetery or a morgue.

7.11 Local government may carry out work and recover costs

- (1) Where—
 - (a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
 - (b) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered from the person referred to in subclause (1).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2—Disposal of Used Condoms and Needles

7.12 Disposal of used condoms

- (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—
 - (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
 - (b) disposed of in such a manner as may be directed by an Authorised Officer.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

7.13 Disposal of used needles

A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak proof container and deposited in a refuse receptacle.

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation

In this Division, unless the context otherwise requires—

accommodation means one or more buildings used for boarding purposes referred to in this Part;

bed means a sleeping berth consisting of—

(a) a single berth; or

(b) a double berth provided for the use of couples, which shall have the same floor space requirements as two single beds;

bunk means a sleeping berth comprising one of two beds arranged vertically;

dormitory means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

keeper means a person whose name appears on the register of keepers, in respect of accommodation, as the keeper of that accommodation;

laundry unit means a facility consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) either an electric drying cabinet or not less than 30 metres of clothesline;
- (c) one wash trough of not less than 45 litres capacity, connected to both hot and cold water; and
- (d) A hot water system that—
 - (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine and wash trough provided with the communal facilities; and
 - (ii) has a delivery rate of not less than 5 litres per minute for each washing machine or a higher delivery rate according to the manufacturer's specifications;

lodger means a person who obtains, for hire or reward, board or lodging in accommodation;

lodging house includes a recreational campsite, a serviced apartment and a short term hostel and has the same meaning as defined in Section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

manager means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, accommodation;

manufacturer's specifications means a data sheet describing the technical characteristics of a product which is published by a manufacturer to help consumers use the product;

recreational campsite means a lodging house—

- (a) situated on a campsite principally used for—
 - (i) recreational, sporting, religious, ethnic or educational pursuits, or
 - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

register of lodgers means the register kept in accordance with this Part;

register of keepers means a register by the local government in which is registered the names and residences of the keepers of all accommodation within its district and the situation of every such accommodation and the number of persons authorised by the local government to be resident therein;

resident means a person, other than a lodger, who resides in accommodation;

serviced apartment means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

short term hostel means a lodging house where the period of occupancy of any

lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels;

sleeping apartment means a room used for lodgers to sleep in; and

vector of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice and head lice.

8.2 Accommodation not to be kept unless registered

A person shall not keep or cause, suffer or permit to be kept accommodation unless—

- (a) the accommodation is constructed in accordance with the requirements of this Part;
- (b) the accommodation is registered by the local government under clause 8.4; and
- (c) the name of the person keeping the accommodation is entered in the register of keepers.

8.3 Application for registration

An application for registration of accommodation shall be—

- (a) in the form as determined by the local government from time to time;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the fee as fixed from time to time by the local government under Sections 6.16 to 6.19 of the *Local Government Act 1995*; and
 - (ii) detailed plans and specifications of the accommodation.

8.4 Certificate of Registration of accommodation

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a Certificate of Registration of accommodation in a form as determined by the local government from time to time.

8.5 Renewal of registration

A person who keeps accommodation which is registered under this Part shall—

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the accommodation; and
- (b) pay the fee as fixed from time to time by the local government under Sections 6.16 to 6.19 of the *Local Government Act 1995* at the time of making each application for renewal.

8.6 Notification upon sale or transfer

If the owner of accommodation house sells or transfers or agrees to sell or transfer the accommodation to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the CEO, in a form as determined by the local government from time to time, written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

8.7 Revocation of registration

- (1) Subject to subclause (3), the local government may, at any time, revoke the registration of accommodation for any reason which, in the opinion of the local government, justifies the revocation.
- (2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds—
 - (a) that the accommodation has not, to the satisfaction of an Authorised Officer, been kept free from vectors of disease or in a clean, wholesome

- and sanitary condition;
- (b) that the keeper has—
 - (i) been convicted of an offence against these local laws in respect of the lodging house; or
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
 - (c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
 - (d) that, by reason of alterations or additions or neglect to repair or renovate, the condition of the accommodation is such as to render it, in the opinion of an Authorised Officer, unfit to remain registered.
- (3) Before revoking the registration of accommodation under this clause, the local government shall give notice to the keeper requiring him/her/them, within a time specified in the notice, to show cause why the registration should not be revoked.
 - (4) Whenever the local government revokes the registration of accommodation, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.
 - (5) The keeper shall not be entitled to any proportionate refund of an annual fee paid to the local government during the year in which the local government has revoked the registration of accommodation.

Division 2—Construction and Use Requirements

8.8 General construction requirements

The general construction requirements of accommodation shall comply with the Building Code.

8.9 Insect screening

The keeper shall provide and maintain in good working order and condition on the premises windows and external doors that are screened with mesh having openings no larger than 1.2 millimetres.

8.10 Sanitary conveniences

- (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—
 - (a) toilets; and
 - (b) bathrooms, each fitted with a shower or bath (or both) and hand wash basin, in accordance with the requirements of the Building Code.
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subclause (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom in a lodging house shall—
 - (a) be so situated, separated and screened so as to ensure privacy; and
 - (b) be provided with adequate electric lighting.

8.11 Laundry unit

- (1) A keeper of a lodging house shall subject to subclause (2)—
 - (a) provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry unit in a proper sanitary condition and in

- good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
 - (d) ensure that the floor area of each laundry unit is properly surfaced with an even fall to a floor waste.
- (2) An Authorised Officer may approve the provision of a reduced number of laundry facilities if suitable equipment of a commercial type is installed.

8.12 Kitchen

The keeper of a lodging house shall provide in that lodging house a kitchen which complies with the relevant requirements of the *Food Act 2008, Food Regulations 2009* and Standards 3.1.1, 3.2.2, and 3.2.3 of the Food Standards Code as determined by an Authorised Officer.

8.13 Cooking facilities

The keeper of accommodation where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an Authorised Officer.

8.14 Dining room

The keeper of a lodging house shall provide in that lodging house a dining room located in close proximity to, or combined with, the kitchen—

- (a) the floor area of which shall be not less than the greater of—
 - (i) 0.5 square metres per person; or
 - (ii) 10 square metres; and
- (b) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.15 Lounge room

The keeper of a lodging house shall provide in that lodging house a lounge room—

- (a) with a floor area of—
 - (i) where the lounge is not combined with the dining room - not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room - not less than 1.2 square metres per person;

but in either case having a minimum of 13 square metres; and

- (iii) which shall be adequately furnished to accommodate, at any one time, half the number of lodgers and provided with a suitable floor covering.

8.16 Fire prevention and control

- (1) A keeper shall—
 - (a) ensure smoke alarms complying with AS3786 are installed on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building as required by the Building Code;
 - (b) ensure that there is installed in each passage or corridor in the lodging house a smoke alarm incorporating evacuation lighting which is activated by the smoke alarm as required by the Building Code;
 - (c) provide evacuation lighting if required by the Building Code to be kept separate from the general lighting system and kept illuminated during the hours of darkness;

- (d) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (e) ensure if required by the Building Code that illuminated exit signs are installed above exit doorways which comply with AS 2293.1 and which are maintained in good working order at all times; and
 - (f) provide firefighting equipment in accordance with the requirements of the Building Code and ensure that the equipment is clearly visible, accessible and maintained in good working order at all times.
- (2) No person shall smoke in any dormitory, kitchen or dining room or other enclosed public place within a lodging house.
- (3) A keeper shall ensure that any items which are likely to cause a fire hazard are not located within bedrooms or dormitories of a lodging house.
- (4) The keeper of a lodging house which is a recreational campsite or short term hostel, but not a serviced apartment, shall ensure that materials used in bedrooms and dormitory area comply with AS 1530.2 and AS 1530.3 as updated from time to time.

8.17 Obstruction of passages and stairways

A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on—

- (a) a stairway, stair landing, fire escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use, in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

8.18 Fitting of locks

A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device that prevents the door being opened from within a lodging house.

8.19 Restriction on use of rooms for sleeping

- (1) Subject to subclause (3), a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—
- (a) which contains food;
 - (b) which contains or is fitted with a cooking appliance or kitchen sink;
 - (c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
 - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
 - (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5 square metres of clear space for each lodger occupying the room;
 - (f) which is not naturally illuminated in accordance with the requirements of the Building Code;
 - (g) which is not ventilated in accordance with the requirements of the Building Code;
 - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Authorised Officer.
- (2) For the purposes of this clause, two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subclause (1) shall not apply to a serviced

apartment.

8.20 Sleeping accommodation short term hostels and recreational campsites

- (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—
 - (a) 4 square metres per person in each dormitory utilising beds; or
 - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide—
 - (a) fixed outlet ventilation at a ratio of 0.15 square metre to each 10 square metres of floor area of the dormitories;
 - (b) each dormitory with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or
 - (c) mechanical ventilation in lieu of fixed ventilation.
- (6) The keeper of any short term hostel or recreational campsite shall provide—
 - (a) beds with a minimum size of-
 - (i) in short term hostels - 800 millimetres x 1.9 metres;
 - (ii) in recreational campsites - 750 millimetres x 1.85 metres; and
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short term hostel or recreational campsite shall—
 - (a) ensure at all times there is a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
 - (b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and the passageway is kept clear of obstruction at all times; and
 - (c) ensure all doors, windows and ventilators are kept free from obstruction.

8.21 Furnishing etc. of sleeping apartments

A keeper of a lodging house shall, unless otherwise approved by the local government—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;
- (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow;
 - (ii) is provided with a pillowcase, two sheets, a blanket or rug and, in cold weather, not less than one additional blanket or rug; and
 - (iii) has a mattress protector fitted;
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room; and
- (d) not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term

hostel or recreational campsite.

8.22 Ventilation

If, in the opinion of an Authorised Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

8.23 Numbers to be placed on doors

- (1) A keeper shall number each room available to a lodger in a lodging house or provide an alternative means of identification approved by an Authorised Officer.
- (2) The numbering system or alternative means of room identification is to be legible and easily identified.

Division 3—Management and Care

8.24 Keeper or manager to reside in the lodging house

Whenever there are one or more lodgers in a lodging house, a keeper or manager shall—

- (a) reside continuously in the lodging house; and
- (b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

8.25 Register of lodgers

- (1) A keeper shall keep a register of lodgers in a form as determined by the local government from time to time.
- (2) The register of lodgers shall be—
 - (a) kept in the accommodation; and
 - (b) available for inspection at any time on demand by any member of the Police Service or by an Authorised Officer.

8.26 Keeper report

A keeper shall, whenever required by the local government, provide, in a form as determined by the local government from time to time, the name of each lodger who lodges in the accommodation during the preceding day or night.

8.27 Certificate of Sleeping Accommodation

- (1) An Authorised Officer may issue to a keeper a Certificate of Sleeping Accommodation, in respect of each room, which shall be in a form as determined by the local government from time to time, or, for lodging houses with more than 20 sleeping apartments, a Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments, which shall be in a form as determined by the local government from time to time.
- (2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (3) When required by an Authorised Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.
- (4) A person shall not allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

8.28 Duplicate keys and inspection

Each keeper and manager of accommodation shall—

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an Authorised Officer, open the door of any room for the purpose of inspection by the Authorised Officer.

8.29 Room occupancy

- (1) A keeper shall not—
 - (a) allow more than the maximum number of persons permitted by the Certificate of Registration of accommodation to be lodged at any one time in the accommodation;
 - (b) allow to be placed or kept in any sleeping apartments—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bed linen than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) allow to be used for sleeping purposes, a room that—
 - (i) has not been certified for that purpose; and
 - (ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this clause, two children under 10 years of age shall be counted as one lodger.

8.30 Infectious disease

A keeper shall immediately after becoming aware that a lodger or resident is suffering from a notifiable infectious disease notify an Authorised Officer.

8.31 Maintenance of a room by a lodger or resident

- (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.
- (2) Where permission is given or a contract entered into under subclause (1), the keeper shall—
 - (a) inspect each room that is subject of the permission or agreement at least once a week; and
 - (b) ensure that each room is being maintained in a clean condition.
- (3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him/her/them, shall maintain the room in a clean condition.

8.32 Cleaning and maintenance requirements

A keeper of accommodation shall—

- (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilets, including toilet seats, cisterns and associated plumbing; and
- (b) maintain in a clean and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) all windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet have a smooth, impervious washable surface;
- (d) ensure that all floors are kept clean at all times;
- (e) ensure that—
 - (i) all bed linen, towels, and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

- (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
- (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
- (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
- (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
- (f) when so directed by an Authorised Officer, ensure that—
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed, or other article of furniture that is infested is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an Authorised Officer.

8.33 Responsibilities of lodgers and residents

A lodger or resident shall not—

- (a) use any room available to lodgers—
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware or culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
 - (i) wash or permit the washing of clothing or bed linen; or
 - (ii) keep or permit to be kept any soiled clothing or bed linen;
- (h) subject to clause 8.19—
 - (i) keep, store, prepare or cook food;
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, bed linen or furniture, that is infested with vermin or vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

PART 9—OFFENSIVE TRADES

Division 1—General

9.1 Interpretation

In this Division, unless the context otherwise requires—

Certificate of Registration of Premises for Offensive Trade means a certificate issued under clause 9.5 in a form as determined by the local government from time to time;

occupier in relation to premises includes the person registered as the occupier of the premises in a form as determined by the local government from time to time;

offensive trade means any of the trades listed in Schedule 1; and

premises includes houses.

9.2 Consent to establish an offensive trade

(1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall—

(a) advertise notice of his/her/their intention to apply for consent in accordance with clause 9.3; and

(b) lodge with the CEO an application in a form as determined by the local government from time to time.

(2) A person who makes a false statement in an application under this clause shall be guilty of an offence.

9.3 Notice of application

A notice required under subclause 9.2 (1) (a) shall—

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) be published in accordance with regulation 3A (2) (c) of the *Local Government (Administration) Regulations 1996* at least two weeks but not more than one month before the application under clause 9.2 (1) (b) is lodged with the CEO.

9.4 Registration of premises

An application for the registration of premises pursuant to section 191 of the Act shall be—

(a) in a form as determined by the local government from time to time;

(b) accompanied by—

(i) the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time; and

(ii) a comprehensive management plan; and

(c) lodged with the CEO.

9.5 Certificate of Registration of Premises for Offensive Trade

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a Certificate of Registration of Premises for Offensive Trade in a form as determined by the local government from time to time.

9.6 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the CEO in writing of such change.

9.7 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration to the premises other than minor repairs, installations or interior refurbishment.

*Division 2—General Duties of an Occupier***9.8 Interpretation**

In this Division, unless the context otherwise requires—

occupier means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

premises means those premises in or upon which an offensive trade is carried on.

9.9 Cleanliness

The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) keep in a clean and tidy condition all yards, footpaths, passageways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.10 Rats and other vectors of disease

The occupier shall—

- (a) ensure that the premises are kept free from vermin, rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises effective means and methods for the eradication and prevention of vermin, rodents, cockroaches, flies and other vectors of disease.

9.11 Sanitary conveniences and hand wash basins

The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and hand wash basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

9.12 Painting of walls etc.

The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Authorised Officer.

9.13 Effluvia, vapours or gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his or her business or from any material, residue or other substance which may be kept or stored upon the premises.

9.14 Offensive material

The occupier shall—

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day or other interval as may be directed by an Authorised Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

9.15 Storage of materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by inhalation or otherwise and so as to prevent the creation of a nuisance.

9.16 Directions

An Authorised Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

Division 3—Fat Rendering Establishments

9.17 Interpretation

In this Division, unless the context otherwise requires—

fat rendering establishments means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

occupier means the occupier of any premises on which the trade of fat rendering is carried on.

9.18 Ventilation

The occupier shall provide and maintain—

- (a) a hood which shall—
 - (i) be of an approved design and construction;
 - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - (iii) extend a minimum of 150 millimetres beyond the length of each appliance; and

- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.19 Covering of apparatus

External parts of the fat rendering apparatus shall be constructed or covered with smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.20 Rendering of walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 4—Laundries, Dry Cleaning Establishments and Dye Works

9.21 Interpretation

In this Division, unless the context otherwise requires—

dry cleaning establishment—

- (a) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (b) does not include premises in which perchlorethylene or arklone is used as dry-cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

dye works means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste therefrom into a public sewer;

exempt laundromat means a premises in which—

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

laundromat means a public place with coin or card operated washing machines, spin dryers or dry-cleaning machines; and

laundry means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.22 Receiving depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the local government, which may at any time by written notice withdraw such permission.

9.23 Reception room

- (1) The occupier of a laundry, dry cleaning establishment or dye works shall—
 - (a) provide a reception room in which all articles brought to the premises for

treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

- (b) cause such articles as may be directed by an Authorised Officer to be thoroughly disinfected.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this clause.

9.24 Walls and floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;
- (b) the floor to be impervious, constructed of concrete or other material approved by an Authorised Officer and finished to a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall and be deposited on it.

9.25 Laundry floor

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, with a width of at least 910 millimetres, so constructed as to prevent any person from standing in water on the floor.

9.26 Escape of dust

The occupier of a dry-cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.27 Precautions against combustion

The occupier of a dry-cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Authorised Officer for that purpose.

9.28 Trolleys

The occupier of a dry-cleaning establishment shall—

- (a) provide trolleys for the use of transporting dirty and clean linen; and
- (b) ensure that each trolley is—
 - (i) clearly designated to indicate the use for which it is intended;
 - (ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and
 - (iii) thoroughly cleaned and disinfected on a regular basis.

9.29 Sleeping on premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 5—Abattoirs

9.30 Construction

An abattoir shall conform to relevant Standards as adopted under the *Food Act 2008* section 144 (6) and the requirements of Part 5 of the *Food Regulations 2009*.

Division 6—Piggeries

9.31 Interpretation

In this Division, unless the context otherwise requires—

intensive piggery means pigs are housed, fed and watered in breeding and growing pens in sheds;

piggery means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened, and shall include any portion of the premises to which pigs have access.

9.32 Premises to be approved

- (1) No premises shall be used as a piggery unless approved by the local government.
- (2) Subject to subsection (3), no premises shall be approved by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3.
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

Table 2 – Required Buffer Distance for Piggeries

Description	Distance
Townsite boundaries	5000m
Isolated rural dwellings, dairies and industries	1000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

9.33 Limitations to registration

Unless otherwise approved, no premises shall be registered as a piggery unless it has been granted approval under the Local Planning Scheme.

9.34 Conditions of registration

Any person intending to establish a piggery within the district shall ensure an application made in a form as determined by the local government from time to time, is accompanied by plans and specifications in duplicate of the proposed piggery including—

- (a) details of the approximate number of pigs to be kept;
- (b) details of the drainage and effluent disposal system to be installed; and
- (c) details of the method by which cleanliness of the piggery shall be maintained.

9.35 Sties, enclosures or sheds

- (1) The occupier of every piggery shall provide either—

- (a) sties and enclosures;
 - (b) enclosures; or
 - (c) sheds; within which pigs shall be kept.
- (2) Where sties and enclosures are provided—
- (a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
 - (i) be constructed of similar materials;
 - (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;
 - (iii) extend the whole length of the sty; and
 - (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage; and
 - (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than 3 times the area of the sty or group of sties to which it is appurtenant.
- (3) Where enclosures only are provided, then—
- (a) the fences of such enclosures shall be movable; and
 - (b) the fences shall be moved and re-erected to enclose a new site whenever—
 - (i) the ground within a site is becoming offensive; or
 - (ii) the occupier is directed to do so by an Authorised Officer.
- (4) Where one or more sheds are provided, then—
- (a) the floor of every shed shall comply with subclause 2(a);
 - (b) they shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease; and
 - (c) they shall be effectively drained and effluent waste removed so as to prevent a nuisance occurring.

9.36 Slaughtering

The occupier of any piggery shall not permit any slaughtering of animals on the premises.

9.37 Feed

The occupier of any piggery shall—

- (a) not receive, or allow to be received on such premises, any carcass or part of a carcass of a diseased animal;
- (b) not feed the pigs upon the flesh or offal of diseased animals;
- (c) not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
- (d) not receive or suffer or permit to be received on the premises, any kitchen, slaughterhouse or butcher's wastes or other putrescible pig feed.

9.38 Fencing

Every piggery occupier shall securely fence all the enclosures.

9.39 Water supply

Every piggery occupier shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

9.40 Feeding troughs

- (1) Every such occupier shall—

- (a) where sties and enclosures are provided under the provisions of clause 9.35(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
 - (b) where enclosures are provided under the provisions of clause 9.35(3), provide feeding troughs in every such enclosure;
 - (c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement or concrete floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and
 - (d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.
- (2) Notwithstanding the provisions of subclause (1), where pigs are kept continually confined in fully enclosed pens, floor feeding with pellets or dry meal shall be permitted, in which case feeding troughs are not required to be provided.

9.41 Prevention of nuisance

In order to prevent dust, offensive fumes and effluent becoming a nuisance to the health of the inhabitants of the district, an intensive piggery shall comply with the minimum separation distances in Table 3.

