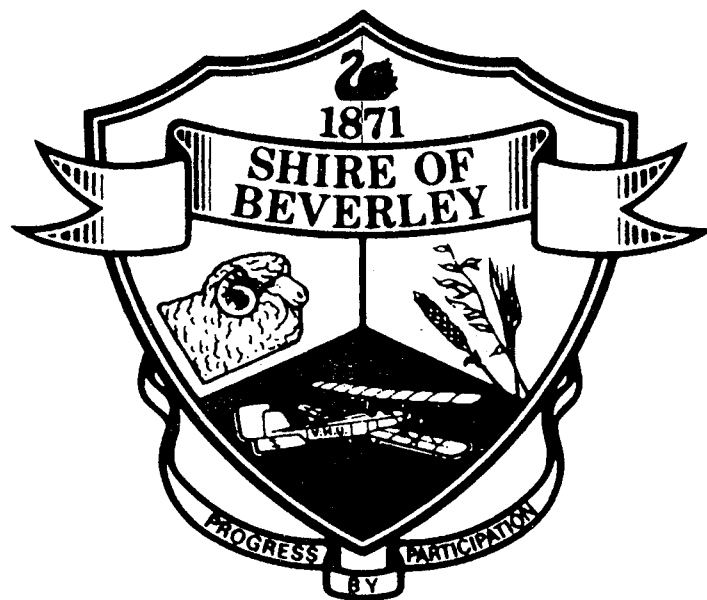


ORDINARY COUNCIL

MEETING

MINUTES



19 JANUARY 2010

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS ON TUESDAY 19 JANUARY 2010**

1. COMMENCEMENT

The President declared the meeting open at 10:04am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

Cr DJ Ridgway	President	South Ward
Cr LC Shaw	Deputy President	West Ward
Cr C Egberts		South Ward
Cr MG Roberts		South Ward
Cr BM Foster		West Ward
Cr CJ Pepper		West Ward
Cr JD Alexander		North Ward
Cr P Gogol		North Ward
Cr KM Murray		North Ward
Mr KL Byers	Chief Executive Officer	
Mr SP Gollan	Deputy Chief Executive Officer	
Mrs SC Collins	Senior Administration Officer	

Apologies

Nil.

Leave of Absence

Nil.

3. PUBLIC QUESTION TIME

3.1 Mr Dave Hardy

**Item 8.1.1.1 on the Agenda – Development Application – Rodent
Production – 43 (Lot 9) Hunt Road, Beverley**

As one of the applicant of this matter Mr Hardy advised he had come to the meeting to answer any questions that Councillors might have.

The President asked Councillors if they had any questions of Mr Hardy and the response was that there were no questions as Councillors felt the report was comprehensive.

3. PUBLIC QUESTION TIME
(Continued)

Mr Rob Hutchinson and Mr Bill McDonald both