Table 3 – Required Buffer Distances for Intensive Piggeries

Feedlots & facilities catering for	Townsite boundaries	Isolated rural dwellings, dairies & industries	Public roads and recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses / rural water impoundment	Bores/wells/soaks, drinking water supply	Stock irrigation supply
>5000 pigs	5000m	1000m	200m	50m	Not permitted	300m	300m	100m
500-5000 pigs	3500m	1000m	150m	50m	Not permitted	300m	300m	100m
50-500 pigs	2000m	1000m	100m	50m	Not permitted	300m	300m	100m
<50 pigs	1000m	1000m	50m	50m	Not permitted	200m	300m	100m
Land used to dispose of raw or partly treated wastes	1000m	1000m	100m	300m	Not permitted	300m	300m	300m
Land used to dispose of effectively treated waste	200m	1000m	20m	20m	Not permitted	100m	100m	100m

PART 10—OFFENCES AND PENALTIES

10.1 Offences and penalties

- (1) A person who—
 - (a) fails to do anything required or directed to be done under this local law; or
 - (b) fails to comply with the requirements of a notice issued under this local law by an Authorised Officer; or
 - (c) does anything which under this local law that person is prohibited from doing; commits an offence.
- (2) A person who commits an offence under subclause (1) is liable to—
 - (a) a penalty which is not more than \$5,000 and not less than—
 - (i) in the case of a first such offence, \$500; and

- (ii) in the case of a second such offence, \$1000; and
 - (iii) in the case of a third or subsequent such offence, \$2,500 and
 - (b) if the offence is a continuing offence, a daily penalty which is not more than \$500 and not less than \$250.
- (3) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (4) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

10.2 Form of infringement notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *Local Government Act 1995* is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (2) The form of the infringement notice referred to in section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (3) The form of the infringement withdrawal given under section 9.20 of the *Local Government Act 1995* is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

10.3 Other enforcement actions

- (1) In addition to a penalty imposed under clause 10.1, any expense incurred by the local government in consequence of a breach or non-observance of this local law, in the execution of work directed to be executed by any person and not executed by him/her/them, must be paid by the person committing the breach for failing to execute the work.
- (2) On a breach, or successive breaches, by a licensee or a person registered under this local law, the local government may suspend or cancel the licence or registration as the case may be.

10.4 Power of entry into private property

This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

PART 11—OBJECTION AND APPEAL

11.1 Objection and appeal rights

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, renew, vary or cancel an approval.

SCHEDULE 1—OFFENSIVE TRADES

Health Local Law 2023

[Clause 9.1]

Offensive trades are any of the trades, businesses or occupations usually carried on, in or connected with the undermentioned works or establishments—

- Abattoirs or slaughter houses;
- Bone mills or bone manure depots;
- Bones, hides, hoofs or skins storing, drying, or preserving establishments;
- Cleaning establishments, dye works;
- Fat rendering establishments;
- Fellmongeries, tanneries;
- Flock factories;
- Gut scraping, preparation of sausage skins;
- Knackeries;
- Laundromats, dry cleaning establishments;
- Livestock saleyards;
- Manure works;
- Piggeries;
- Poultry processing establishments;
- Poultry farming employing caged poultry housing;
- Tripe-boiling establishments; and
- Works for boiling down meat, bones, blood, or offal.
-



SCHEDULE 2—PRESCRIBED OFFENCES

Health Local Law 2023

[Clause 10.1]

Item No.	Clause No.	Description	Modified Penalty\$
1.	4.2	Deposited or allowed to be deposited liquid refuse from land	\$250
2.	4.3	Released or allowed the escape of liquid waste from land	\$250
3.	5.2	Permitted the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	\$200
4.	5.5(1)	Commenced works involving clearing of land without an approved Dust Management Plan	\$250
5.	5.6(2)	Emitted light so as to create or cause a nuisance	\$250
6.	5.6(4)	Erected or used lighting installations other than in accordance with this local law	\$250
7.	5.8(a)	Failed to keep premises free from matter likely to be offensive or injurious to health or attracts vermin or insects	\$250
8.	5.8(b)	Failed to keep premises clean and disinfected when directed by an Authorised Officer	\$500
9.	5.8(c)	Failed to keep premises free of flies, or when directed by an Authorised Officer, spray premises with means to kill or repel flies	\$500
10.	5.9(1)	Failed to keep enclosures effectively drained	\$200
11.	5.9(3)	Failed to keep property fenced in a manner capable of confining livestock	\$200
12.	5.9(4)	Permitted livestock to stray, or be at large in a street, public place or private property without consent	\$200
13.	5.12(1)	Kept an approved animal without approval	\$200
14.	5.12(6)	Failed to maintain stable	\$200
15.	5.16(1)	Failed to comply with limitations on number of birds	\$200
16.	5.16(4)	Kept birds so as to create a nuisance	\$200
17.	5.17	Kept, or permitted to be kept, any poultry, not in accordance with conditions of this local law	\$200
18.	5.18(1)	Kept, or suffered to remain in a townsite or lot of 2 hectares or less, a rooster, turkey, goose or geese, gamebird or peafowl	\$200
19.	5.22	Failed to prevent pigeons nesting or perching	\$200
20.	5.23(1)(a)	Fed a wild bird so as to create or cause a nuisance	\$200
21.	5.23(1)(b)	Fed a wild bird a food/substance that is not a natural food	\$200
22.	6.19(1)	Kept bees without approval	\$200
23.	6.19(3)	Failed to comply with a condition of approval to keep bees	\$200
24.	6.21(1)	Created a nuisance from keeping of bees or beehives	\$200
25.	6.21(2)	Failed to comply with a notice to remove bees or beehives for contravention of local law	\$200

26.	10.1(l) (b)	Failed to comply with notice	\$500
27.		All other offences not specified	\$100

Dated this (Insert Date)

The Common Seal of the Shire of Beverley was affixed by authority of a resolution of the Council in the presence of—

Shire President

Chief Executive Officer

12.4 Proposed Shire of Beverley Animal, Nuisance and Environmental Local Law 2023

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	Administrative
File Reference:	ADM 0135
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	-
Disclosure(s) Of Interest:	None
Attachments:	Animal, Nuisance and Environmental Local Law 2023

SUMMARY

The proposed new *Shire of Beverley Animals, Nuisance and Environment Local Law 2023*, as attached is submitted for Council's consideration and approval for local public advertising for a minimum of 42 days (6 weeks).

If Council agrees, the draft local law can be advertised for public comment; the results must then be returned to Council for consideration before the local law can be made.

BACKGROUND

The Shire has undertaken workshops to support this review of existing local laws and establishment of new local laws. This is achieved by establishing provisions, controls and enforcement actions that protect and enhance community, residents, business and visitors use of land, dwellings, animals, nuisances and public domain activities.

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws using the process set out in section 3.12 of the Act.

Section 3.16(1) of the *Local Government Act 1995* requires a local government to review a local law within a period of eight years from the day when it commenced.

COMMENT

The proposed local Law is recommended to establish standards and provisions relating animals care and numbers, pest management, site management, litter control and prevention of dust, noise and liquid waste, and establishing penalties.

The Shires local law takes a contemporary approach, similar to that taken by a number of other local governments.

The Shire's local law has been prepared having due regard for

- operational requirements of the Shire
- compliance and consistency with legislative requirements

STATUTORY ENVIRONMENT

Local Government Act 1995 - section 3.12 - Procedure for making local laws.

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.
- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.
- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the Shire will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

CONSULTATION

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws subject to the conditions outlined in Part 3, Division 2, Subdivision 1 and following the procedure outlined in section 3.12(3) of the Act.

Amongst other things this requires a local government to

- give state-wide and local public notice stating that it proposes to make a local law, for a period of 6 weeks after it first appears.
- Summarise the purpose and effect in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the *Shire of Beverley Animals, Nuisance and Environment Local Law 2023*, is:

Purpose	The purpose is to protect the environment, public health, safety and amenity within the district including the management of animal care and numbers, pests and vermin control.
Effect	The effect of this local law is to <ul style="list-style-type: none"> • Eliminate or reduce of threats to the environment and public health, safety and amenity. • Regulate keeping of animals (other than dogs and cats) in terms of types, number, how and where they can be kept; • Prescribe the minimum standards for keeping all animals; • Prescribe requirements for owners and occupiers of land to manage activities to prevent nuisance including vermin control, refuse control, dust prevention, light and odour emissions

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

FINANCIAL IMPLICATIONS

Costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

RISK IMPLICATIONS

Shire of Beverley Council has an obligation to ensure the protocols and procedures for animals, managing pests and dust, noise and other amenity impacts to support public health and safety.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M12/1123

Moved Cr Martin

Seconded Cr Maxwell

That Council;

- 1. Gives state-wide and local public notice, pursuant to Section 3.12 (2) and (3) of the Local Government Act 1995, that it proposes to make the *Shire of Beverley Animals, Nuisance and Environmental Local Law 2023***
 - a. For a period of not less than 6-weeks timeframe;**
 - b. By providing copies of the proposed local law for inspection at the Shire offices; and**
 - c. inviting submissions.**
- 2. Notes the Presiding Member gives notice to the meeting of the purpose and effect of the *Shire of Beverley Animals, Nuisance and Environment Local Law 2023* as follows:**

Purpose	The purpose is to protect the environment, public health, safety and amenity within the district including the management of animal care and numbers, pests and vermin control.
Effect	The effect of this local law is to <ul style="list-style-type: none">• Eliminate or reduce of threats to the environment and public health, safety and amenity• Regulate keeping of animals (other than dogs and cats) in terms of types, number, how and where they can be kept;• Prescribe the minimum standards for keeping all animals;• Prescribe requirements for owners and occupiers of land to manage activities to prevent nuisance including vermin control, refuse control, dust prevention, light and odour emissions

- 3. Provides copies of the local law, in accordance with s3.12(3) of the Act, as soon as the notice is given, to the Minister for Local Government, and any other person requesting.**

CARRIED BY ABSOLUTE MAJORITY 6/0

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

ANIMALS, NUISANCE AND ENVIRONMENT LOCAL LAW 2023**TABLE OF CONTENTS**

PART 1—PRELIMINARY	3
1.1 Citation	3
1.2 Commencement.....	3
1.3 Application.....	3
1.4 Interpretation	3
PART 2—KEEPING ANIMALS.....	5
<i>Division 1—General.....</i>	<i>5</i>
2.1 Cleanliness	5
<i>Division 2—Keeping Large Animals</i>	<i>6</i>
2.2 Large animals.....	6
<i>Division 3—Keeping Poultry, Pigeons and Aviary Birds</i>	<i>6</i>
2.3 Keeping poultry, pigeons or aviary birds in a residential zone	6
2.4 Conditions for keeping poultry	6
2.5 Rooser, geese, turkeys, peafowl and gamebirds.....	7
2.6 Conditions for keeping pigeons	7
2.7 Conditions for keeping aviary birds	7
2.8 Exemptions	7
PART 3—PEST AND BEE MANAGEMENT.....	8
<i>Division 1—General.....</i>	<i>8</i>
3.1 Premises to be kept free of mosquito breeding matter.....	8
3.2 Measures to be taken to eradicate rodents	9
<i>Division 2—Bee Keeping</i>	<i>9</i>
3.3 Conditions for keeping bees	9
3.4 Bees which cause a nuisance not to be kept	9
PART 4—BUILDING, DEVELOPMENT AND LAND CARE.....	10
<i>Division 1—Litter and Refuse on Building Sites.....</i>	<i>10</i>
4.1 Interpretation.....	10
4.2 Control of refuse	10

Division 2—Prevention of Dust and Liquid Waste 10

 4.3 Prohibited activities 10

Division 3—Stormwater and Wastewater Disposal..... 11

 4.4 Containment of stormwater..... 11

PART 5—ENFORCEMENT 11

Division 1—Infringement Notices 11

 5.1 Form of infringement notices 11

Division 2—Undertaking of Work Required by Notice 11

 5.2 When local government may undertake work required by notice..... 11

PART 6—OFFENCES, PENALTIES AND FEES..... 11

Division 1—General..... 11

 6.1 Offences 11

 6.2 Prescribed offences 12

 6.3 Fees..... 12

PART 7—OBJECTION AND APPEAL..... 12

 7.1 Objection and appeal rights 12

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

ANIMALS, NUISANCE AND ENVIRONMENT LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Beverley resolved on (Insert DATE) to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This is the *Shire of Beverley Animals, Nuisance and Environment Local Law 2023*.

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Interpretation

(1) In this local law, unless the context otherwise requires—

approved means approved by the local government;

Authorised Officer means a person appointed under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an Authorised Officer under this local law;

aviary bird means any bird, other than poultry or pigeons, kept or usually kept in an aviary or cage;

bee means an insect belonging to any of the various *hymenopterous* insects of the super family *Apoidea* and commonly known as bee;

beehive means a movable or fixed structure, container or object which contains a bee nest containing an independent colony of bees and in which bees are kept;

beekeeper has the meaning in regulation 3 of the *Biosecurity and Agriculture Management Regulations 2013*;

Building Code means the latest edition of the Building Code of Australia published by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

building permit means a permit granted under section 20 of the *Building Act 2011*;

building site means a lot for which a building permit is current, but does not include a lot on which there exists a commercial, industrial or residential building and the current building permit is issued in respect only of a pergola, patio, shed or other Class 10 building as classified by the Building Code;

CEO means the Chief Executive Officer of the local government;

cow includes an ox, calf or bull;

density code means a number equal to the number of dwellings per hectare of land, as described in State Planning Policy 7.3 Residential Design Codes (volume 1), that is applied to land under a local planning scheme;

development has the meaning in the *Planning and Development Act 2005*;

development site means—

- (a) a lot or lots for which there is a current development or subdivision approval; and
- (b) a lot or lots on which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place, whether or not the works are subject to a development or subdivision approval;

district means the district of the local government;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

dwelling house means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

food business has the meaning in the *Food Act 2008*;

hive means a moveable or fixed structure, container or object in which a colony of bees is kept;

horse includes an ass, mule, donkey or pony;

land includes a building or structure on the land;

large animal includes an alpaca, cow, horse, sheep, goat, deer, camel, llama, emu, ostrich, kangaroo, pig or other large animal;

liquid waste means waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

local government means the Shire of Beverley;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

lot has the meaning in the *Planning and Development Act 2005*;

mosquitoes means any of the two-winged insects constituting the family Diptera Culicidae commonly known as mosquitoes.

(2) **nuisance** means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (c) interference which causes material damage to land or other property on the land affected by the interference; or
- (d) an activity or condition which is deemed a nuisance in the opinion of an Authorised Officer under the provisions of the Act;

occupier has the meaning in the *Local Government Act 1995*, but does not include the local government;

owner has the meaning in the *Local Government Act 1995*;

pigeon means birds that are classified within the family Columbidae and includes doves;

poultry includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowl;

refuse includes bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter whatsoever, whether of the same type as or a different type from, those mentioned here;

refuse bin(s) means a container for holding or facilitating the removal of refuse;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

residential zone means an area zoned “Residential” under a local planning scheme;

rural zone means an area zoned “Rural” under a local planning scheme;

rural residential zone means an area zoned “Rural Residential” under a local planning scheme;

Schedule means a schedule to this local law;

stormwater, in relation to a site, means naturally occurring water that results from rainfall on or around the site, or water flowing onto the site;

street means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and path;

subdivision approval means a subdivision approval under the *Planning and Development Act 2005*;

townsite means the following townsites constituted under section 26(2) of the *Land Administration Act 1997*, or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*—

- (a) Beverley;
- (b) Kokeby; and
- (c) Mawson.

- (3) A term that is used in this local law and is not defined in subclause (1) has the meaning in the *Local Government Act 1995*.
- (4) Where in this local law, a duty or liability is imposed on an “owner or occupier” the duty or liability is taken to be imposed jointly and severally on each of the owner or occupier.
- (5) Where under this local law in relation to any premises an act is required to be done or is prohibited, the owner or occupier of the premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the prohibited act, as the case may be.
- (6) This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any powers of entry exercised by this local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the *Local Government Act 1995*.

PART 2—KEEPING ANIMALS

Division 1—General

2.1 Cleanliness

The owner or occupier of premises where an animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rodents or other vermin and vectors of disease;
- (b) when so directed by an Authorised Officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vermin and vectors of disease by spraying with a residual insecticide or other effective means.

Division 2—Keeping Large Animals

2.2 Large animals

- (1) A person shall not keep a large animal on any land unless the land—
 - (a) is in a rural zone or rural residential zone and the animal is kept in accordance with the provisions of any local planning scheme applicable to that zone; or
 - (b) is zoned residential with a density code of R2, R2.5 R5 under a local planning scheme and the animal is kept in accordance with the provisions of any local planning scheme applicable to that zone.
- (2) An owner or occupier of premises shall not permit a large animal to approach or remain within 15 metres of a dwelling house.

Division 3—Keeping Poultry, Pigeons and Aviary Birds

2.3 Keeping poultry, pigeons or aviary birds in a residential zone

- (1) An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and 12 pigeons on any one lot of land, unless approved by an Authorised Officer.
- (2) An owner or occupier of premises within a townsite shall not keep more than 24 aviary birds on any one lot of land, unless otherwise approved by an Authorised Officer.
- (3) An Authorised Officer may issue a written notice to the owner or occupier of land, whether in a townsite or not, where poultry, pigeons or aviary birds are kept for the number of poultry, pigeons or aviary birds to be reduced to ensure that a health nuisance does not exist.
- (4) An Authorised Officer may increase the number of poultry, pigeons or aviary birds kept on any one lot of land if satisfied that a health nuisance does not exist.
- (5) An owner or occupier shall not keep pigeons, poultry or aviary birds so as to create a nuisance.
- (6) An Authorised Officer may apply relevant conditions, or require a reduction of the approved number of poultry, pigeons, or aviary birds on any premises within the district, or alternatively prohibit the keeping of poultry, pigeons, or aviary birds on a particular premises, if the conditions of this Division are not complied with or if unreasonable noise or a nuisance is being caused.
- (7) An owner or occupier shall comply with a direction of an Authorised Officer under this clause.
- (8) Subclause (a & b) does not apply to premises used for veterinary purposes or as a pet shop.

2.4 Conditions for keeping poultry

- (1) A person who keeps poultry or permits poultry to be kept shall ensure that:-
 - (a) All poultry is kept in a properly constructed and securely fastened structure or enclosure; and
 - (b) No poultry is able to approach within 6 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, an Authorised Officer has approved a lesser distance.
- (2) A person who keeps poultry or permits poultry to be kept shall ensure no poultry is able to encroach within 9 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared manufactured or sold.

2.5 Rooster, geese, turkeys, peafowl and gamebirds

- (1) Except in the rural zone, rural residential zone and on lots zoned residential with a density code of R2, R2.5 and R5 under a local planning scheme, an owner or occupier of premises shall not keep or permit to be kept on the premises, any one or more of the following birds without the written approval of the local government
 - 2.5.1 a rooster;
 - 2.5.2 a goose or gander;
 - 2.5.3 a turkey;
 - 2.5.4 a peacock or peahen; and
 - 2.5.5 a gamebird (includes emu and ostriches).
- (2) An Authorised Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of birds under this clause.
- (3) An Authorised Officer may rescind approval for the keeping of birds under this clause if they cause a nuisance.

2.6 Conditions for keeping pigeons

A person who keeps, or permits, pigeons to be kept shall ensure that—

- (a) Except where homing pigeons are freed for exercise, the pigeons are kept in a properly constructed pigeon loft that is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (b) None is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (c) No opening to a pigeon loft, including openings for ventilation, is within 9 metres of a dwelling, public building, premises where people are employed or where food is stored, prepared, manufactured or sold.

2.7 Conditions for keeping aviary birds

A person who keeps, or permits to be kept, aviary birds on any premises, shall ensure that the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 9 metres from a dwelling house on any other lot.

2.8 Exemptions

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from any of the requirements of clauses 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7.
- (2) An application for an exemption shall be accompanied by any relevant fees determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The application for an exemption shall include—
 - (a) a statement outlining the reasons why an exemption is sought;
 - (b) the number of birds proposed to be kept;
 - (c) a site plan showing lot size, location of enclosure, and the distance of the enclosure from any boundaries and buildings on adjoining lots; and
 - (d) proof of membership of a poultry or pigeon club (if applicable).
- (4) The CEO or Authorised Officer may give notice of the application to any owner or occupier of adjoining properties who, in the opinion of the CEO or Authorised Officer, are likely to be affected by the granting of the exemption, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to

the person.

- (5) In considering an application for exemption under this clause, the CEO or Authorised Officer is to have regard to the following matters to the extent that, in the opinion of the CEO or Authorised Officer, those matters are relevant to the application—
- (a) any likely adverse impact of the proposed exemption on the environment or amenity of the neighbourhood;
 - (b) any likely adverse impact of the proposed exemption on any owners or occupier of adjoining premises;
 - (c) any social or educational benefits which may be derived by any person in the district if the application for an exemption is approved;
 - (d) the structural suitability of any enclosure in which any animal is to be kept;
 - (e) any written submissions received within the time specified in subclause (4) on the proposal;
 - (f) whether or not the imposition of and compliance with appropriate conditions of an exemption will mitigate any adverse effects of the approved exemption identified in the preceding paragraphs; and
 - (g) any other matter that the CEO or Authorised Officer considers to be relevant in the circumstances of the application.
- (6) The CEO or an Authorised Officer may, in respect of an application for an exemption—
- (a) grant the exemption, unconditionally or subject to any conditions that the CEO or Authorised Officer considers appropriate; or
 - (b) refuse the application.
- (7) An exemption granted under this clause is to specify—
- (a) the owner or occupier to whom the exemption applies;
 - (b) the premises to which the exemption applies;
 - (c) the maximum number of animals or birds which may be kept on the premises; and
 - (d) any terms and conditions under which the animals or birds shall be kept.
- (8) If an exemption is granted subject to conditions, the holder of the exemption shall comply with those conditions.
- (9) If an application for exemption is refused, the CEO or an Authorised Officer shall give written notice of its decision to the applicant.
- (10) The CEO or an Authorised Officer may, at any time, cancel an exemption granted under this clause if—
- (a) the holder of the exemption has not complied with a condition of the exemption;
 - (b) the holder of the exemption has not complied with a provision of any written law which relates to the exemption; or
 - (c) a law is amended or repealed in a manner which is inconsistent with the terms and conditions of the exemption and which renders the exemption invalid, ineffective or contrary to law.
- (11) If the CEO or an Authorised Officer cancels an exemption, the exemption holder shall be given written notice of the decision and the date of effect of the cancellation.

PART 3—PEST AND BEE MANAGEMENT

Division 1—General

3.1 Premises to be kept free of mosquito breeding matter

An owner or occupier of premises shall keep the premises free of water that is, or is liable to become, the breeding place of mosquitoes as outlined in the provisions of the *Shire of*

Beverley Health Local Law 2023.

3.2 Measures to be taken to eradicate rodents

- (1) If there are indications of the presence of rodents in, on or about premises, and while the indications continue, the owner or occupier of the premises shall take effective measures to keep the premises free from rodents including—
 - (a) protecting food stuffs;
 - (b) using a rodenticide bait or a properly baited trap; and
 - (c) preventing rodents having access to water on the premises.
- (2) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Authorised Officer, is necessary to prevent the presence of rodents in or on the premises.

Division 2—Bee Keeping

3.3 Conditions for keeping bees

- (1) A person shall not keep or permit the keeping of bees in more than 2 beehives on any land anywhere in the district unless approval to do so has been given by an Authorised Officer.
- (2) An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.
- (3) A person shall comply with any conditions imposed by an Authorised Officer under subclause (2).
- (4) If the local government grants the application, it is to issue to the approved person an approval in the form determined by the CEO.
- (5) If the local government refuses to grant the application, it shall advise the applicant in writing of its decision.
- (6) Notwithstanding subclauses (1) and (2), a person shall not keep, or permit to be kept, bees in beehives on any lot unless at all times—
 - (a) an adequate and permanent supply of water in a receptacle is provided on the lot within 3 metres of the beehive;
 - (b) no more than 2 hives are kept on land of less than 2,000 square metres unless otherwise approved;
 - (c) the beehive is kept not closer than 10 metres from a footpath, street or public place and not closer than 5 metres from the boundary of the lot;
 - (d) the beehive is kept not closer than 10 metres from, a dwelling house on any other lot; and
 - (e) the person is registered as a beekeeper if required by the *Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

3.4 Bees which cause a nuisance not to be kept

- (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.

PART 4—BUILDING, DEVELOPMENT AND LAND CARE

Division 1—Litter and Refuse on Building Sites

4.1 Interpretation

In this Division, unless the context otherwise requires—

occupier, in respect of a building or development site, includes a person who is in control of all or part of the site, or who is authorised by the owner, lessee, licensee or other person empowered to exercise control in relation to the site to perform any work in relation to the site and, for the avoidance of doubt, includes a builder or contractor.

4.2 Control of refuse

- (1) The owner or occupier of a building or development site shall at all times provide and maintain available for use on the site adequate refuse bins, to the satisfaction of an Authorised Officer, of such design as will contain any refuse likely to be produced on the site.
- (2) From the time of commencement of works on a building site until the time of completion of the works, the owner or occupier of the site must—
 - (a) ensure all refuse on the site is placed and contained in a bin and prevented from being blown from the site by wind;
 - (b) keep the site as free as is reasonably practicable from any refuse;
 - (c) maintain the street verge, and any other reserve, immediately adjacent to the site free of refuse from the site, unless otherwise approved by the local government; and
 - (d) ensure the refuse bin(s) is emptied when full.

Division 2—Prevention of Dust and Liquid Waste

4.3 Prohibited activities

- (1) An owner or occupier of land shall take all reasonable steps to—
 - (a) stabilise dust on the land;
 - (b) contain all liquid waste on the land; and
 - (c) ensure no dust or liquid waste is released or escapes from the land, whether by means of wind, water or any other cause.
- (2) Where the local government is satisfied that—
 - (a) an owner or occupier of land has not complied with paragraph (a) or (b) of subclause (1); or
 - (b) dust or liquid waste has been released or escaped from the land, the local government may serve on the owner or occupier of the land a notice requiring the owner or occupier to do one or more of the following—
 - (c) comply with paragraph (a) or (b) of subclause (1);
 - (d) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (e) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - (f) take reasonable steps to stop any further release or escape of dust or liquid waste.
- (3) The requirements set out in a notice served under subclause (2) shall be complied with—
 - (a) within 48 hours of service of the notice where no other time is specified;
 - (b) within such other period as is specified in the notice; or
 - (c) immediately, if the notice so specifies.
- (4) Where the local government is satisfied that dust or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of

equipment on land, the local government may serve a notice on the owner or occupier of the land or the operator of the equipment, as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice, which shall not exceed 28 days.

- (5) In subclause (4)—
equipment includes machinery or vehicles.

Division 3—Stormwater and Wastewater Disposal

4.4 Containment of stormwater

- (1) Subject to subclause (2), the owner or occupier of a lot shall take all reasonable steps to ensure that all stormwater received by any building, house, other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land.
- (2) Subclause (1) does not prevent the discharge of stormwater from a lot into a local government approved stormwater drain.
- (3) The owner or occupier of a lot shall ensure that all stormwater drainage systems on the lot are maintained in a good state of repair and free from obstruction.

PART 5—ENFORCEMENT

Division 1—Infringement Notices

5.1 Form of infringement notices

- (1) The form of the infringement notice referred to in section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 1 of the Regulations; and
- (2) The form of the infringement withdrawal given under section 9.20 of the *Local Government Act 1995* is that of Form 3 in Schedule 1 of the Regulations.

Division 2—Undertaking of Work Required by Notice

5.2 When local government may undertake work required by notice

- (1) This clause applies only in respect of a notice issued under subclauses 4.3(2) of this local law.
- (2) Where a person fails to comply with a notice referred to in subclause (1) the local government may, subject to compliance with the requirements of subdivision 3 of Division 3 of Part 3 of the *Local Government Act 1995*, do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.
- (3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

PART 6—OFFENCES, PENALTIES AND FEES

Division 1—General

6.1 Offences

- (1) A person who—
- (a) fails to do anything required or directed to be done under this local law;

- (b) fails to comply with a notice issued to the person under this local law; or
 - (c) does an act or omits to do an act contrary to this local law, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction—
- (a) to a penalty not exceeding \$5,000; and
 - (b) if the offence is a continuing offence, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued

6.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

6.3 Fees

If a fee is prescribed by this local law, that fee is to be pro rata, calculated on a monthly basis for any period to 30 June each year.

PART 7—OBJECTION AND APPEAL

7.1 Objection and appeal rights

When the local government makes a decision under this local law as to whether it will—

- (a) grant a person an approval or exemption;
- (b) vary or cancel an approval or exemption; or
- (c) give a person a notice,

the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the Regulations shall apply to that decision.

SCHEDULE 1—PRESCRIBED OFFENCES

[Clause 6.2]

Item No.	Clause No.	Nature of Offence	Modified Penalty
1	2.1 (a)	Failure to keep premises free from matter likely to be offensive or injurious to health or attracts rodents	\$250
2	2.1 (b)	Failure to clean and disinfect premises when directed by an authorised officer	\$250
3	2.2 (1)	Keep large animal on land outside of rural zoned land, rural residential zoned land or land zoned residential with a density code of R2, 2.5, R5	\$250
4	2.2 (2)	Failure to keep large animals 15 metres from a dwelling	\$250
5	2.3 (1)	Keep or permit to be kept on the premises more than 12 poultry and/or 12 pigeons	\$250
6	2.3 (2)	Keep or permit to be kept on the premises more than 24 aviary birds	\$250
7	2.3 (3)	Failure to comply with written notice issued.	\$250
8	2.4 (1a)	Fail to keep poultry in a properly constructed poultry coop, except where poultry are freed for exercise.	\$250
9	2.4 (1b)	Poultry kept within 6 metres of a street, public building or right of way.	\$250
10	2.4 (b)	Poultry kept less than 9 metres from an opening to a dwelling house on any other lot, public building or commercial food premises.	\$250
11	2.5 (1)	Keeping a rooster, goose or gander, turkey, peacock, peahen, or gamebird on premise	\$250
12	2.6 (a)	Failure to keep pigeons in a properly constructed pigeon loft, except when pigeons are freed for exercise and have unobstructed area.	\$250
13	2.6 (b)	Pigeons enclosure not within 9 metres of a street, public building, commercial premises or food business.	\$250
14	2.6 (c)	Opening to a pigeon loft, including an opening for ventilation, is within 9 metres of a street, public building, commercial premises or food business	\$250
15	2.7	Failure to keep aviary or cage in which birds are kept located at least 1 metre from any lot boundary and at least 9 metres from a dwelling house on any other lot	\$250
16	2.8 (8)	Failure to comply or cause compliance with conditions of exemption	\$250
17	3.1	Fail to keep premises free of water that is, or is liable to become, the breeding place of mosquitoes	\$250
18	3.2	Fail to take effective measures to keep the premises free from rodents	\$250
19	3.3 (1)	Keep or permit to be kept, bees in more than 2 beehives on land without written approval from the local government	\$250
20	3.3 (4)	Fail to comply with conditions of written approval to keep bees	\$250
21	3.3 (6) (a)	When keeping bees in beehives failing to provide adequate and permanent supply of water in a receptacle within 3 metres of the beehive	\$250
22	3.3 (6) (b)	Beehive kept less than 10 metres from any footpath, street, street or public place and not closer than 5 metres from any lot boundary	\$250
23	3.3 (6) (c)	Beehive is kept closer than 10 metres from any dwelling house on any other lot	\$250
24	3.4	Bees kept or permitted to be kept causing a nuisance	\$250
25	4.2(1)	Failure to provide or maintain adequate refuse bins on a building or development site	\$250

26	4.2(2)(a)	Failure to place and contain all refuse on a building or development site in a bin(s) and prevent refuse blowing off site	\$250
27	4.2(2)(b)	Failure to keep the building or development site as free as is reasonably practicable from any refuse	\$250
28	4.2(2)(c)	Failure to maintain the street verge and any other reserve immediately adjacent to the site free of refuse from the site	\$250
29	4.2(2)(d)	Failure to ensure a bin(s) on a building or development site is emptied when full	\$250
30	4.3(1)	Release or escape of dust or liquid waste from land	\$250
31	4.4(1)	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained	\$250
32	4.4 (3)	Failure to ensure that all stormwater drainage systems on the lot are maintained in a good state of repair and free from obstruction	\$250

Dated this (Insert Date)

The Common Seal of the Shire of Beverley was affixed by authority of a resolution of the Council in the presence of—

Shire President

Chief Executive Officer

12.5 Proposed Shire of Beverley Bush Fire Brigade Local Law 2023

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	Administrative
File Reference:	ADM 0135
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	-
Disclosure(s) Of Interest:	None
Attachments:	Bush Fire Brigade Local Law 2023

SUMMARY

The proposed new *Shire of Beverley Bush Fire Brigade Local Law 2023*, as attached is submitted for Council's consideration and approval for local public advertising for a minimum of 42 days (6 weeks).

If Council agrees, the draft local law can be advertised for public comment; the results must then be returned to Council for consideration before the local law can be made.

BACKGROUND

The Shire has undertaken workshops to support this review of existing local laws and establishment of new local laws. This is achieved by establishing provisions, controls and enforcement actions that protect and enhance community, residents, business and visitors use of land, dwellings, animals, nuisances and public domain activities.

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws using the process set out in section 3.12 of the Act.

Section 3.16(1) of the *Local Government Act 1995* requires a local government to review a local law within a period of eight years from the day when it commenced.

COMMENT

The proposed *Bush Fire Brigade Local Law 2023* is recommended to establish a bush fire brigade and key positions and duties, and administration of the bush fire brigade.

The Shires local law takes a contemporary approach, similar to that taken by a number of other local governments.

The Shire's local law has been prepared having due regard for

- operational requirements of the Shire
- compliance and consistency with legislative requirements

STATUTORY ENVIRONMENT

Bush Fires Act 1954 - sections 41, 43 and 62

Local Government Act 1995 - section 3.12 - Procedure for making local laws.

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.

- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.
- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the Shire will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

CONSULTATION

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws subject to the conditions outlined in Part 3, Division 2, Subdivision 1 and following the procedure outlined in section 3.12(3) of the Act.

Amongst other things this requires a local government to

- give state-wide and local public notice stating that it proposes to make a local law, for a period of 6 weeks after it first appears.
- Summarise the purpose and effect in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the *Shire of Beverley Bush Fire Brigade Local Law 2023*, is:

Purpose	The purpose is to <i>provide for the establishment of a bush fire brigade for carrying our normal brigade activities.</i>
Effect	The effect of this local law is to establish bush fire brigades that will be organised and managed to comply with this local law

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

FINANCIAL IMPLICATIONS

Costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

Fire Control Policies: FC001 – FC015

RISK IMPLICATIONS

Shire of Beverley Council has a role in establishing a bushfire brigade and assisting personal, administration, and resources.

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M13/1123

Moved Cr Ridgway

Seconded Cr Martin

That Council;

- 1. Gives state-wide and local public notice, pursuant to Section 3.12 (2) and (3) of the Local Government Act 1995, that it proposes to make the *Shire of Beverley Bush Fire Brigade Local Law 2023*
 - a. For a period of not less than 6-weeks timeframe;**
 - b. By providing copies of the proposed local law for inspection at the Shire offices; and**
 - c. inviting submissions.****

- 2. Notes the Presiding Member gives notice to the meeting of the purpose and effect of the *Bush Fire Brigade Local Law 2023* as follows:**

Purpose	The purpose is to <i>provide for the establishment of a bush</i> fire brigade for carrying our normal brigade activities.
Effect	The effect of this local law is that bush fire brigades will be organised and managed to comply with this local law.

- 3. Provides copies of the local law, in accordance with s3.12(3) of the Act, as soon as the notice is given, to the Minister for Local Government, and any other person requesting**

CARRIED BY ABSOLUTE MAJORITY 6/0

BUSH FIRES ACT 1954
LOCAL GOVERNMENT ACT 1995
SHIRE OF BEVERLEY
BUSH FIRE BRIGADES LOCAL LAW 2023

TABLE OF CONTENTS

PART 1—PRELIMINARY	2
1.1 CITATION	2
1.2 COMMENCEMENT	2
1.3 APPLICATION	2
1.4 INTERPRETATION	2
PART 2—BUSH FIRE BRIGADES	3
2.1 ESTABLISHMENT OF A BUSH FIRE BRIGADE.....	3
2.2 CHIEF BUSH FIRE CONTROL OFFICER.....	3
2.3 NAME AND OFFICERS OF BUSH FIRE BRIGADE.....	3
2.4 DUTIES OF CAPTAIN.....	4
2.5 APPOINTMENT, EMPLOYMENT, PAYMENT, DISMISSAL AND DUTIES OF BUSH FIRE CONTROL OFFICERS	4
PART 3—ADMINISTRATION OF BUSH FIRE BRIGADES	4
3.1 EXECUTIVE MANAGEMENT GROUP	4
3.2 OFFICERS TO BE SUPPLIED WITH ACT.....	5
PART 4—GENERAL.....	5
4.1 CONSIDERATION IN THE LOCAL GOVERNMENT BUDGET	5

BUSH FIRES ACT 1954

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

BUSH FIRE BRIGADES LOCAL LAW 2023

Under the powers conferred by the *Bush Fires Act 1954*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the *Shire of Beverley* resolved on *[insert date]* to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This is the *Shire of Beverley Bush Fire Brigades Local Law 2023*.

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Interpretation

(1) In this local law, unless the context otherwise requires—

Act means the *Bush Fires Act 1954*;

brigade area is defined in clause 2.2(1)(b);

bush fire brigade is defined in section 7 of the Act;

Chief Bushfire Control Officer means as defined in the Act

CEO means the Chief Executive Officer of the Shire of Beverley;

Council means the Council of the local government;

district means the district of the Shire of Beverley;

local government means the Shire of Beverley;

normal brigade activities means as defined by section 25 of the Act; and

Regulations means Regulations made under the Act.

(2) In this local law, unless the context otherwise requires, a reference to—

(a) a Captain;

(b) a First Lieutenant;

(c) a Second Lieutenant;

(d) any additional Lieutenants;

means a person holding that position in a bush fire brigade.

PART 2—BUSH FIRE BRIGADES

2.1 Establishment of a bush fire brigade

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause(1).

2.2 Chief Bush Fire Control Officer

- (1) The duties of the bush fire control officer are defined in the Act.
- (2) For the purpose of this local law the duties with include:-
 - (a) Where a vacancy occurs in a position under clause 2.3 (1)(c), to-
 - (i) Advise the CEO of the vacancy as soon as practicable; and
 - (ii) Make alternative suitable arrangements for that position until an appointment is made.
 - (b) Nominate suitably qualified persons to the CEO for appointment as bush fire control officers by the local government, and
 - (c) Report to the CEO not later than 30 April each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's-
 - (i) Training and readiness;
 - (ii) Protective clothing;
 - (iii) Equipment; and
 - (iv) Vehicles and appliances.

2.3 Name and officers of bush fire brigade

- (1) On establishing a bush fire brigade under clause 2.1(1) the local government is to—
 - (a) give a name to the bush fire brigade;
 - (b) specify the area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities (the **brigade area**); and
 - (c) appoint—
 - (i) a Captain;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant;
 - (iv) additional Lieutenants if the local government considers it necessary;
- (2) A person appointed to a position in subclause (1)(c) is to be taken to be a brigade member.
- (3) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (4) An election is to be held at the first annual general meeting by the members of the bush fire brigade for appointments to the positions referred to in clause (1)(c) and every subsequent annual general meeting.
- (5) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting, then the local government is to appoint a person to fill the vacancy in accordance with subclause (2).

2.4 Duties of Captain

- (1) The duties of the Captain are to
 - (a) Provide leadership to bush fire brigades;
 - (b) Monitor bush fire brigades' resources, equipment and training levels;
 - (c) Liaise with the local government concerning
 - (i) Fire prevention or fire suppression matters generally;
 - (ii) Directions to be issued by the local government to bush fire control officers, including those who issue permits to burn; and
 - (iii) Bush fire brigade officers;
 - (d) Ensure that a list of bush fire brigade members is maintained;
 - (e) Report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations, and
 - (f) Arrange for normal brigade activities as authorised by the Act or by the local government.
- (2) The duties of other bush fire brigade officers are to support the Captain in his/her role.

2.5 Appointment, Employment, Payment, Dismissal and Duties of Bush Fire Control Officers

The appointment, employment, payment, dismissal and duties of bushfire control officers is dealt with by the Act.

PART 3—ADMINISTRATION OF BUSH FIRE BRIGADES

3.1 Executive Management Group

- (1) An Executive Management Group is to be established to ensure that there is an appropriate structure through which the organisation of the bush fire brigades is maintained.
- (2) The administration and management of the affairs of a bush fire brigade are vested in the Executive Management Group.
- (3) The Executive Management Group is to prepare and adopt Operating Procedures for the good governance of bush fire brigades.
- (4) The Executive Management Group must make the Operating Procedures available to all bush fire brigade members.
- (5) The Executive Management Group may vary the bush fire brigade Operating Procedures at any time but must notify the bush fire brigades of any variation as soon as practicable after making a variation.
- (6) The Executive Management Group functions include, but are not limited to —
 - (a) dealing with grievances, disputes and disciplinary matters;
 - (b) approving the bush fire brigade's annual budget and presenting it at the brigade's annual general meeting;
 - (c) recommending to the local government equipment which needs to be supplied by the local government to the bush fire brigade;
 - (d) doing all things necessary or convenient in order to perform any of its functions and to secure the performance of the normal brigade activities by the bush fire brigade

3.2 Officers to be supplied with Act

The Executive Management Group will consist of the following officer from the bush fire brigade:

- (a) Chief Bush Fire Control Officer and Deputies;
- (b) provide leadership to volunteer bush fire brigades;

PART 4—GENERAL

4.1 Consideration in the local government budget

In addition to funding made available through emergency services grants, the local government may provide further funding depending upon the assessment of budget priorities for the year in question in accordance with Part 6 of the *Local Government Act 1995*.

Dated this (Insert Date)

The Common Seal of the Shire of Beverley was affixed by authority of a resolution of the Council in the presence of—

Shire President

Chief Executive Officer

12.6 Proposed Shire of Beverley Cemeteries Local Law 2023

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	Administrative
File Reference:	ADM 0135
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	-
Disclosure(s) Of Interest:	None
Attachments:	Cemeteries Local Law 2023

SUMMARY

The proposed new *Shire of Beverley Cemeteries Local 2023, as attached* is submitted for Council's consideration and approval for local public advertising for a minimum of 42 days (6 weeks).

If Council agrees, the draft local law can be advertised for public comment; the results must then be returned to Council for consideration before the local law can be made.

BACKGROUND

This local law repeals the *Shire of Beverley Cemeteries Local Law* published in the Government Gazette on 1 August 1960, and amended 4 March 1977, 9 November 1979, 23 October 1981, 26 October 1984, and 17 May 1991.

The Shire has undertaken workshops to support this review of existing local laws and establishment of new local laws. This is achieved by establishing provisions, controls and enforcement actions that protect and enhance community, residents, business and visitors use of land, dwellings, animals, nuisances and public domain activities.

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws using the process set out in section 3.12 of the Act.

Section 3.16(1) of the *Local Government Act 1995* requires a local government to review a local law within a period of eight years from the day when it commenced.

COMMENT

The proposed local Law is recommended to make provisions about buried within its grounds, and to be a comforting place for visitors and mourners who attend the cemetery to remember, pay tribute, and honour departed individuals.

The Shires local law takes a contemporary approach, similar to that taken by a number of other local governments.

The Shire's local law has been prepared having due regard for

- operational requirements of the Shire
- compliance and consistency with legislative requirements

STATUTORY ENVIRONMENT

Cemeteries Act 1986 – Part V111

Local Government Act 1995 - section 3.12 - Procedure for making local laws.

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.
- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.
- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the Shire will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

CONSULTATION

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws subject to the conditions outlined in Part 3, Division 2, Subdivision 1 and following the procedure outlined in section 3.12(3) of the Act.

Amongst other things this requires a local government to

- give state-wide and local public notice stating that it proposes to make a local law, for a period of 6 weeks after it first appears.
- Summarise the purpose and effect in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the *Shire of Beverley Cemeteries Local Law 2023*, is:

Purpose	The purpose is to <i>provide</i> for the orderly management of cemeteries under the care, control and management of the Shire and to create offences for inappropriate behaviour within cemetery.
Effect	The effect of this local law is to <ul style="list-style-type: none"> • administer and supervise burials, memorials and within the cemeteries, • administer the process and applications for funerals, • provide services to maintain the cemetery. • to enhance, public safety, convenience and amenity

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

FINANCIAL IMPLICATIONS

Costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS:

Nil.

RISK IMPLICATIONS

Shire of Beverley Council has an obligation to ensure the protocols and procedures for burials, funeral services, access, and maintenance of Cemeteries within the Shire are undertaken to enhance, public safety, convenience and amenity.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M14/1123

Moved Cr Davis

Seconded Cr Martin

That Council;

- 1. Gives state-wide and local public notice, pursuant to Section 3.12 (2) and (3) of the Local Government Act 1995, that it proposes to make the *Shire of Beverley Cemeteries Local Law 2023***
 - a. For a period of not less than 6-weeks timeframe;**
 - b. By providing copies of the proposed local law for inspection at the Shire offices; and**
 - c. inviting submissions.**

- 2. Notes the Presiding Member gives notice to the meeting of the purpose and effect of the *Shire of Beverley Cemeteries Local Law 2023* as follows:**

Purpose	The purpose is to <i>provide</i> for the orderly management of cemeteries under the care, control and management of the Shire and to create offences for inappropriate behaviour within cemetery.
Effect	The effect of this local law is to <ul style="list-style-type: none">• administer and supervise burials, memorials and within the cemeteries,• administer the process and applications for funerals,• provide services to maintain the cemetery.• to enhance, public safety, convenience and amenity

- 3. Provides copies of the local law, in accordance with s3.12(3) of the Act, as soon as the notice is given, to the Minister for Local Government, and any other person requesting.**

CARRIED BY ABSOLUTE MAJORITY 6/0

CEMETERIES LOCAL LAW 2023

SHIRE OF BEVERLEY

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

PART 1 – PRELIMINARY	3
1.1 CITATION	3
1.2 APPLICATION.....	3
1.3 COMMENCEMENT	3
1.4 REPEAL	3
1.5 INTERPRETATION	3
PART 2 – ADMINISTRATION	4
2.1 POWERS AND FUNCTIONS OF CEO.....	4
PART 3 – APPLICATION FOR FUNERALS	4
3.1 APPLICATION FOR BURIAL	4
3.2 APPLICATIONS TO BE ACCOMPANIED BY CERTIFICATES ETC.....	4
3.3 CERTIFICATE OF IDENTIFICATION.....	4
3.4 MINIMUM NOTICE REQUIRED	4
PART 4 - FUNERAL DIRECTORS	4
4.1 FUNERAL DIRECTOR’S LICENCE EXPIRY	4
4.2 SINGLE FUNERAL PERMITS	5
4.3 APPLICATION REFUSAL.....	5
PART 5 – FUNERALS	5
5.1 REQUIREMENTS FOR FUNERALS AND COFFINS	5
5.2 FUNERAL PROCESSIONS	5
5.3 VEHICLE ENTRY RESTRICTED	5
5.4 VEHICLE ACCESS AND SPEED LIMITATION.....	5
5.5 OFFENDERS MAY BE ORDERED TO LEAVE	5
5.6 CONDUCT OF FUNERAL BY BOARD	5
PART 6 – BURIALS	6
6.1 DEPTH OF GRAVES	6
6.2 MAUSOLEUM, ETC	6
PART 7 – MEMORIALS AND OTHER WORK	6
7.1 APPLICATION FOR MONUMENTAL WORK.....	6
7.2 PLACEMENT OF MONUMENTAL WORK.....	6
7.3 REMOVAL OF RUBBISH	7
7.4 OPERATION OF WORK	7
7.5 REMOVAL OF SAND, SOIL OR LOAM	7
7.6 HOURS OF WORK.....	7

7.7	UNFINISHED WORK	7
7.8	PLANTS AND TREES.....	7
7.9	SUPERVISION.....	7
7.10	AUSTRALIAN WAR GRAVES	7
7.11	PLACING OF GLASS DOMES AND VASES	7
7.12	SPECIFICATION OF MONUMENTS.....	7
7.13	HEADSTONES	8
7.14	REQUIREMENTS OF A MEMORIAL PLAQUE	8
7.15	MONUMENTAL MASON'S LICENCE.....	8
7.16	EXPIRY DATE, NON-TRANSFERABILITY.....	8
7.17	CARRYING OUT MONUMENTAL WORK	9
PART 8 – GENERAL		9
8.1	ANIMALS.....	9
8.2	DAMAGING AND REMOVING OF OBJECTS	9
8.3	WITHERED FLOWERS	9
8.4	LITTERING AND VANDALISM.....	9
8.5	ADVERTISING	9
8.6	OBEYING SIGNS AND DIRECTIONS	9
8.7	REMOVAL FROM THE CEMETERY.....	9
PART 9 – OFFENCES AND MODIFIED PENALTIES		10
9.1	GENERAL	10
9.2	MODIFIED PENALTIES	10

- Schedule 1 – Modified penalties
- Schedule 2 – Infringement notice
- Schedule 3 – Infringement withdrawal notice

CEMETERIES LOCAL LAW 2022

SHIRE OF BEVERLEY

CEMETERIES ACT 1986 LOCAL GOVERNMENT ACT 1995

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Beverley resolved on dd mm 2019 to adopt the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Beverley Cemeteries Local Law 2019*.

1.2 Application

This local law applies to all cemeteries located in the district.

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.4 Repeal

The *Beverley Cemetery Board By-laws* published in the *Government Gazette* on 24 August 1951, and amended in the *Government Gazette* on 24 December 1953, 25 November 1960, and on 8 February 1972 are repealed.

1.5 Interpretation

In this local law, unless the context otherwise requires –

“**Act**” means the *Cemeteries Act 1986*;

“**authorised officer**” means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

“**Board**” means the Shire of Beverley

“**CEO**” means the chief executive officer, for the time being, of the Board;

“**district**” means the district of the local government;

“**funeral director**” means a person holding a current funeral director’s licence;

“**local government**” means the Shire of Beverley;

“**mausoleum**” means a building or construction wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;

“**monumental mason**” means a person holding a current monumental mason’s licence;

“**set fee**” refers to fees and charges set by a resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

“single funeral permit” means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit; and

“vault” means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board.

PART 2 – ADMINISTRATION

2.1 Powers and functions of CEO

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

PART 3 – APPLICATION FOR FUNERALS

3.1 Application for burial

- (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) is to be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

3.3 Certificate of identification

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless –
 - (a) in the opinion of a funeral director, the dead body is not in a fit state to be viewed;
or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.
- (2) A funeral director shall complete a certificate in the form determined by the Board from time to time, where –
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed;
or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

3.4 Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 48 hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

PART 4 - FUNERAL DIRECTORS

4.1 Funeral director's licence expiry

A funeral director's licence shall expire on 30 June of each year.

4.2 Single funeral permits

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.3 Application refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5 – FUNERALS *Division 1 – General*

5.1 Requirements for funerals and coffins

(1) A person shall not bring a dead body into the cemetery unless –

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid;

and

- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle entry restricted

(1) Subject to clause 5.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the cemetery.

(2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.

5.4 Vehicle access and speed limitation

(1) Vehicles shall proceed within the Cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 20Km per hour.

5.5 Offenders may be ordered to leave

(1) A person committing an offence under clause 5.4 may be ordered to leave the cemetery by the CEO or an authorised officer.

5.6 Conduct of funeral by Board

(1) When conducting a funeral under section 22 of the Act the Board may –

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;

- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) specify an area in the cemetery where the dead body is to be buried;
- (e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;
- (f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

PART 6 – BURIALS

6.1 Depth of graves

- (1) A person shall bury a coffin within the cemetery so that the distance between the top of the coffin and the original surface of the ground is –
 - (a) not less than 750 mm, or
 - (b) not less than 600 mm,unless permission to vary the distance or depth of grave is granted by an authorised officer.
- (2) The permission of the authorised officer will only be granted where, in the opinion of the authorised officer, exceptional circumstances require granting of that permission.

6.2 Mausoleum, etc

- (1) A person other than the Board shall not construct a brick grave, crypt, vault or mausoleum within the cemetery.
- (2) A person may request the Board to construct a vault or mausoleum within the cemetery which vault or mausoleum shall at all times remain the property of the Board.
- (3) An application under subclause (2) shall be in writing and shall be accompanied by payment of the set fee.
- (4) A person shall not place a dead body in a mausoleum except –
 - (a) in a closed coffin; and
 - (b) in a soundly constructed chamber; and
 - (c) in accordance with subclause (5).
- (5) The number of burials in a chamber must not exceed the number for which the chamber was designed.

PART 7 – MEMORIALS AND OTHER WORK

Division 1 – General

7.1 Application for monumental work

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished work

Should any work by masons or others be not completed before 6 p.m. on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Plants and Trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.9 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.10 Australian War Graves

- (1) Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves –
- (a) may place a memorial on a military grave; and
 - (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.11 Placing of glass domes and vases

- (1) A person shall not place glass domes, vases or other grave ornaments –
- (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or
 - (b) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

Division 2 – Lawn section

7.12 Specification of monuments

- (1) All monuments in the lawn section of a cemetery shall –
- (a) be made of natural stone; and
 - (b) be placed upon a base of natural stone; and

- (c) comply with the following specifications –
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05 m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150 mm nor more than 450 mm;
 - (iii) the width of the base of the monument shall not exceed 1.20 m;
 - (iv) the depth of the base of the monument shall not exceed 300 mm; and
 - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.
- (2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.
- (3) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

7.13 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 3 – Memorial plaque section

7.14 Requirements of a memorial plaque

- (1) All memorial plaques placed in a memorial plaque section of the cemetery shall –
- (a) be made of admiralty bronze or any other material approved by the Board; and
 - (b) not be less than the dimensions 380 mm x 280 mm, nor more than 560 mm x 305 mm.
- (2) All memorial plaques made of admiralty bronze shall –
- (a) not exceed 20 mm in thickness; and
 - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall –
- (a) not exceed 50 mm in thickness placed upon a base mounting approved by the Board; or
 - (b) not be less than 100 mm in thickness if it is not to be placed upon a base mounting.

Division 4 – Licensing of Monumental Masons

7.15 Monumental mason's licence

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.16 Expiry date, non-transferability

- (1) A monumental mason's licence –
- (a) shall be valid from the date specified therein until 30 June next following; and
 - (b) is not transferable.

7.17 Carrying out monumental work

- (1) A person shall not carry out monumental work within the cemetery unless that person –
- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.16; or
 - (b) is an employee of a person who holds such a licence; or
 - (c) is authorised by the Board to do so.

7.18 Responsibilities of the holder of a monumental mason's licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

PART 8 – GENERAL

8.1 Animals

A person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than an 'assistance animal' as defined in section 9(2) of the *Disability Discrimination Act 1992* (Cth) or with the approval of the CEO or an authorised officer.

8.2 Damaging and removing of objects

Subject to clause 8.4, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.3 Withered flowers

A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.4 Littering and vandalism

- (1) A person shall not –
- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
 - (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.5 Advertising

- (1) A person shall not advertise or carry on any trade, business or profession within the cemetery without the prior written approval of the Board.
- (2) The Board may consider and grant approval subject to such conditions as the Board thinks fit.

8.6 Obeying signs and directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.7 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

PART 9 – OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

- (1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Schedule 2.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in Schedule 3.

Schedule 1 – Modified penalties
[cl. 9.2]
Offences and Modified Penalties

Item No.	Clause	Nature of offence	Modified penalty
1	5.4(1)	Not driving vehicle on vehicular access way or constructed roadways or within designated areas	\$50.00
2	5.4(2)	Exceeding speed limit	\$50.00
3	7.3	Not removing rubbish and surplus materials	\$50.00
4	7.5	Unauthorised use of sand, earth or other material taken from another part of the cemetery	\$50.00
5	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
6	8.1	Unauthorised bringing in of animal into cemetery or permitting animal to remain in cemetery	\$50.00
7	8.3	Damaging and removing of objects	\$50.00
8	8.5	Littering and vandalism	\$50.00
9	8.6	Unauthorised advertising and/or trading	\$50.00
10	8.7	Disobeying sign or lawful direction	\$50.00

Schedule 2 – Infringement notice

[cl. 9.2(3)]

Infringement Notice

To: _____
(Name)

(Address)

It is alleged that at ___:___ hours on _____ day of _____ 20 _____

at _____

you committed the offence indicated below by an (x) in breach of clause of the **[insert name of Local Law]**.

(Authorised Person)

Offence

- Not driving vehicle on vehicular access way or designated areas
- Exceeding speed limit
- Not removing rubbish and surplus materials
- Unauthorised use of materials taken from another part of the cemetery
- Leaving uncompleted works in an untidy or unsafe condition
- Unauthorised animal in cemetery
- Damaging and removing of objects
- Littering and vandalism
- Unauthorised advertising and/or trading
- Disobeying sign or lawful direction
- Other Offence: _____ \$ _____

You may dispose of this matter by payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the **[insert name of Local Government]** at **[insert address of Local Government]** between the hours of 9 a.m. to 4.30 p.m., Monday to Friday.

Please make cheques payable to **[insert name of Local Government]**. Payments by mail should be addressed to –

The Chief Executive Officer
[insert name of Local Government]
[insert address of Local Government]

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

Schedule 3 – Infringement withdrawal notice

[cl. 9.2(4)]

Withdrawal of Infringement Notice

No. _____

Date ____/____/____

To: [1] _____

Infringement Notice No _____ dated ____/____/____ for the alleged offence of [2]

Penalty [3] \$ _____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

(Authorised Person)

[1] Insert name and address of alleged offender.

[2] Insert short particulars of offence alleged.

[3] Insert amount of penalty prescribed.

Dated:

The Common Seal of the Shire of Beverley was affixed by authority of a resolution of the Council in the presence of –

President.

Chief Executive Officer

12.7 Proposed Shire of Beverley Dogs Local Law 2023

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	Administrative
File Reference:	ADM 0135
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	-
Disclosure(s) Of Interest:	None
Attachments:	Dogs Local Law 2023

SUMMARY

The proposed new *Shire of Beverley Dogs Local 2023*, as attached is submitted for Council's consideration and approval for local public advertising for a minimum of 42 days (6 weeks).

If Council agrees, the draft local law can be advertised for public comment; the results must then be returned to Council for consideration before the local law can be made.

BACKGROUND

This local law repeals the *Shire of Beverley Dogs Local Law* published in the Government Gazette on 30 August 1985.

The Shire has undertaken workshops to support this review of existing local laws and establishment of new local laws. This is achieved by establishing provisions, controls and enforcement actions that protect and enhance community, residents, business and visitors use of land, dwellings, animals, nuisances and public domain activities.

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws using the process set out in section 3.12 of the Act.

Section 3.16(1) of the *Local Government Act 1995* requires a local government to review a local law within a period of eight years from the day when it commenced.

COMMENT

The proposed local Law is recommended to make provisions about control the number of dogs that can be kept on premises, the impounding of dogs the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise area.

The Shires local law takes a contemporary approach, similar to that taken by a number of other local governments.

The Shire's local law has been prepared having due regard for

- operational requirements of the Shire
- compliance and consistency with legislative requirements

STATUTORY ENVIRONMENT

Dog Act 1976 – part IX Section 51

Local Government Act 1995 - section 3.12 - Procedure for making local laws.

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.
- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.
- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the Shire will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

CONSULTATION

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws subject to the conditions outlined in Part 3, Division 2, Subdivision 1 and following the procedure outlined in section 3.12(3) of the Act.

Amongst other things this requires a local government to

- give state-wide and local public notice stating that it proposes to make a local law, for a period of 6 weeks after it first appears.
- Summarise the purpose and effect in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the *Shire of Beverley Dogs Local Law 2023*, is:

Purpose	The purpose is to <i>provide</i> for the regulation, control and the management of the keeping of dogs within the district.
Effect	The effect of this local law is to:- <ul style="list-style-type: none"> • To establish the requirements with which owners and occupiers of land within the district shall comply in order to keep dogs; and • Provides the means of enforcing the local law.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

FINANCIAL IMPLICATIONS

Costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

RISK IMPLICATIONS

Shire of Beverley Council has a statutory obligation to ensure that various controls of the number of dogs, standards and provisions and penalties relating to the dogs are managed for the safety of people and other animals in the Shire.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M15/1123

Moved Cr Davis

Seconded Cr Martin

That Council;

- 1. Gives state-wide and local public notice, pursuant to Section 3.12 (2) and (3) of the Local Government Act 1995, that it proposes to make the *Shire of Beverley Dogs Local Law 2023***
 - a. For a period of not less than 6-weeks timeframe;**
 - b. By providing copies of the proposed local law for inspection at the Shire offices; and**
 - c. inviting submissions.**
- 2. Notes the Presiding Member gives notice to the meeting of the purpose and effect of the *Dogs Local Law 2023* as follows:**

Purpose	The purpose is to <i>provide</i> for the regulation, control and the management of the keeping of dogs within the district.
Effect	The effect of this local law is to:- <ul style="list-style-type: none">• To establish the requirements with which owners and occupiers of land within the district shall comply in order to keep dogs; and• Provides the means of enforcing the local law.

- 3. Provides copies of the local law, in accordance with s3.12(3) of the Act, as soon as the notice is given, to the Minister for Local Government, and any other person requesting;**

CARRIED BY ABSOLUTE MAJORITY 6/0

DOG ACT 1976**LOCAL GOVERNMENT ACT 1995**

SHIRE OF BEVERLEY

DOGS LOCAL LAW 2023**TABLE OF CONTENTS**

PART 1—PRELIMINARY	3
1.2 COMMENCEMENT.....	3
1.3 APPLICATION	3
1.4 REPEAL	3
1.5 INTERPRETATION	3
PART 2—IMPOUNDING OF DOGS	4
2.1 FEES AND CHARGES.....	4
2.2 ATTENDANCE OF AUTHORISED OFFICER AT DOG MANAGEMENT FACILITY.....	5
2.3 RELEASE OF IMPOUNDED DOG	5
2.4 UNAUTHORISED RELEASE	5
PART 3—KEEPING OF DOGS	5
3.1 DOGS TO BE CONFINED	5
3.2 LIMITATION ON THE NUMBER OF DOGS	5
3.3 APPLICATION TO KEEP ADDITIONAL DOG OR DOGS.....	6
3.4 DETERMINATION OF APPLICATION.....	6
3.5 CONDITIONS OF APPROVAL.....	7
3.6 VARIATION OF PERMIT CONDITIONS	7
3.7 REVOCATION OF LICENCE TO KEEP ADDITIONAL DOGS.....	7
PART 4—APPROVED KENNEL ESTABLISHMENTS	7
4.1 APPLICATION FOR LICENCE FOR APPROVED KENNEL ESTABLISHMENT.....	7
4.2 NOTICE OF PROPOSED USE.....	7
4.3 EXEMPTION FROM NOTICE REQUIREMENTS	8
4.4 WHEN APPLICATION CAN BE DETERMINED	8
4.5 DETERMINATION OF APPLICATION.....	8
4.6 WHERE APPLICATION CANNOT BE APPROVED.....	8
4.7 CONDITIONS OF APPROVAL.....	8
4.8 FEES.....	9
4.9 FORM OF LICENCE.....	9
4.10 PERIOD OF LICENCE	9
4.11 VARIATION OR CANCELLATION OF LICENCE	9
4.12 TRANSFER	9
4.13 NOTIFICATION.....	10
4.14 INSPECTION OF KENNEL.....	10
PART 5—DOGS IN PUBLIC PLACES	10
5.1 PLACES WHERE DOGS ARE PROHIBITED ABSOLUTELY.....	10

5.2	PLACES WHICH ARE DOG EXERCISE AREAS	10
PART 6—MISCELLANEOUS.....		10
6.1	FEES AND CHARGES.....	10
6.2	OFFENCE TO EXCRETE.....	10
6.3	OBJECTIONS AND APPEALS	11
PART 7—ENFORCEMENT.....		11
7.1	OFFENCES	11
7.2	GENERAL PENALTY	11
7.3	MODIFIED PENALTIES.....	11
7.4	ISSUE OF INFRINGEMENT NOTICE.....	11
7.5	FAILURE TO PAY MODIFIED PENALTY.....	11
7.6	PAYMENT OF MODIFIED PENALTY	11
7.7	WITHDRAWAL OF INFRINGEMENT NOTICE.....	12
7.8	SERVICE OF NOTICES	12
SCHEDULE 1—APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT		13
SCHEDULE 2—CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT		14
SCHEDULE 3—PRESCRIBED OFFENCES		16

LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

SHIRE OF BEVERLEY

DOGS LOCAL LAW 2023

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Beverley resolved on (insert date) to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This is the *Shire of Beverley Dogs Local Law 2023*.

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

This local law repeals the *Shire of Beverley Dogs Local Laws* as published in the *Government Gazette* on 30 August 1985; and amended on 4 November 1988.

1.5 Interpretation

In this local law, unless the context otherwise requires—

Act means the *Dog Act 1976*;

adjoining includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6m in width;

Authorised Officer means a person appointed by the local government to perform all or any of the functions conferred on an Authorised Officer under this local law;

CEO means the Chief Executive Officer of the local government;

dangerous dog has the meaning given to it by section 3(1) of the Act;

district means the district of the Shire of Beverley;

dog management facility has the meaning given to it in section 3(1) of the Act, and includes a kennel establishment;

infringement notice means the notice referred to in clause 7.4;

kennel establishment means any premises where more than the number of dogs under clause 3.3 over the age of three months are kept, boarded, trained or bred temporarily, usually for profit and where the occupier of the premises is not the ordinary keeper of the dogs;

licence means a licence to keep an approved kennel establishment on premises granted under clause 4.4;

licensee means the holder of a licence granted under clause 4.4;

local government means the Shire of Beverley;

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005*;

notice of withdrawal means the notice referred to in clause 7.7(1);

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person's ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;
- (d) an activity or condition which is deemed a nuisance in the opinion of an Authorised Officer under the provisions of the Act;

owner, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

premises in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence made under clause 4.1;

public place has the meaning given to it by section 3(1) of the Act;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule to this local law;

set fee means a fee or charge made by the local government in accordance with clause 2.1 or clause 4.8;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

townsite means the following townsites constituted under section 26(2) of the *Land Administration Act 1997*, or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*—

- (a) Beverley;
- (b) Kokeby; and
- (c) Mawson.

transferee means a person who applies for the transfer of a licence to her or him under clause 4.12.

PART 2—IMPOUNDING OF DOGS

2.1 Fees and charges

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional set fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) application for additional costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of Authorised Officer at Dog management facility

An Authorised Officer is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an Authorised Officer or if absent, to the CEO.
- (2) An Authorised Officer is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of an Authorised Officer, evidence—
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Unauthorised release

Unauthorised release of dogs (including interference, release or removal from lawful custody) is dealt with by section 43 of the Act.

PART 3—KEEPING OF DOGS**3.1 Dogs to be confined**

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 4 of this local law as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act; or

- (c) established as a veterinary hospital or a veterinary clinic.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
 - (a) two dogs over the age of three months and the young of those dogs under that age if the premises are within a townsite; or
 - (b) four dogs over the age of three months and the young of those dogs under that age if the premises are outside a townsite.

3.3 Application to keep additional dog or dogs

Subject to clause 3.5, the local government may consider—

- (1) an application to keep one additional dog on premises that are within a townsite which shall—
 - (a) provide sufficient detail regarding the reason for keeping more than two dogs;
 - (b) provide written consent from owners and occupiers of any premises adjoining the premises; and
 - (c) in the case of a tenanted property, provide written consent from either the landowner or their appointed real estate agent.
- (2) an application to keep more than four dogs on premises outside a townsite which shall—
 - (a) provide sufficient detail regarding the reason for keeping more than four dogs; and
 - (b) in the case of a tenanted property, provide written consent from either the landowner or their appointed real estate agent.
- (3) applications to keep an additional dog or dogs where—
 - (a) the property is deemed suitable by an Authorised Officer—
 - (i) having sufficient space capable of confining all dogs;
 - (ii) noise, odours, fleas, flies and other vectors of disease will be effectively controlled; and
 - (iii) the care and welfare of the dogs is considered adequate;
 - (b) the details of every dog proposed to be kept on the premises are provided including name, age, colour/description, breed, registration number and microchip details; and
 - (c) sufficient reason has been provided, including—
 - (i) to replace an elderly or sick dog not expected to live;
 - (ii) a family emergency resulting in the dog being inherited;
 - (iii) merging of two households;
 - (iv) where the applicants have had approval to keep an additional dog or dogs in another local authority; or
 - (v) on premises outside a townsite, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.

3.4 Determination of application

In determining an application for a licence to keep additional dogs, the local government is to have regard to—

- (a) the matters referred to in clause 3.5;
- (b) the effect which approval of the proposed may have on the environment or amenity of the neighbourhood; and
- (c) whether approval of the application will create a nuisance for the owners and occupiers of adjoining premises.

3.5 Conditions of approval

- (1) The local government may approve an application for a licence subject to any conditions as considered appropriate.
- (2) Approval of an application is not transferable to successive owners or occupiers of the premises.

3.6 Variation of permit conditions

The local government may vary the conditions of a permit by giving not less than 14 days' notice.

3.7 Revocation of licence to keep additional dogs

Where a person does not comply with the conditions of approval to keep an additional dog or dogs under clause 3.6 the local government may revoke the licence to keep an additional dog or dogs.

PART 4—APPROVED KENNEL ESTABLISHMENTS**4.1 Application for licence for approved kennel establishment**

An application for a licence containing the information specified in Schedule 1, must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.2;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the set fee for the application for a licence referred to in clause 4.8(1).

4.2 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.
- (2) The notices in subclause (1) must specify that—
 - (a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and
 - (b) the application, plans and specifications may be inspected at the offices of the local government.
- (3) The local government may refuse to determine the application for a licence until the notice or notices, as the case may be, is given in accordance with its directions where—
 - (a) a notice given under subclause (1) does not clearly identify the premises; or
 - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises.

4.3 Exemption from notice requirements

The requirements of clauses 4.1(b), 4.2 and 4.4(a) do not apply in respect of the application for a licence where under a local planning scheme an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements.

4.4 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.2(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises.

4.5 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.6;
- (b) any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.6 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an kennel establishment requires and obtains planning approval under a local planning scheme; or
- (c) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.7 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.8 Fees

- (1) On lodging an application for a licence, the applicant is to pay a set fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a set fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a set fee to the local government.
- (4) The set fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.9 Form of licence

The licence is to be in the form determined by the local government from time to time and is to be issued to the licensee.

4.10 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the set fee referred to in clause 4.8(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the set fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.12 Transfer

- (1) A written application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made by the transferee;
 - (b) made with the written consent of the licensee; and
 - (c) lodged with the local government together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence;
 - (ii) the set fee for the application for the transfer of a licence referred to in clause 4.8(3); and
 - (iii) any other relevant information required.
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid

licence.

- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.13(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.11(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.11(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.11(2), which notice is to be given in accordance with section 27(6) of the Act.

4.14 Inspection of kennel

With the consent of the occupier, an Authorised Officer may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

- (1) Designation of places where dogs are prohibited absolutely is dealt with in the Act.
- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) Subclause (2) does not apply to a dog who is being used as an assistance animal as defined in the *Disability Discrimination Act 1992* (Commonwealth).

5.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

PART 6—MISCELLANEOUS

6.1 Fees and charges

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

6.2 Offence to excrete

- (1) A dog must not excrete on—
 - (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.

- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

6.3 Objections and appeals

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 7—ENFORCEMENT

7.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

7.2 General penalty

- (1) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.
- (2) Notwithstanding subclause (1) a person who commits an offence under clause 5.1(2) is liable, on conviction, to a penalty not exceeding \$1,000.

7.3 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is not a dangerous dog.

7.4 Issue of infringement notice

Where an Authorised Officer has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local

government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.7 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an Authorised Officer may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (2) A person authorised to issue an infringement notice under clause 7.4 cannot sign or send a notice of withdrawal.

7.8 Service of notices

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

SCHEDULE 1—APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[Clause 4.1]

Shire of Beverley

An application for a licence for an approved kennel establishment shall contain the following information—

- (a) full name of applicant;
- (b) postal address;
- (c) email address;
- (d) landline and mobile telephone numbers as appropriate;
- (e) facsimile number if appropriate;
- (f) address of proposed kennel premises;
- (g) number of dogs;
- (h) breed of dogs if appropriate;
- (i) either—
 - (i) name and contact details of the person residing on the premises, and date from which taking up residence on the premises; or
 - (ii) name, address and contact details of the person sufficiently close to the premises so as to control the dogs and ensure their health and welfare, and date from which taking up responsibility for the premises;
- (j) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (k) plans and specifications of the proposed kennel establishment;
- (l) copy of notice of proposed use to appear in newspaper;
- (m) copy of notice of proposed use to be given to adjoining premises;
- (n) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (o) if the person in item (n) is not the applicant, written evidence that the person is a person in charge of the dogs; and
- (p) signed by the applicant.

SCHEDULE 2—CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[Clause. 4.7]

Shire of Beverley

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;

- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (i) 2m; or
 - (ii) four times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an Authorised Officer;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

SCHEDULE 3—PRESCRIBED OFFENCES

[Clause .7.3]

SHIRE OF BEVERLEY

Item	Clause	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
1	3.1	Failing to provide means for effectively confining a dog	200	As per Regulations
2	3.2	Limitation on the number of dogs	100	500
3	3.5	Failure to comply with conditions of approval to keep additional dog or dogs	250	500
4	5.1	Places where dogs are prohibited absolutely	200	500
5	6.2	Dog excreting in public place	250	250

Dated this (Insert Date)

The Common Seal of the Shire of Beverley was affixed by authority of a resolution of the Council in the presence of—

Shire President

Chief Executive Officer

12.8 Proposed Shire of Beverley Standing Orders Local Law 2023

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	Administrative
File Reference:	ADM 0135
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	-
Disclosure(s) Of Interest:	None
Attachments:	Standing Orders Local Law 2023

SUMMARY

The proposed new *Shire of Beverley Standing Orders 2023, as attached* is submitted for Council's consideration and approval for local public advertising for a minimum of 42 days (6 weeks).

If Council agrees, the draft local law can be advertised for public comment; the results must then be returned to Council for consideration before the local law can be made.

BACKGROUND

This local law repeals the *Shire of Beverley Standing Orders Local Law* published in the Government Gazette on 28 November 1997.

The Shire has undertaken workshops to support this review of existing local laws and establishment of new local laws. This is achieved by establishing provisions, controls and enforcement actions that protect and enhance community, residents, business and visitors use of land, dwellings, animals, nuisances and public domain activities.

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws using the process set out in section 3.12 of the Act.

Section 3.16(1) of the *Local Government Act 1995* requires a local government to review a local law within a period of eight years from the day when it commenced.

COMMENT

The proposed Standing Orders Local Law 2023 is recommended to provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.

The Shires local law takes a contemporary approach, similar to that taken by a number of other local governments.

The Shire's local law has been prepared having due regard for

- operational requirements of the Shire
- compliance and consistency with legislative requirements

STATUTORY ENVIRONMENT

Local Government Act 1995 - section 3.12 - Procedure for making local laws.

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.
- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.
- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the Shire will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

CONSULTATION

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws subject to the conditions outlined in Part 3, Division 2, Subdivision 1 and following the procedure outlined in section 3.12(3) of the Act.

Amongst other things this requires a local government to

- give state-wide and local public notice stating that it proposes to make a local law, for a period of 6 weeks after it first appears.
- Summarise the purpose and effect in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the *Shire of Beverley Standing Orders Local Law 2023*, is:

Purpose	The purpose is to <i>provide</i> for the conduct of meetings of the council, its committees and electors.
Effect	The effect of this local law is to:- <ul style="list-style-type: none">• Better decision-making at meetings;• The orderly and efficient conduct of meetings;• Greater community participation and understanding of the business of the Council; and• More open and accountable local government.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

FINANCIAL IMPLICATIONS

Costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS:

Nil.

RISK IMPLICATIONS

Shire of Beverley Council has a statutory obligation to ensure Council meeting, committees and electors meeting are conducted in a orderly manner to facilitate the purpose of the meeting as set out in the Local Government Act.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M16/1123

Moved Cr Martin

Seconded Cr Davis

That Council;

- 1. Gives state-wide and local public notice, pursuant to Section 3.12 (2) and (3) of the Local Government Act 1995, that it proposes to make the *Shire of Beverley Standing Orders Local Law 2023*
 - a. For a period of not less than 6-weeks timeframe;**
 - b. By providing copies of the proposed local law for inspection at the Shire offices; and**
 - c. inviting submissions.****

- 2. Notes the Presiding Member gives notice to the meeting of the purpose and effect of the *Shire of Beverley Standing Orders Local Law 2023* as follows:**

Purpose	The purpose is to <i>provide</i> for the conduct of meetings of the council, its committees and electors.
Effect	The effect of this local law is to:- <ul style="list-style-type: none">• Better decision-making at meetings;• The orderly and efficient conduct of meetings;• Greater community participation and understanding of the business of the Council; and• More open and accountable local government.

- 3. Provides copies of the local law, in accordance with s3.12(3) of the Act, as soon as the notice is given, to the Minister for Local Government, and any other person requesting.**

CARRIED BY ABSOLUTE MAJORITY 6/0

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

STANDING ORDERS LOCAL LAW 2023**TABLE OF CONTENTS**

PART 1—PRELIMINARY	4
1.1 Citation	4
1.2 Commencement	4
1.3 Application and intent.....	4
1.4 Repeal	4
1.5 Interpretation	4
PART 2—MEETINGS OF COUNCIL	5
2.1 Ordinary and special council meetings	5
2.2 Calling council meetings	5
2.3 Covering council meetings	5
2.4 Calling committee meetings	5
2.5 Public notice of meetings	5
2.6 Public access to agendas and supporting documentation	5
2.7 Public access to unconfirmed minutes of meetings.....	5
2.8 Presiding person.....	5
2.9 Quorum.....	6
2.10 Reduction of a quorum for council meetings.....	6
2.11 Reduction of a quorum for committee meetings.....	6
2.12 Procedure if quorum not present.....	6
2.13 Lapse of quorum.....	6
2.14 Names to be recorded.....	6
PART 3—BUSINESS AT MEETINGS	6
3.1 Business to be specified	6
3.2 Order of business	7
3.3 Grant of leave of absence	7
3.4 Public question time for the public at meetings	7
3.5 Question time for the public at certain meetings.....	7
3.6 Minimum question time for the public	7
3.7 Procedures for question time for the public	8
3.8 Other procedures for question time for the public	8

3.9	Confirmation of minutes	8
3.10	Announcements by presiding person without discussion	8
3.11	Questions from members.....	8
3.12	Petitions.....	9
3.13	Disclosure of financial and proximity interests	9
3.14	Disclosure of interest affecting impartiality	9
3.15	Reports.....	9
3.16	Motions of which previous notice has been given	9
3.17	Urgent business	10
3.18	Meeting closure	10
PART 4—CONDUCT OF MEETINGS		10
4.1	Official titles to be used	10
4.2	Seating.....	11
4.3	Distinguished visitor seating	11
4.4	Media attendance and seating.....	11
4.5	Members who wish to speak	11
4.6	Order of speakers	11
4.7	Members not to interrupt.....	11
4.8	No reopening of discussion.....	12
4.9	No member to cross the floor	12
4.10	Presiding person may participate in discussion	12
4.11	Relevance to debate.....	12
4.12	Personal explanation.....	12
4.13	Ruling on questions of personal explanation.....	12
4.14	Point of order	12
4.15	Preservation of order—council members.....	13
4.16	Prevention of disturbance	13
4.17	Preservation of order—members of the public.....	13
4.18	Serious disorder.....	13
PART 5—MOTIONS AND AMENDMENTS		14
5.1	Recommendations in report.....	14
5.2	Adoption by exception resolution	14
5.3	Motions	14
5.4	No opposition to motions.....	14
5.5	Motions to be seconded	15
5.6	Withdrawing motions.....	15
5.7	One motion at a time	15
5.8	Limitation on members speaking.....	15

5.9	Questions during debate.....	15
5.10	Amendments.....	15
PART 6—REVOCATION MOTIONS.....		16
6.1	Revocation motions.....	16
6.2	Voting.....	17
6.3	Method of taking vote.....	17
PART 7—PROCEDURAL MOTIONS AND MOTIONS CONCERNING BEHAVIOUR UNDER THE CODE OF CONDUCT.....		18
7.1	Permissible procedural motions.....	18
7.2	No debate on procedural motions.....	18
7.3	Procedural motions—closing debate—who may move.....	18
7.4	Procedural motions—right of reply on primary motion.....	18
7.5	The motion be deferred—effect of motion.....	18
7.6	The meeting do now adjourn—effect of motion.....	19
7.7	The motion be now put—effect of motion.....	19
7.8	Meeting be now closed—effect of motion.....	19
7.9	Council sit behind closed doors—effect of motion.....	19
7.10	Limitation on members speaking be suspended or be resumed—effect of motion.....	20
7.11	Ruling by the presiding person be disagreed with—effect of motion.....	20
7.12	Motions concerning behaviour under Division 3 of the Code of Conduct.....	20
PART 8—CONDUCT OF MEMBERS.....		20
8.1	Dealing with Proponents.....	20
8.2	No adverse reflection.....	21
8.3	Withdrawal of offensive language.....	21
8.4	No participation in public question or public statement time.....	22
PART 9—MISCELLANEOUS.....		22
9.1	Representation on public bodies.....	22
9.2	Improper use of information.....	22
9.3	Meetings of electors.....	22
9.4	Recording of Proceedings.....	22
9.5	Giving a document to a member.....	22
9.6	Cases not provided for in the standing orders.....	22
PART 10—ENFORCEMENT.....		22
10.1	Penalty for Breach.....	22
10.2	Who can prosecute.....	22
SCHEDULE 1—PETITION TO THE SHIRE OF BEVERLEY.....		23

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

STANDING ORDERS LOCAL LAW 2023

PART 1—PRELIMINARY

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Beverley resolved on (Insert DATE) to make the following local law.

1.1 Citation

This is the *Shire of Beverley Standing Orders Local Law 2023*.

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application and intent

- (1) This local law provides rules that apply to the conduct of meetings of the council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
- (3) This local law is intended to result in—
 - (a) better decision making by the council and its committees;
 - (b) the orderly conduct of meetings dealing with council business;
 - (c) better understanding of the process of conducting meetings;
 - (d) more efficient and effective use of time at meetings.

1.4 Repeal

This local law repeals the *Shire of Beverley Standing Orders 1997* as published in the *Government Gazette* on 28 November 1997.

1.5 Interpretation

- (1) In this local law, unless the context otherwise requires—
 - absolute majority** has the meaning given to it in the Act;
 - Act** means the *Local Government Act 1995*;
 - CEO** means the Chief Executive Officer of the local government;
 - Code of Conduct** means the Council Members, Committee Members and Candidates Code of Conduct;
 - Council** means the council of the local government;
 - Councillor** has the meaning given to it in the Act;
 - meeting** means a meeting of the council;
 - member** has the meaning given to it in the Act;
 - presiding person** means the person presiding under section 5.6 of the Act;
 - Regulations** means the *Local Government (Administration) Regulations 1996*;
 - resolution** means a decision of council made by the appropriate majority;
 - schedule** means the Schedule to this local law;

substantive motion means an original motion, or an original motion as amended, but does not include an amendment motion or a procedural motion.

- (2) Unless otherwise defined, the terms used in this local law has the meaning given to them in the Act and Regulations.

PART 2—MEETINGS OF COUNCIL

2.1 Ordinary and special council meetings

- (1) Ordinary and special council meetings are dealt with in the Act.
- (2) An ordinary meeting of the council held as determined by the council, is for the purpose of considering and dealing with the ordinary business of the council.
- (3) A special meeting of the council is held for the purpose of considering and dealing with council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling council meetings

The calling of meetings is dealt with in the Act.

2.3 Convening council meetings

The convening of a council meeting is dealt with in the Act.

2.4 Calling committee meetings

A meeting of a committee is to be held—

- (1) if called for in a verbal or written request to the CEO by the Shire President or the presiding person of the committee, advising the date and purpose of the proposed meeting;
- (2) if called for by at least 1/3 of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (3) in accordance with a decision of the council or the committee.

2.5 Public notice of meetings

- (1) Public notice of meetings is dealt with in the Regulations.
- (2) When a meeting is adjourned to a day and hour other than the next ordinary meeting, notice of the resumption of the adjourned meeting, if time permits, is to be given to each member specifying the nature of the business to be transacted.

2.6 Public access to agendas and supporting documentation

Public access to agendas and supporting information is dealt with in the Regulations.

2.7 Public access to unconfirmed minutes of meetings

Public access to unconfirmed minutes of meetings is dealt with in the Regulations.

2.8 Presiding person

Who presides at a council meeting is dealt with in the Act.

2.9 Quorum

The quorum for meetings is dealt with in the Act.

2.10 Reduction of a quorum for council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

2.11 Reduction of a quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

2.12 Procedure if quorum not present

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

2.13 Lapse of quorum

- (1) If at any time during a meeting a quorum is not present—
- (a) the presiding person is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
 - (b) a record is to be taken of all those who have spoken on the subject under consideration at the time of the suspension and is to be recorded in the minutes of the meeting;
 - (c) if a quorum is not present at the expiry of the suspension period under paragraph (a), the presiding person may either adjourn the meeting to some future time or date or may extend the extension period for a further period of up to 30 minutes; and
 - (d) if a quorum is not present at the expiry of the extended period of suspension under paragraph (c), the presiding person is to adjourn the meeting to a later time on the same day or to another day.
- (2) If the debate on a motion is interrupted at a meeting, which is suspended due to a quorum not being present—
- (a) the debate is to be resumed at the resumption of the meeting at the point where it was interrupted; and
 - (b) the members who have spoken on the motion before the suspension must not speak again at the resumption of the meeting—except the mover who retains the right of reply.

2.14 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present to begin the meeting; or
- (b) which is suspended or adjourned for want of a quorum, the names of the members then present are to be recorded in the minutes.

PART 3—BUSINESS AT MEETINGS

3.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the council other than that specified in the agenda, without the approval of the presiding person or the council.
- (2) No business is to be transacted at a special meeting of the council other than that given in the notice as the purpose of the meeting.

- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the council other than that—
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the council then, unless the council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering the officer's reports at that ordinary meeting.

3.2 Order of business

- (1) Unless the council decides otherwise, the order of business at an ordinary meeting of the council is to be as follows—
 - (a) Opening.
 - (b) Attendances, apologies and leave of absence.
 - (c) Public question time.
 - (d) Confirmation of minutes.
 - (e) Announcements by the presiding person without discussion.
 - (f) Questions from members.
 - (g) Petitions.
 - (h) Declarations of Interest.
 - (i) Reports.
 - (j) Motions of which previous notice has been given.
 - (k) Urgent business.
 - (l) Matters for which the meeting may be closed.
 - (m) Date and location of the next meeting.
 - (n) Closure.
- (2) Unless otherwise decided by the council or committee, the items of business for a meeting of the council or committee are to be considered in the sequence that they are listed in the agenda.
- (3) The council or a committee may pass an adoption by exception resolution under clause 5.2.
- (4) At the resumption of an adjourned meeting the only business to be transacted is that which remains outstanding on the agenda of the adjourned meeting.

3.3 Grant of leave of absence

- (1) The grant of leave of absence is dealt with in the Act.
- (2) A member who requests a leave of absence need not put the request in writing but must state the period of leave and the reasons for the request.

3.4 Public question time for the public at meetings

Public question time at meetings is dealt with in the Act and Regulations.

3.5 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

3.6 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

3.7 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

3.8 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must—
 - (a) first state their name and address.
 - (b) direct the questions to the presiding person.
 - (c) ask the question briefly and concisely.
 - (d) limit any preamble to matters directly relevant to the question; and
 - (e) ensure that the question is not accompanied by any expression of opinion, statement of fact or other comment, except so far as may be necessary to explain the question.
- (2) A question may be taken on notice by the council or committee for later response.

3.9 Confirmation of minutes

- (1) The requirements for keeping minutes of meetings and the content of minutes are dealt with in the Act and the Regulations.
- (2) When minutes are confirmed, the only discussion permitted is that relating to the accuracy of the minutes as a record of the proceedings.

3.10 Announcements by presiding person without discussion.

At any meeting of the council the presiding person may announce or raise any matter of interest or affecting the local government and there is not to be any discussion on the matter.

3.11 Questions from members

- (1) The item of business "Questions from Members" is to provide members with an opportunity to raise questions with the Shire President and the council.
- (2) Questions are to relate only to the business of the council.
- (3) A member asking questions may address the council for a maximum of 3 minutes.
- (4) A minimum of 15 minutes is to be allowed to the item "Questions from Members".
- (5) If there are insufficient questions to fill the allocated time, then the presiding person is to move on to the next item.
- (6) Whenever possible, questions are to be submitted in writing at least 30 hours prior to the start of the meeting.
- (7) Questions submitted in writing are to be dealt with first.
- (8) At an ordinary meeting, only questions relating to matters affecting the council are to be answered.
- (9) At a special meeting, only questions relating to the purpose of the meeting are to be answered.
- (10) Questions may be taken on notice and responded to after the meeting.
- (11) The presiding person is to control the item "Questions from Members" and is to ensure that any member writing to ask a question is given a fair and equal opportunity to do so.
- (12) If a question is directed to a member or an employee who has an interest in the subject matter of the question, then the member or employee is to

declare the interest and allow another member or employee to respond to the question.

3.12 Petitions

- (1) A petition received by a member, or the CEO is to be presented to the next ordinary council meeting.
- (2) Any petition to the council is—
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule 1;
 - (b) to be addressed to the council and forwarded to a member or the CEO; and
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the council, a motion may be moved to receive the petition and refer it to the CEO for action.

3.13 Disclosure of financial and proximity interests

The requirements for disclosure of any interest as defined in section 5.60 of the Act are dealt with in Part 5 of the Act.

3.14 Disclosure of interest affecting impartiality

The disclosure of interests affecting impartiality is dealt with by the *Local Government (Model Code of Conduct) Regulations 2021*.

3.15 Reports

- (1) The functions of the CEO including to advise the council and implement decisions are dealt with in the Act.
- (2) The CEO may prepare or cause to be prepared any report that in the CEO's opinion requires consideration by the council, including any report of a late or urgent nature.

3.16 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting any business that the member considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) Subject to sub clause (3) a notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 7 clear days before the meeting at which it is to be moved.
- (3) A notice of motion must relate to a matter for which the council is responsible.
- (4) The requirement to give notice of a motion under subclause (1) does not apply where the proposed motion is relevant to—
 - (a) a recommendation made by or contained in a report on the agenda; or
 - (b) a notice of motion that appears on the agenda and is moved after the motion has been dealt with.
- (5) A notice of motion lapses unless the member who gave the notice or some other member authorised in writing by the member who gave the notice, moves the motion at the meeting at which it is to be considered.

- (6) Where a notice of motion is given and lapses in circumstances referred to under sub clause (5), notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of the lapse.
- (7) A notice of motion of which the subject matter does not relate to a matter affecting the local government, may be ruled out of order by the presiding person.
- (8) Where a notice of motion under subclause (1) contains any word or words which—
 - (a) reflect adversely on the character or actions of a member, officer or other person; or
 - (b) impute any motive to any member or officer; or
 - (c) are offensive or insulting,
then the CEO—
 - (d) after consultation with the Shire President, may reject the motion; or
 - (e) after consultation with the member who submitted the motion, may amend the form but not the substance of the motion so as to delete the offensive or insulting word or words.
- (9) If a notice of motion is rejected under subclause (8), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (10) Where, prior to a meeting, a member has given notice of motion in accordance with this clause, or a member has given notice of a revocation motion in accordance with clause 6.1 and—
 - (a) the member is present at the meeting, the member must read the motion or revocation motion to the meeting; or
 - (b) the member is not present at the meeting, the CEO must read the motion or revocation motion to the meeting.

3.17 Urgent business

- (1) In a case of extreme urgency or other special circumstances, a matter may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In sub clause (1), a case of extreme urgency or other special circumstance means a matter—
 - (a) that could not reasonably be dealt with at the next ordinary meeting of the council; and
 - (b) it was not reasonable for the notice to be given.

3.18 Meeting closure

At the conclusion of all business or when otherwise determined by the meeting, the presiding person is to declare the meeting closed and state the closing time.

PART 4—CONDUCT OF MEETINGS

4.1 Official titles to be used

Members, when referring to others, must refer to them by their titles of shire president, deputy shire president, councillor, or in the case of an employee by the employee's title.

4.2 Seating

- (1) At the first meeting following each ordinary election, the CEO is to allocate a seat in the council chamber to each member.
- (2) Each member must occupy his/her/their allocated position when present at a meeting of the council.
- (3) The council may, at any time, reallocate a seat in the council chamber to each member.

4.3 Distinguished visitor seating

If a distinguished visitor is present at a meeting of the council, the presiding person may invite that person to sit beside the presiding person or at the meeting table.

4.4 Media attendance and seating

Media representatives are permitted to attend meetings of the council and be seated in that part of the Council Chamber or meeting room that may be set aside for their use but must leave the meeting during any period when the meeting is closed to the public.

4.5 Members who wish to speak

A member who wishes to speak at a council or committee meeting—

- (a) must indicate his/her/their intention to speak by raising his/her/their hand, or by any other method determined by the council or committee; and
- (b) when invited by the presiding person to speak, and unless otherwise determined by the council or committee, must address the meeting through the presiding person.

4.6 Order of speakers

- (1) At a council meeting, where 2 or more members of the council indicate, at the same time, their intention to speak, the presiding person is to decide which member is entitled to be heard first.
- (2) At a committee meeting, the presiding person is first to invite committee members to speak followed, at the discretion of the presiding person, by other members and attendees.
- (3) A decision of the presiding person under this clause is not open to discussion or dissent.

4.7 Members not to interrupt

A member must not—

- (a) make any noise or disturbance or converse in a loud manner whilst any other member is addressing a meeting;
- (b) interrupt another member who is speaking other than to—
 - (i) raise a point of order;
 - (ii) to call attention to the absence of a quorum;
 - (iii) to make a personal explanation under clause 4.12; or
 - (iv) to move a procedural motion.

4.8 No reopening of discussion

A member must not reopen a discussion on any council or committee decision, except to move that the decision be revoked or changed.

4.9 No member to cross the floor

When the presiding person is putting any motion, a member must not cross the floor, and whilst any other member is speaking, must not pass between the speaker and the presiding person or pass behind the presiding person.

4.10 Presiding person may participate in discussion

The presiding person may participate in the discussion of any motion before the meeting provided that the presiding person addresses the meeting before the right of reply is exercised.

4.11 Relevance to debate

When addressing a meeting on any motion or other business, members must confine their remarks to the motion or other business and not digress.

4.12 Personal explanation

- (1) A member must not speak at any meeting, except on the matter then before the council, unless it is to make a personal explanation.
- (2) A member wishing to make a personal explanation of matters referred to by any other member then speaking, is entitled to be heard—
 - (a) immediately if the member then speaking consents at the time; or
 - (b) at the conclusion of the speech if the member then speaking declines to give way.
- (3) A member of the council permitted to make a personal explanation must confine comments to a succinct statement relating to a specific part of the former speech that may have been misunderstood and the member is not to refer to matters not strictly necessary for that purpose and is not to seek to strengthen his/her/their former argument by adding new matters or by replying to other members.

4.13 Ruling on questions of personal explanation

The ruling of the presiding person on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

4.14 Point of order

- (1) A member may direct the presiding person's attention to a breach of this local law by any other member and is to specify the grounds of the breach.
- (2) A member expressing a difference of opinion with, or contradicting, a speaker is not to be recognised as raising a point of order.
- (3) The presiding person is to decide all points of order and the decision of the presiding person is final unless in any particular case, the council then resolves that a different ruling is to be substituted for the ruling given by the presiding person.
- (4) A motion, amendment or other business ruled to be out of order, is to be no longer discussed and requires no resolution.

- (5) Where anything said or done by a member is ruled out of order, the presiding person may require the member to make an explanation, retraction or apology as the case may be.

4.15 Preservation of order—council members

- (1) The presiding person is to preserve order at all times and may call any member to order whenever in the presiding person's opinion, there is cause to do so.
- (2) Any member who acts in breach of this clause may be ruled by the presiding person to be out of order.
- (3) Where a member persists in any conduct which the presiding person deems is out of order, or refuses to make any explanation, retraction or apology required by the presiding person, then the presiding person may direct the member to refrain from taking any further part in the debate of the item, other than by recording the member's vote and the member must comply with that direction.

4.16 Prevention of disturbance

A member or an employee—

- (a) must ensure that handheld mobile devices are turned to silent during meetings of council and committees of council;
- (b) must only use handheld mobile devices sparingly and discreetly during meetings; and
- (c) must not, during a confidential session, use handheld mobile devices other than to refer to council meeting papers.

4.17 Preservation of order—members of the public

- (1) Any member of the public addressing the council is to extend due courtesy and respect to the council and the processes under which they operate and must take direction from the presiding person whenever called upon to do so.
- (2) A person observing a meeting, must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (3) Where a person is considered by the presiding person or the council to be in breach of sub clauses (1) or (2) the presiding person or the council may direct the offending person to leave the meeting room and the person must immediately comply with that direction.
- (4) A person failing to comply with a direction given under subclauses (1) or (3) may, by order of the presiding person, be removed by the police from the meeting room.

4.18 Serious disorder

- (1) If the presiding person is of the opinion that by reason of serious disorder or otherwise, the business of the meeting cannot effectively be continued, the presiding person may adjourn the meeting for a period of not less than 5 minutes but no more than 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.

- (3) If, having once adjourned the meeting, the presiding person is again of the opinion that the business of the meeting cannot effectively be continued the presiding person may adjourn the meeting to another date.

PART 5—MOTIONS AND AMENDMENTS

5.1 Recommendations in report

- (1) Where a motion, if carried, would be significantly different from the relevant written recommendation of an employee (but not a motion to only note the matter or to return the recommendation for further consideration), the written reasons are to be recorded in the minutes for that meeting.
- (2) A recommendation made by or contained in a report may, but need not be, moved.
- (3) A motion may be moved that a recommendation made by or contained in a report be referred back for further consideration.

5.2 Adoption by exception resolution

- (1) In this clause adoption by exception resolution means—
 - (a) a resolution of the council that has the effect of adopting, for each of a number of specifically identified reports, the committee or employee recommendation as the council resolution; and
 - (b) a resolution of a committee that has the effect of adopting, for each of a number of specifically identified reports, the employee recommendation as the committee resolution.
- (2) The council or a committee may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter—
 - (a) that requires an absolute majority.
 - (b) in which an interest has been disclosed.
 - (c) that is a matter on which a member wishes to make a statement; or
 - (d) that is a matter on which a member wishes to move a motion that is different to the recommendation.

5.3 Motions

- (1) A member proposing a primary motion or amendment must state its substance before addressing the meeting and if so required by the presiding person, must put the motion or amendment in writing.
- (2) The presiding person or the meeting by resolution, may require a complicated motion to be divided into 2 or more motions.

5.4 No opposition to motions

- (1) On a motion being moved and seconded, the presiding person may then ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the presiding person may then take the vote without debate.
- (3) If a member signifies opposition to a motion, the motion shall be dealt with according to this local law.

5.5 Motions to be seconded

- (1) Subject to subclause (2) a motion or amendment is not to be discussed or put to the vote unless seconded.
- (2) A nomination to any position is not required to be seconded.
- (3) A member seconding a motion is to be taken to have reserved the right to speak on the motion later in the debate.

5.6 Withdrawing motions

A motion or amendment may be withdrawn by the mover, with the consent of the council, and no member is to speak on it after it has been withdrawn.

5.7 One motion at a time

Only one motion is to be debated at any one time.

5.8 Limitation on members speaking

- (1) Only the mover of a motion or an amendment may speak twice on the same motion or the same amendment.
- (2) The mover of a motion or an amendment—
 - (a) is to speak to that motion or amendment first, after it has been seconded; and
 - (b) has the right of reply and in exercising that right is to confine the reply to previous speakers' comments and not introduce any new matters.
- (3) A member must not speak on any motion or an amendment after the mover has replied.
- (4) A member may only speak on a motion or an amendment, or reply, for a period of 5 minutes, unless an extension of time is granted by the council by simple majority without debate, but is not to exceed 10 minutes in total.
- (5) The council may suspend the operation of this clause during debate on a motion.

5.9 Questions during debate

- (1) Subject to clause 5.8, a member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) A member who asks one or more questions will not be taken to have spoken on the matter.

5.10 Amendments

- (1) A member may move an amendment to a primary motion, at any time during debate on the motion, except—
 - (a) when the mover has been called by the presiding person to exercise the right of reply; or
 - (b) during debate on a procedural motion.
- (2) A member who wishes to move an amendment—
 - (a) is to state the substance of the motion before speaking to it; and
 - (b) is to put the amendment in writing; if—
 - (i) in the opinion of the presiding person, the amendment is significantly different to the relevant written recommendation of a committee or an employee (including a person who under a contract for services

- with the local government, provides advice or a report on the matter); or
- (ii) he or she is otherwise required to do so by the presiding person.
- (3) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.
- (4) Every amendment is to be relevant and not negate the motion in respect of which it is moved.
- (5) An amendment to a motion is to take only one of the following forms—
- (a) that certain words be omitted;
- (b) that certain words be omitted and others substituted or added; or
- (c) that certain words be added.
- (6) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the primary motion is put to the vote.
- (7) Where an amendment is carried, one further successful amendment to the primary motion, as amended, and no more, may be carried.
- (8) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate and subject only to sub clause (4), to be treated as a primary motion.

PART 6—REVOCATION MOTIONS

6.1 Revocation motions

- (1) The requirements for support of a motion for revocation or change of a council decision are dealt with in the Act and Regulations.
- (2) In this clause—
- (a) **relevant meeting**, where used in relation to a revocation motion, means—
- (i) the ordinary or special meeting specified in the notice of the revocation motion; or
- (ii) if that meeting is adjourned before the motion is announced by the presiding person, then at the resumption of the adjourned meeting; or
- (iii) if that meeting is closed before the motion is announced by the presiding person, then at the next ordinary meeting or a special meeting convened to consider those matters not considered prior to the closure of the meeting; or
- (iv) if the motion is deferred by the council to another meeting of the council, then at that other meeting, as the case may be;
- (b) **revocation motion** means a motion to revoke or change a decision made at a council meeting.
- (3) This clause does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.
- (4) A member wishing to move a revocation motion at a meeting of the council must give to the CEO notice of the revocation motion, which is to—
- (a) be in writing;
- (b) specify the decision proposed to be revoked or changed;
- (c) include a reason or reasons for the revocation motion;

- (d) be signed by the number of members required by law to support the motion to revoke or change the decision referred to in the revocation motion;
 - (e) specify the date of the ordinary or special meeting of the council, as the case may be, which next follows the expiry of 7 clear days after the notice is given to the CEO;
 - (f) be given to the CEO not less than 7 clear days prior to the date of the ordinary or special meeting specified in the notice.
- (5)
- (a) If, at the relevant meeting, the member who gave the notice of the revocation motion, is present, then the presiding person is to call on that member to move the revocation motion.
 - (b) If that member is not present or, being present, does not move the revocation motion when called upon to do so by the presiding person, then notwithstanding clause 3.16 any member of the council may move the revocation motion.
- (6) Where notice of a revocation motion is given in accordance with the requirements of this clause, then the CEO must not implement or continue to implement, the decision the subject of the revocation motion until—
- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
 - (b) no member of the council moves the revocation motion;
 - (c) the motion is moved but not seconded; or
 - (d) the motion is moved and seconded but is not made by the kind of majority required by law, at the relevant meeting.
- (7) A notice of revocation motion given in accordance with the requirements of this clause is to lapse when—
- (a) the revocation motion is not supported by the number of members of the council required by law to support the motion;
 - (b) no member of the council moves the revocation motion;
 - (c) the motion is moved but not seconded; or
 - (d) the motion is moved and seconded but is not made by the kind of majority required by law, at the relevant meeting.
- (8) Subclauses (1), (2), (3), (4) and (5) of clause 3.16 do not apply where the motion is a revocation motion.
- (9) For the avoidance of doubt subclauses (6), (7), (8) and (9) of clause 3.16 are to apply where the motion is a revocation motion.
- (10) A motion that a revocation motion be deferred is only to be carried by the decision of an absolute majority.

6.2 Voting

Voting at meetings is dealt with in the Act and the Regulations.

6.3 Method of taking vote

In taking the vote on any motion, the presiding person—

- (1) Is to put the motion, first in the affirmative, and then in the negative;
- (2) May put the motion in this way as often as may be necessary to enable him/her/them to determine whether the affirmative or the negative has the majority of votes;

- (3) Is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and
- (4) Subject to this clause, is to declare the result.

PART 7—PROCEDURAL MOTIONS AND MOTIONS CONCERNING BEHAVIOUR UNDER THE CODE OF CONDUCT

7.1 Permissible procedural motions

In addition to proposing a properly worded amendment to a primary motion, a member may, at the conclusion of a speech of any other member or on the conclusion of any business, move any of the following procedural motions without notice, and if seconded, the procedural motion is to be dealt with immediately—

- (a) that the motion be deferred;
- (b) that the meeting do now adjourn;
- (c) that the motion be now put;
- (d) that the meeting be now closed;
- (e) that the council sit behind closed doors;
- (f) that the limitation on members speaking be suspended or that the limitation be resumed;
- (g) that the ruling by the presiding person be disagreed with.

7.2 No debate on procedural motions

- (1) The mover of a motion referred to in each of paragraphs (a), (b), (d) and (f) of clause 7.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion referred to in paragraph (c) of clause 7.1 must not speak to the motion, the seconder must not speak other than to formally second the motion, and there is to be no debate on the motion.

7.3 Procedural motions—closing debate—who may move

- (1) No person who has moved, seconded, or spoken for or against the primary motion, or any amendment may move any procedural motion which, if carried, would close the debate on the primary motion or amendment.
- (2) At the same meeting, a member must not move more than one procedural motion, except a motion referred to in paragraph (a), (e) or (f) of clause 7.1.

7.4 Procedural motions—right of reply on primary motion

The carrying of a procedural motion, which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion or amendment.

7.5 The motion be deferred—effect of motion

- (1) If a motion "that the motion be deferred" is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.

- (2) A member who moves “that the motion be deferred” must briefly state the reasons for the deferral when moving.
- (3) A motion that the motion be deferred is not to be moved in respect of the election of a presiding person or the shire president.

7.6 The meeting do now adjourn—effect of motion

- (1) If a motion “that the meeting do now adjourn” is carried then the meeting is to stand adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the presiding person declares.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)—
 - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
 - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (c) the provisions of clause 5.8 apply when the debate is resumed.

7.7 The motion be now put—effect of motion

- (1) If a motion “that the motion be now put”, is carried during discussion of a primary motion or amendment then the presiding person is to immediately put the matter under consideration without further debate (subject to clause 7.4).
- (2) If the motion “that the motion be now put” is lost then debate is to continue.

7.8 Meeting be now closed—effect of motion

- (1) If a motion “that the meeting be now closed”, is carried, then—
 - (a) the presiding person is to forthwith close the meeting, and no further business may be transacted; and
 - (b) any business outstanding on the agenda for that meeting is to be carried forward to the agenda for the next ordinary meeting of the council.
- (2) If the motion “that the meeting be now closed” is carried at a meeting of the council—
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 5.8 apply when the outstanding business is resumed.

7.9 Council sit behind closed doors—effect of motion

- (1) The requirements for meetings to be open to the public and the reason that meetings may be closed are dealt with in the Act.
- (2) The council, in one or more of the circumstances dealt with in the Act or the Regulations, may at any time, by resolution, decide to close to members of the public a meeting or part of a meeting.
- (3) If a resolution under sub clause (2) is carried, the presiding person, in consultation with the CEO, will determine who of the CEO or any employee of the local government present at the meeting, is to leave meeting.
- (4) Subject to subclause (3), the meeting is to be closed to the public until the council resolves to open the meeting to members of the public.

- (5) Upon the public again being admitted to the meeting the presiding person is to cause the motions passed by the council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.
- (6) A person failing to comply with a direction made under subclause (3) may, by order of the presiding person, be removed by the police from the meeting room.

7.10 Limitation on members speaking be suspended or be resumed—effect of motion

- (1) If a motion “that the limitation on members speaking be suspended” is carried then the operation of clause 5.8 is suspended.
- (2) If a motion “that the limitation on members speaking be resumed” is carried then the operation of clause 5.8 is no longer suspended.

7.11 Ruling by the presiding person be disagreed with—effect of motion

If a motion “that the ruling by the presiding person be disagreed”, is carried then the ruling of the presiding person about which this motion was moved, is to have no effect and the meeting is to proceed accordingly.

7.12 Motions concerning behaviour under Division 3 of the Code of Conduct

- (1) A motion concerning a complaint about a breach of Division 3 of the Code of Conduct shall—
 - (a) be moved by the member who made the complaint; or
 - (b) if the complaint was made by a person who is not a member, moved by any member.
- (2) If a motion moved under subclause (1) lapses for want of a mover or seconder, the complaint is taken to have been dismissed.
- (3) There is to be no debate on a motion moved and seconded under subclause (1).
- (4) A motion moved and seconded under subclause (1) cannot be amended.
- (5) If a motion under subclause (1) is moved and seconded then lost, the complaint is taken to have been dismissed.
- (6) If the motion moved and seconded under subclause (1) is carried, the person who moved the motion shall then move a motion in relation to whether further action is warranted.
- (7) If a motion moved under subclause (6) lapses for want of a seconder, council is taken to have determined that no further action is warranted in respect of the breach and no further motion may be moved.
- (8) If a motion moved under subclause (6) is seconded there is to be no debate on the motion.
- (9) A motion moved and seconded under subclause (6) cannot be amended.

PART 8—CONDUCT OF MEMBERS

8.1 Dealing with Proponents

- (1) In this Part—

Proponent means a proponent of a Proposal and includes a person who represents the interests of a Proponent;

Proposal means—

 - (a) a proposed subdivision of land;
 - (b) a proposed development of land;

- (c) a proposal involving the exercise of discretion under a planning scheme or under a planning policy or structure plan adopted under a planning scheme;
 - (d) a proposed change to a planning scheme including a proposed change to the zoning of land; or
 - (e) a proposed change to a planning policy or structure plan adopted under a planning scheme.
- (2) This clause applies where a Proposal is, or is likely, to be considered by the council.
- (3) A member must—
- (a) not make any statements or express any views to a Proponent or a person interested in a Proposal which purports to be on behalf of the council or the local government;
 - (b) be alert to the motives and interests of a Proponent;
 - (c) be aware of which person, organisation or company that the Proponent is representing;
 - (d) not give any undertaking to a Proponent or any person interested in the Proposal;
 - (e) not do or say anything which could be viewed as giving a Proponent preferential treatment;
 - (f) ensure that persons interested in a Proposal are treated fairly and consistently;
 - (g) be alert to attempts by Proponents and parties interested in a Proposal to encourage members to consider matters which are extraneous or irrelevant to the merits of the decision under consideration; and
 - (h) be careful in dealings with a Proponent or a person interested in a Proposal who is a former councillor or former employee of the local government and make sure that the person is not given or appear to be given favourable or preferential treatment.

8.2 No adverse reflection

- (1) A member must not reflect adversely upon a decision of the council except on a motion that the decision be revoked or changed.
- (2) A member must not use an objectionable expression in reference to any other member.
- (3) A member may request that any words used by a member, be recorded in the minutes immediately after their use.

8.3 Withdrawal of offensive language

- (1) A member who uses an expression which, in the opinion of the presiding person—
 - (a) reflects adversely on the character or actions of another member; or
 - (b) imputes any motive to any other member; or
 - (c) is offensive or insulting, must, when directed by the presiding person, unreservedly withdraw the expression and make an unconditional apology.
- (2) Where a member fails to comply with a direction of the presiding person under subclause (1), the presiding person may refuse to hear the member further on the matter then under discussion and call on the next speaker.

8.4 No participation in public question or public statement time

- (1) A member must not ask a question or make a statement during public question time.
- (2) A member must not sit in the public gallery during a meeting.

PART 9—MISCELLANEOUS

9.1 Representation on public bodies

When the council is required to appoint or nominate a member/person to a public body, written notice of the vacancy or need for the appointment or nomination is to be given to all members and the council is by resolution to determine the appointment or nomination.

9.2 Improper use of information

The improper use of information is dealt with in the Act.

9.3 Meetings of electors

The requirements for meetings of the electors are dealt with in the Act and the Regulations.

9.4 Recording of Proceedings

Unless otherwise decided by the meeting—

- (a) The CEO is to ensure that an audio recording is taken of the proceedings of each meeting; and
- (b) Unless with the written authorisation of the presiding person, a person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of a meeting.

9.5 Giving a document to a member

A person, other than a member or an employee, must not give to a member, during a council or committee meeting or within 30 minutes before the commencement of the meeting, any correspondence or other document relating to a matter to be considered by the meeting.

9.6 Cases not provided for in the standing orders

Where there is no provision or insufficient provision is made in this local law, the presiding person is to determine the procedure to be observed.

PART 10—ENFORCEMENT

10.1 Penalty for Breach

A person who breaches a provision of these Standing Orders commits an offence.

Penalty: \$1,000

10.2 Who can prosecute

Who can prosecute is dealt with in the Act.

SCHEDULE 1—PETITION TO THE SHIRE OF BEVERLEY

PETITION TO THE SHIRE OF BEVERLEY

To the Shire President and/or CEO of the Shire of Beverley.

We the undersigned, do formally request Council's consideration (insert details)—

Name, address and contact details of the person to which correspondence in respect of this petition should be address (the Submitter)—

Name: _____

Address: _____

Email: _____

Phone: _____

The names and addresses of the petitioners are as follows—

	FULL NAME	ADDRESS	SIGNATURE	DATE
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

Dated this (Insert Date)

The Common Seal of the Shire of Beverley was affixed by authority of a resolution of the Council in the presence of—

Shire President

Chief Executive Officer

12.9 Proposed Shire of Beverley Trading in Thoroughfares and Public Places Local Law 2023

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	Administrative
File Reference:	ADM 0135
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	-
Disclosure(s) Of Interest:	None
Attachments:	Trading in Thoroughfares and Public Places Local Law 2023

SUMMARY

The proposed new *Shire of Beverley Trading in Thoroughfares and Public Places Local Law 2023*, as attached is submitted for Council's consideration and approval for local public advertising for a minimum of 42 days.

If Council agrees, the draft local law can be advertised for public comment; the results must then be returned to Council for consideration before the local law can be made.

BACKGROUND

This local law repeals the *Shire of Beverley Trading in Public Places Local Law* published in the Government Gazette on 5 February 1988.

The Shire has undertaken workshops to support this review of existing local laws and establishment of new local laws. This is achieved by establishing provisions, controls and enforcement actions that protect and enhance community, residents, business and visitors use of land, dwellings, animals, nuisances and public domain activities.

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws using the process set out in section 3.12 of the Act.

Section 3.16(1) of the *Local Government Act 1995* requires a local government to review a local law within a period of eight years from the day when it commenced.

COMMENT

The Shire's current local laws have undergone a detailed review including:

- currency and operational requirements of the Shire
- compliance and consistency with legislative requirements
- requirements of the local government
- appropriateness of modified penalties

The proposed *Shire of Beverley Trading in Thoroughfares and Public Places Local Law 2023* reflects the Shires specific needs and elements of the model developed by the WA Local Government Association (WALGA).

STATUTORY ENVIRONMENT

Local Government Act 1995 - section 3.12 - Procedure for making local laws.

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.
- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.
- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the Shire will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

CONSULTATION

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws subject to the conditions outlined in Part 3, Division 2, Subdivision 1 and following the procedure outlined in section 3.12(3) of the Act.

Amongst other things this requires a local government to

- give state-wide and local public notice stating that it proposes to make a local law, for a period of 6 weeks after it first appears.
- Summarise the purpose and effect in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the *Shire of Beverley Trading in Thoroughfares and Public Places Local Law 2023*, is:

Purpose	The purpose is to regulate private and commercial activities in thoroughfares and other public places..
Effect	The effect of this local law is to <ul style="list-style-type: none">• Protect public health and safety;• Preserve neighbourhood amenity;• Preserve pedestrian and vehicle access to and movement within thoroughfares;• Protect public infrastructure and local government assets;• Make provision for objection and appeal rights against certain decisions;• Preserve adequate access in thoroughfares for public works and utility services;

	<ul style="list-style-type: none"> • Provide for issuing approvals and permits for specified activities in thoroughfares and public places; and • Provide for the enforcement of this local law
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

FINANCIAL IMPLICATIONS

Costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

RISK IMPLICATIONS

Shire of Beverley Council has a role in supporting and managing the activities in the public domain to the benefit of the community, businesses, visitors and residents.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M17/1123

Moved Cr Lawlor

Seconded Cr Maxwell

That Council;

- 1. Gives state-wide and local public notice, pursuant to Section 3.12 (2) and (3) of the Local Government Act 1995, that it proposes to make the *Shire of Beverley Trading in Thoroughfares and Public Places Local Law 2023*:-**
 - a. For a period of not less than 6-weeks timeframe;**
 - b. By providing copies of the proposed local law for inspection at the Shire offices; and**
 - c. inviting submissions.**

- 2. Notes the Presiding Member gives notice to the meeting of the purpose and effect of the *Shire of Beverley Trading in Thoroughfares and Public Places Local Law 2023*;**

Purpose	The purpose is to regulate private and commercial activities in thoroughfares and other public places..
Effect	The effect of this local law is to <ul style="list-style-type: none">• Protect public health and safety;• Preserve neighbourhood amenity;• Preserve pedestrian and vehicle access to and movement within thoroughfares;• Protect public infrastructure and local government assets;• Make provision for objection and appeal rights against certain decisions;• Preserve adequate access in thoroughfares for public works and utility services;• Provide for issuing approvals and permits for specified activities in thoroughfares and public places; and• Provide for the enforcement of this local law

- 3. Provides copies of the local law, in accordance with s3.12(3) of the Act, as soon as the notice is given, to the Minister for Local Government, and any other person requesting.**

CARRIED BY ABSOLUTE MAJORITY 6/0

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES
AND TRADING LOCAL LAW 2023****TABLE OF CONTENTS**

PART 1—PRELIMINARY	5
1.1 Citation.....	5
1.2 Commencement	5
1.3 Application	5
1.4 Repeal	5
1.5 Interpretations	5
PART 2—ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES	7
<i>Division 1—General</i>	7
2.1 General prohibitions	7
2.2 Activities allowed with a permit – general	7
<i>Division 2—Vehicle crossing</i>	8
2.3 Permit required.....	8
2.4 Removal of redundant crossing	8
<i>Division 3—Verge treatments</i>	9
2.5 Interpretation.....	9
2.6 Application	9
2.7 Permissible verge treatments	9
2.8 Only permissible verge treatments to be installed.....	9
2.9 Obligations of owner or occupier	9
2.10 Notice to owner or occupier.....	10
2.11 Transitional provision.....	10
2.12 Parking or driving on verges and crossovers.....	10
2.13 Power to carry out public works on verge	10
<i>Division 4—Property numbers</i>	10
2.14 Interpretation.....	10
2.15 Assignment of numbers.....	10
<i>Division 5—Fencing</i>	10
2.16 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act.....	10
<i>Division 6—Signs erected by the local government</i>	11
2.17 Signs	11

2.18	Transitional.....	11
	<i>Division 7—Driving on a closed thoroughfare</i>	11
2.19	No driving on closed thoroughfare	11
	PART 3—ADVERTISING SIGNS ON THOROUGHFARES	11
	<i>Division 1—Preliminary</i>	11
3.1	Interpretation.....	11
	<i>Division 2—Permit</i>	12
3.3	Matters to be considered in determining application for permit	12
	<i>Division 3—Conditions on permit</i>	12
3.4	Conditions on portable sign	12
	PART 4—ROADSIDE CONSERVATION	13
	<i>Division 1—Planting in thoroughfares</i>	13
4.1	Permit to plant	13
4.2	Relevant considerations in determining application.....	13
	<i>Division 2—Clearance of vegetation</i>	13
4.3	Permit to clear	13
4.4	Application for permit	13
	<i>Division 3—Fire management</i>	13
4.5	Permit to burn thoroughfare.....	13
4.6	Application for permit	13
4.7	When application for permit can be approved	14
4.8	Prohibitions on burning	14
	<i>Division 4 —Firebreaks</i>	14
4.9	Permit for firebreaks on thoroughfares	14
4.10	When application for permit cannot be approved	14
	PART 5—TRADING IN THOROUGHFARES AND PUBLIC PLACES	14
	<i>Division 1—Stallholders and traders</i>	14
5.1	Interpretation.....	14
5.2	Stallholder's permit	15
5.3	Trader's permit.....	16
5.4	No permit required to sell newspaper	16
5.5	Relevant considerations in determining application for permit	16
5.6	Condition of permit	16
5.7	Exemptions from requirement to pay fee or to obtain a permit.....	17
5.8	Conduct of stallholders and traders	18
	<i>Division 2—Street entertainers</i>	18
5.9	Interpretation.....	18
5.10	Permit required to perform	18

5.11	Variation of permitted area and permitted time.....	18
5.12	Duration of permit.....	19
5.13	Cancellation of permit.....	19
5.14	Obligations of permit holder.....	19
<i>Division 3—Outdoor eating facilities on public places.....</i>		19
5.15	Interpretation.....	19
5.16	Permit required to conduct Facility.....	19
5.17	Matters to be considered in determining application.....	19
5.18	Obligations of permit holder.....	20
5.19	Removal of Facility unlawfully conducted.....	20
5.20	Temporary removal of Facility may be requested.....	20
PART 6—PERMITS.....		20
<i>Division 1—Applying for a permit.....</i>		20
6.1	Application for permit.....	20
6.2	Decision on application for permit.....	21
<i>Division 2—Conditions.....</i>		21
6.3	Conditions on application for permit.....	21
6.4	Imposing conditions under a policy.....	21
6.5	Compliance with and variation of conditions.....	22
<i>Division 3—General.....</i>		22
6.6	Duration of permit.....	22
6.7	Renewal of permit.....	22
6.8	Transfer of permit.....	22
6.9	Production of permit.....	23
6.10	Cancellation of permit.....	23
PART 7—OBJECTIONS AND APPEALS.....		23
7.1	Application of Part 9 Division 1 of Act.....	23
PART 8—MISCELLANEOUS NOTICES.....		23
8.1	Notice to redirect or repair sprinkler.....	23
8.2	Hazardous plants.....	23
8.3	Notice to repair damage to thoroughfare.....	24
8.4	Notice to remove thing unlawfully placed on thoroughfare.....	24
PART 9—ENFORCEMENT.....		24
<i>Division 1—Notices given under this local law.....</i>		24
9.1	Offence to fail to comply with notice.....	24
9.2	Local government may undertake requirements of notice.....	24
<i>Division 2—Offences and penalties.....</i>		24
9.3	Offences.....	24

9.4 Prescribed offences.....24
9.5 Forms.....24

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Beverley resolved on (Insert DATE) to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This is the *Shire of Beverley Activities in Thoroughfares and Public Places and Trading Local Law 2023*.

1.2 Commencement

This local law comes into operation 14 days after the date of its commencement in the *Government Gazette*.

1.3 Application

- (1) This local law applies throughout the district.
- (2) This local law is subject to any written law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

1.4 Repeal

This local law repeals The Shire of Beverley Activities on Thoroughfares and Trading in Thoroughfares and Public Places as published in the *Government Gazette* on 8 January 2002.

1.5 Interpretations

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*;

applicant means a person who applies for a permit;

Authorised Officer means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an Authorised Officer under this local law;

built-up area has the meaning given to it in the *Road Traffic Code 2000*;

bulk rubbish container means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

carriageway has the meaning given to it in the *Road Traffic Code 2000*;

CEO means the Chief Executive Officer of the local government;

commencement day means the day on which this local law comes into operation;

Council means the council of the local government;

crossing means a crossing giving access from a public thoroughfare to—

- (a) private land; or
- (b) a private thoroughfare serving private land;

district means the district of the local government;

footpath has the meaning given to it in the *Road Traffic Code 2000*;

garden means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

intersection has the meaning given to it in the *Road Traffic Code 2000*;

kerb includes the edge of a carriageway;

lawn means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

liquor has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

local government means the Shire of Beverley;

local government property means anything except a thoroughfare—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

lot has the meaning given to it in the *Planning and Development Act 2005*;

owner or occupier in relation to land does not include the local government;

permissible verge treatment means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

premises for the purpose of the definition of public place in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

public place includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

thoroughfare has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

townsite means the following townsites constituted under section 26(2) of the *Land Administration Act 1997*, or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*—

- (a) Beverley;
- (b) Kokeby; and
- (c) Mawson.

vehicle includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven, but excludes—
 - (i) a wheelchair or any device designed for use by a physically impaired person on a footpath; and
 - (ii) a pram, a stroller or a similar device; and

verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

PART 2—ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions

A person shall not—

- (a) plant any plant (except grasses or a similar plant) within 10 metres of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, sheltered, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device,
- (h) riding on footpath where it is signed as restricted. This provision does not apply to mobility scooters and motorised wheelchair users.

2.2 Activities allowed with a permit – general

- (1) A person shall not, without a permit—
 - (a) dig or otherwise create a trench through or under a kerb or footpath;
 - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;
 - (c) cause any obstruction to a vehicle or a person using a thoroughfare as a

- thoroughfare;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
 - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
 - (f) damage a thoroughfare;
 - (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
 - (h) fell any tree onto a thoroughfare;
 - (i) unless installing, or in order to maintain, a permissible verge treatment—
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install anything on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (k) on a public place use anything or do anything so as to create a nuisance;
 - (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
 - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

Division 2—Vehicle crossing

2.3 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—
 - (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The **person responsible for the works** in subclause (1) is to be taken to be—
 - (a) The person named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
 - (b) the registered proprietor of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

2.4 Removal of redundant crossing

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the

- satisfaction of the local government.
- (2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—
- (a) remove any part of or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal, within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Division 3—Verge treatments

2.5 Interpretation

In this Division, unless the context otherwise requires—

acceptable material means any material which will create a hard surface or approved by the local government.

2.6 Application

This Division only applies to a townsite.

2.7 Permissible verge treatments

- (1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.
- (2) The permissible verge treatments are—
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that—
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (c) the installation of an acceptable material, as approved by the local government.

2.8 Only permissible verge treatments to be installed

- (1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.10.

2.9 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment shall—

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed

- by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

2.10 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

2.11 Transitional provision

- (1) In this clause—
former provisions means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.
- (2) A verge treatment which—
 - (a) was installed prior to the commencement day; and
 - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

2.12 Parking or driving on verges and crossovers

A Person shall not park or drive any vehicle on a verge or crossover without prior permission of the property owner or occupier of the property adjoining the verge or crossover.

2.13 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any—
 - (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
 - (ii) sprinklers, pipes or other reticulation equipment.

Division 4—Property numbers

2.14 Interpretation

In this Division, unless the context requires otherwise—

Number means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

2.15 Assignment of numbers

The local government may assign a number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

Division 5—Fencing

2.16 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act—

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property.

Division 6—Signs erected by the local government

2.17 Signs

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

2.18 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if—

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7—Driving on a closed thoroughfare

2.19 No driving on closed thoroughfare

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless—
 - (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
 - (b) the person has first obtained a permit.
- (2) In this clause—

closed thoroughfare means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

3.1 Interpretation

In this Part, unless the context otherwise requires—

advertising sign means a sign used for the purpose of advertisement and includes an "election sign";

direction sign means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

election sign means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election;

portable direction sign means a portable free standing direction sign; and

portable sign means a portable free standing advertising sign.

*Division 2—Permit***3.2 Advertising signs and portable direction signs**

- (1) A person shall not, without a permit—
 - (a) erect or place an advertising sign on a thoroughfare; or
 - (b) post any bill or paint, place or affix any advertisement on a thoroughfare.
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m² in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.
- (3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
 - (a) on a footpath;
 - (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
 - (c) on or within 3m of a carriageway;
 - (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
 - (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit

In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

*Division 3—Conditions on permit***3.4 Conditions on portable sign**

If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—

- (a) the portable sign shall—
 - (i) not exceed 1m in height;
 - (ii) not exceed an area of 1m² on any side;
 - (iii) relate only to the business activity described on the permit;
 - (iv) contain letters not less than 200mm in height;
 - (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
 - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;

- (vii) be secured in position in accordance with any requirements of the local government;
- (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
- (ix) be maintained in good condition; and
- (x) no more than one portable sign shall be erected in relation to the one building or business.

PART 4—ROADSIDE CONSERVATION

Division 1—Planting in thoroughfares

4.1 Permit to plant

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

4.2 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to—

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

Division 2—Clearance of vegetation

4.3 Permit to clear

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

4.4 Application for permit

In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

Division 3—Fire management

4.5 Permit to burn thoroughfare

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

4.6 Application for permit

In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall—

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

4.7 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will—

- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
- (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

4.8 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government—

- (c) for burning between 1 December to 31 March inclusive of the following year where the intensity of the burn could damage native flora and fauna; or
- (d) During Total Fire Ban periods as specified by Department Fires and Emergency Services

*Division 4 —Firebreaks***4.9 Permit for firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

4.10 When application for permit cannot be approved

- (1) The local government is not to approve an application for a permit for the purpose of clause 5.17 where the thoroughfare is less than 20m wide.
- (2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

PART 5—TRADING IN THOROUGHFARES AND PUBLIC PLACES*Division 1—Stallholders and traders***5.1 Interpretation**

In this Division, unless the context otherwise requires—

Competition Principles Agreement means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

public place includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property, but does not include premises on private property from which trading is lawfully conducted under a written law.

stall means a movable or temporarily fixed structure, stand or table in, on

or from which goods or services are sold, hired or offered for sale or hire;

stallholder means a person in charge of a stall;

stallholder's permit means a permit issued to a stallholder;

trader means a person who carries on trading;

trader's permit means a permit issued to a trader; and

trading includes—

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of—
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them;
- (c) the going from place to place, whether or not public places, and—
 - (i) offering goods or services for sale or hire; or
 - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services, but does not include—
- (d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or
- (e) the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;
- (f) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder's permit;
- (g) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (h) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (i) the selling or hiring or the offering for sale or hire of—
 - (i) goods by a person who represents a manufacturer of the goods; or
 - (ii) services by a person who represents a provider of the services, which are only sold directly to consumers and not through a shop.

5.2 Stallholder's permit

- (1) A person shall not conduct a stall on a public place unless that person is—
 - (a) the holder of a valid stallholder's permit; or
 - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall—
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
 - (c) specify the proposed location of the stall;
 - (d) specify the period of time for which the permit is sought, together

- with the proposed days and hours of operation;
- (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
- (f) be accompanied by an accurate plan and description of the proposed stall.

5.3 Trader's permit

- (1) A person shall not carry on trading unless that person is—
 - (a) the holder of a valid trader's permit; or
 - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall—
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
 - (c) specify the location or locations in which the applicant proposes to trade;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
 - (e) specify the proposed goods or services which will be traded; and
 - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

5.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper only is not required to obtain a permit.

5.5 Relevant considerations in determining application for permit

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—
 - (a) any relevant policies of the local government;
 - (b) the desirability of the proposed activity;
 - (c) the location of the proposed activity;
 - (d) the principles set out in the Competition Principles Agreement; and
 - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—
 - (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought; or
 - (b) that—
 - (i) the applicant is an undischarged bankrupt or is in liquidation;
 - (ii) the applicant has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property.

5.6 Condition of permit

- (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—
 - (a) the place, the part of the district, or the thoroughfare to which the permit applies;
 - (b) the days and hours during which a permit holder may conduct a stall or trade;
 - (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
 - (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
 - (e) the number of persons and the names of persons permitted to conduct a stall or trade;
 - (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
 - (g) whether and under what terms the permit is transferable;
 - (h) any prohibitions or restrictions concerning the—
 - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
 - (ii) the use of amplifiers, sound equipment and sound instruments;
 - (iii) the use of signs; and
 - (iv) the use of any lighting apparatus or device;
 - (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
 - (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
 - (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
 - (l) the acquisition by the stallholder or trader of public risk insurance;
 - (m) the period for which the permit is valid; and
 - (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
- (2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

5.7 Exemptions from requirement to pay fee or to obtain a permit

- (1) In this clause—

charitable organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

commercial participant means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

- (2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit:-
 - (a) on a portion of a public place adjoining the normal place of business of the applicant; or
 - (a) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.
- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

5.8 Conduct of stallholders and traders

- (1) A stallholder while conducting a stall or a trader while trading shall—
 - (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
 - (b) not display a permit unless it is a valid permit; and
 - (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *National Measurement Act 1960 (Commonwealth)*.
- (2) A stallholder or trader shall not—
 - (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
 - (b) act in an offensive manner;
 - (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
 - (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles.

Division 2—Street entertainers

5.9 Interpretation

In this Division, unless the context otherwise requires—

perform includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

permit means a permit issued for the purpose of clause 5.10;

permitted area means the area or areas, specified in a permit, in which the permit holder may perform; and

permitted time means the time or times, specified in a permit, during which the permit holder may perform.

5.10 Permit required to perform

A person shall not perform in a public place without a permit.

5.11 Variation of permitted area and permitted time

- (1) The local government may by notice in writing to a permit holder vary—
 - (a) the permitted area;
 - (b) the permitted time; or
 - (c) both the permitted area and the permitted time, shown on a permit.

- (2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

5.12 Duration of permit

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

5.13 Cancellation of permit

The CEO may cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an Authorised Officer, the performance otherwise constitutes a nuisance.

5.14 Obligations of permit holder

A permit holder shall not in a public place—

- (a) act in an offensive manner; or
- (b) place, install, erect, play or use any musical instrument or any device which emits music, including a loudspeaker or an amplifier—
 - (i) other than in the permitted area; and
 - (ii) unless the musical instrument or device is specified in the permit.

Division 3—Outdoor eating facilities on public places

5.15 Interpretation

In this Division—

Facility means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

permit holder means the person to whom a permit has been issued for the purpose of clause 5.16; and

public place has the meaning given to it in clause 5.1.

5.16 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

5.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 5.16, the local government may consider in addition to any other matter it considers relevant, whether or not—

- (a) the Facility is conducted in conjunction with and as an extension of a food business which abut on the Facility, and whether the applicant is the person conducting such food business;
- (b) any abutting food business is registered in accordance with the *Food Act 2008* and whether the use of the business is permitted under the town planning scheme;
- (c) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (d) the Facility would—
 - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or

- (ii) impede pedestrian access; and
- (iii) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

5.18 Obligations of permit holder

- (1) The permit holder for a Facility shall—
 - (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law;
 - (b) ensure that the eating area is kept in a clean and tidy condition at all times; and
 - (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times.
- (2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.
- (3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

5.19 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an Authorised Officer and impounded in accordance with the Act.

5.20 Temporary removal of Facility may be requested

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an Authorised Officer or a member of the Police Service or an emergency service.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

PART 6—PERMITS

Division 1—Applying for a permit

6.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall—
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice

of the application for a permit.

- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

6.2 Decision on application for permit

- (1) The local government may—
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

Division 2—Conditions

6.3 Conditions on application for permit

The local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

6.4 Imposing conditions under a policy

- (1) In this clause—

policy means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 6.2(1)(a).

- (2) Under clause 6.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 6.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

6.5 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3—General

6.6 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 6.10.

6.7 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of—
 - (a) this Part; and
 - (b) any other provision of this local law relevant to the permit which is to be renewed, shall apply to an application for the renewal of a permit with all the necessary changes as required.

6.8 Transfer of permit

- (1) An application for the transfer of a valid permit is to—
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—
 - (a) an endorsement on the permit signed by the CEO; or

- (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

6.9 Production of permit

A permit holder is to produce to an Authorised Officer her/his/their permit immediately upon being required to do so by that Authorised Officer.

6.10 Cancellation of permit

- (1) Subject to clause 7.1, a permit may be cancelled by the local government if the permit holder has not complied with a—
 - (a) condition of the permit; or
 - (b) provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder—
 - (a) shall return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 7—OBJECTIONS AND APPEALS

7.1 Application of Part 9 Division 1 of Act

When the local government makes a decision—

- (a) under clause 6.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit, the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

PART 8—MISCELLANEOUS NOTICES

8.1 Notice to redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

8.2 Hazardous plants

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.

- (2) Subclause (1) does not apply where the plant was planted by the local government.

8.3 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

8.4 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 9—ENFORCEMENT

Division 1—Notices given under this local law

9.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

9.3 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

9.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

9.5 Forms

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form

- of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1
PRESCRIBED OFFENCES
(Clause 10.4)

CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY \$
2.1a	Plant of 0.75m in height on thoroughfare within 10m of intersection	125
2.1b	Damaging lawn or garden	125
2.1c	Plant (except grass) on thoroughfare within 2m of carriageway	125
2.1d	Placing hazardous substance on footpath	125
2.1e	Damaging or interfering with signpost or structure on thoroughfare	350
2.1f	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1g	Riding of skateboard or similar device on mall or verandah of shopping centre	125
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	125
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	125
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	125
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	125
2.3(1)	Consumption or possession of liquor on thoroughfare	125
2.4(1)	Failure to obtain permit for temporary crossing	250
2.4 2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.8(1)	Installation of verge treatment other than permissible verge treatment	250
2.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
2.10	Failure to comply with notice to rectify a verge treatment	125
2.12	Parking or driving on a verge or crossover without the permission of the property owner or occupier of the property immediately adjoining the verge or crossover	150
2.17(2)	Failure to comply with sign on public place	125

2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
3.2(3)	Erecting or placing of advertising sign in a prohibited area	125
4.3	Failure to obtain permit to clear a thoroughfare	500
4.5	Burning of thoroughfare without a permit	500
4.9	Construction of firebreak on thoroughfare without a permit	500
5.2(1)	Conducting of stall in public place without a permit	350
5.3(1)	Trading without a permit	350
5.8(1)(a)	Failure of stallholder or trader to display or carry permit	125
5.8(1)(b)	Stallholder or trader not displaying valid permit	125
5.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
5.8(2)	Stallholder or trader engaged in prohibited conduct	125
5.10	Performing in a public place without a permit	125
5.11(2)	Failure of performer to move onto another area when directed	125
5.14	Failure of performer to comply with obligations	125
5.16	Establishment or conduct of outdoor eating facility without a permit	350
5.18	Failure of permit holder of outdoor eating facility to comply with obligations	125
5.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	60
5.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	60
6.5	Failure to comply with a condition of a permit	125
6.9	Failure to produce permit on request of Authorised Officer	125
9.1	Failure to comply with notice given under local law	125

Dated this (Insert Date)

The Common Seal of the Shire of Beverley was affixed by authority of a resolution of the Council in the presence of—

Shire President

Chief Executive Officer

12.10 Proposed Shire of Beverley Repeal Local Law

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	21 November 2023
Applicant:	Administrative
File Reference:	ADM 0135
Author and Position:	Stephen Gollan, Chief Executive Officer
Previously Before Council:	-
Disclosure(s) Of Interest:	None
Attachments:	Repeal Local Law 2023

SUMMARY

The proposed new *Shire of Beverley Repeal Local Law 2023*, as attached is submitted for Council's consideration and approval for local public advertising for a minimum of 42 days (6 weeks).

If Council agrees, the draft local law can be advertised for public comment; the results must then be returned to Council for consideration and will be aligned to the actions associated with the replacement new local laws.

BACKGROUND

The Shire has undertaken workshops to support this review of existing local laws and establishment of new local laws. This is achieved by establishing provisions, controls and enforcement actions that protect and enhance community, residents, business and visitors use of land, dwellings, animals, nuisances and public domain activities.

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws using the process set out in section 3.12 of the Act.

COMMENT

The Shire of Beverley Repeal Local Law 2023 relates to those local laws that will become obsolete following the completion of the process to replace them with contemporary new local laws.

STATUTORY ENVIRONMENT

Local Government Act 1995 - section 3.12 - Procedure for making local laws.

The following is a summary of the legislative requirements to make a local law:

- The Presiding Member is to give notice to a meeting of the purpose and effect of the proposed local law.
- A copy of the proposed local law, together with the public notice, must be given to the Minister for Local Government.
- The proposed local law is required to be advertised for a period of at least six weeks. During the advertising period, Members of the public can make comment or seek clarification on any of the provisions of the draft local law.
- Once the public submission period concludes, any submissions received will be analysed.
- A report will be presented to Council to 'make' the local law. At this time Council, after considering feedback from the public, may resolve to make amendments to the initial draft.

- If changes to the local law make it substantially different to that previously advertised, further public comment is to be undertaken.
- Once Council resolves to make the local law, the Shire will arrange for the gazettal of the local law, which will come into effect 14 days after the date of gazettal.

CONSULTATION

Part 3 of the *Local Government Act 1995* provides that a local government may make local laws subject to the conditions outlined in Part 3, Division 2, Subdivision 1 and following the procedure outlined in section 3.12(3) of the Act.

Amongst other things this requires a local government to

- give state-wide and local public notice stating that it proposes to make a local law, for a period of 6 weeks after it first appears.
- Summarise the purpose and effect in the notice for a period of 6 weeks after it first appears.

The purpose and effect of the *Shire of Beverley Repeal Local Law 2023*, is:

Purpose	To repeal obsolete local laws
Effect	The effect of this local law is to:- <ul style="list-style-type: none"> • Repeal obsolete local laws and replace with contemporary new local laws.

The results of the community consultation and feedback from the Minister are to be considered by Council before it makes the local law.

FINANCIAL IMPLICATIONS

Costs associated with the drafting, advertisement, and eventual Gazettal of the local law.

STRATEGIC IMPLICATIONS

Goal 12 - Council leads the organisation and engages with the community in an accountable and professional manner.

POLICY IMPLICATIONS

N/A

RISK IMPLICATIONS

Shire of Beverley Council has a statutory obligation to ensure that obsolete local laws are replaced with contemporary new local laws.

Consequence	Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood					
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M18/1123

Moved Cr Ridgway

Seconded Cr Lawlor

That Council;

1. Gives state-wide and local public notice, pursuant to Section 3.12 (2) and (3) of the Local Government Act 1995, that it proposes to make the *Shire of Beverley Repeal Local Law 2023*
 - a. For a period of not less than 6-weeks timeframe;
 - b. By providing copies of the proposed local law for inspection at the Shire offices; and
 - c. inviting submissions.

2. Notes the Presiding Member gives notice to the meeting of the purpose and effect of the *Shire of Beverley Repeal Local Law 2023* as follows:

Purpose	To repeal obsolete local laws
Effect	The effect of this local law is to:- <ul style="list-style-type: none"> • Repeal obsolete local laws and replace with contemporary new local laws.

3. Provides copies of the local law, in accordance with s3.12(3) of the Act, as soon as the notice is given, to the Minister for Local Government, and any other person requesting.

CARRIED BY ABSOLUTE MAJORITY 6/0

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

REPEAL LOCAL LAW 2023

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Beverley resolved on (insert) date to make the following local law:

1. Citation

This local law is cited as the *Shire of Beverley Repeal Local Law 2023*.

2. Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

3. Local laws repealed

The following local laws or parts thereof are repealed:

- (1) The *Shire of Beverley Standing Orders Local Law* published in the *Government Gazette* on 28 November 1997 is repealed.
- (2) The *Shire of Beverley Cemeteries Local Law* published in the *Government Gazette* on 1 August 1960, and amended 4 March 1977, 9 November 1979, 23 October 1981, 26 October 1984, and 17 May 1991 is repealed.
- (3) The *Shire of Beverley Dogs Local Law* published in the *Government Gazette* on 30 August 1985 is repealed.
- (4) The *Shire of Beverley Health Local Law* published in the *Government Gazette* on 3 April 2001 is repealed.
- (5) The *Shire of Beverley Trading in Public Places Local Law* published in the *Government Gazette* on 5 February 1988 is repealed.

Dated this (Insert Date):

The Common Seal of the Shire of Beverley was affixed by authority of a resolution of the Council in the presence of –

President.

Chief Executive Officer

13. ELECTED MEMBERS' MOTIONS WHERE NOTICE HAS BEEN GIVEN

Nil.

14. NEW BUSINESS ARISING BY ORDER OF THE MEETING

14.1 Acceptance of a Late Item

M19/1123

Moved Cr Lawlor

Seconded Cr Martin

That Council accept a late item, Tender RFT01/2324 – Beverley Civic Centre Re-Development.

CARRIED BY ABSOLUTE MAJORITY 6/0

14.2 Late Item: Tender RFT 01/2324 – Beverley Civic Centre Re-Development

Submission To:	Ordinary Council Meeting 28 November 2023
Report Date:	27 November 2023
Applicant:	Shire of Beverley
File Reference:	ADM 0606
Author and Position:	A.E. Fleay, Project Officer
Previously Before Council:	N/A
Disclosure(s) Of Interest:	Author - Nil Chief Executive Officer (CEO) - The Operations Director of HC Construction Services is an acquaintance of the CEO through sport involvement. The CEO has no voting ability.
Attachments:	CONFIDENTIAL Tender Submission

SUMMARY

Council to consider Tender submission received for the design and construction of the Beverley Civic Centre re-development project.

BACKGROUND

Tenders were called for the design and construction of the Beverley Civic Centre re-development project.

Council has received \$340,469.00 worth of funding through the Local Roads and Community Infrastructure (LRCI) Round 4 and Council has an allocation in the 2023/24 budget to support the project.

COMMENT

Twelve Tender packages were issued to relevant parties, with only one Tender being received at the close of Tender.

Tenderer	Tendered Price
HC Construction Services Pty Ltd	\$ 623,838.60

STATUTORY ENVIRONMENT

Local Government Act 1995

3.57 Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions and General) Regulations 1996

11. Tenders to be invited for certain contracts

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless sub regulation (2) states otherwise.

- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act;
 - (b) the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA;
 - (ba) the local government intends to enter into a contract arrangement for the supply of goods or services where —
 - (i) the supplier is either —
 - (I) an individual whose last employer was the local government; or
 - (II) a group, partnership or company comprising at least 75% of persons whose last employer was that local government;
 - (ii) the contract —
 - (I) is the first contract of that nature with that individual or group; and
 - (II) is not to operate for more than 3 years; and
 - (iii) the goods or services are —
 - (I) goods or services of a type; or
 - (II) (in the opinion of the local government) substantially similar to, or closely related to, goods or services of a type, that were provided by the individual (or persons) whilst employed by the local government;
 - (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
 - (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government;
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government;
 - (ea) the goods or services are to be supplied —
 - (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;
 - (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
 - (g) the goods to be supplied under the contract are —

- (i) petrol or oil; or
- (ii) any other liquid, or any gas, used for internal combustion engines.

14. Requirements for publicly inviting tenders

- (1) When regulation 11(1), 12 or 13 requires tenders to be publicly invited, State-wide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving State-wide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
- (2a) If a local government —
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender, the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
 - (a) a brief description of the goods or services required;
 - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained;
 - (c) information as to where and how tenders may be submitted; and
 - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —
 - (a) such information as the local government decides should be disclosed to those interested in submitting a tender;
 - (b) detailed specifications of the goods or services required;
 - (c) the criteria for deciding which tender should be accepted;
 - (d) whether or not the local government has decided to submit a tender; and
 - (e) whether or not the CEO has decided to allow tenders to be submitted by facsimile or other electronic means, and if so, how tenders may so be submitted.
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

15. Minimum time to be allowed for submitting tenders

- (1) If the notice is published in the newspaper as part of giving State-wide public notice, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is first published in the newspaper as part of giving State-wide public notice.
- (2) If the notice is given to a person listed as an acceptable tenderer, the time specified in the notice as the time after which tenders cannot be submitted has to be at least 14 days after the notice is given.

16. Receiving and opening tenders

- (1) The CEO is responsible for keeping any tender submitted including a

tender submitted by facsimile or other electronic means in safe custody, and for ensuring that it remains confidential.

- (2) Tenders are not to be opened, examined, or assessed until the time after which further tenders cannot be submitted.
- (3) When tenders are opened —
 - (a) at least one and, if practicable, more than one employee of the local government or one person authorised by the CEO to open tenders and, if practicable, one or more other persons, is required to be present;
 - (b) members of the public are entitled to be present; and
 - (c) details of the tenders (other than the consideration sought in the tender) are to be immediately recorded in a register to be known as the tenders register.

18. Choice of tender

- (1) A tender is required to be rejected unless it is submitted at a place, and within the time, specified in the invitation for tenders.
- (2) A tender that is submitted at a place, and within the time, specified in the invitation for tenders but that fails to comply with any other requirement specified in the invitation may be rejected without considering the merits of the tender.
- (3) If, under regulation 23(4), the CEO has prepared a list of acceptable tenderers for the supply of goods or services, a tender submitted by a person who is not listed as an acceptable tenderer is to be rejected.
- (4) Tenders that have not been rejected under subregulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept.
- (4a) To assist the local government in deciding which tender would be the most advantageous to it to accept, a tenderer may be requested to clarify the information provided in the tender.
- (5) The local government may decline to accept any tender.
- (6) If a local government has accepted a tender but acceptance of the tender does not create a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree not to enter into a contract in relation to the tender, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.
- (7) If a local government has accepted a tender and acceptance of the tender creates a contract and within 6 months of the day on which the tender was accepted the local government and the successful tenderer agree to terminate the contract, the local government may accept from the other tenders the tender which it thinks it would be most advantageous to the local government to accept.

CONSULTATION

S Gollan – Chief Executive Officer

S Marshall – Deputy Chief Executive Officer

A Fleay - Project Officer

FINANCIAL IMPLICATIONS

\$700,000.00 Construction, \$100,000.00 Design - 2023/24 Budget Allocation
\$340,469.00 – Local Roads and Community Infrastructure Program Round 4

STRATEGIC IMPLICATIONS

Goal 2 - Community Infrastructure of significance, economic value and history adds value to our identity.

Goal 4 – Vincent Street is activated and aesthetically improved.

POLICY IMPLICATIONS

Policy AF007 – Purchasing and Procurement: Goods and Services with value of \$250,000 or over, a call for tender is required.

RISK IMPLICATIONS

Medium (6)

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Medium (5)	High (10)	High (15)	Severe (20)	Severe (25)
Likely	Low (4)	Medium (8)	High (12)	High (16)	Severe (20)
Possible	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

Risk Rating	Action
Low	Monitor for ongoing improvement.
Medium	Comply with risk reduction measures to keep risk as low as reasonably practical.
High	Review the risk and take additional measures to ensure risk is low as reasonably achievable.
Severe	Unacceptable risk level, reduction measures must be introduced before proceeding.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION & COUNCIL RESOLUTION

M20/1123

Moved Cr Martin

Seconded Cr Maxwell

That Council accept the Tender submitted by HC Construction Services Pty Ltd for \$623,838.60 as presented.

CARRIED BY ABSOLUTE MAJORITY 6/0

15. CLOSURE

The Chairman declared the meeting closed at 3:42pm

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

PRESIDING MEMBER:

DATE: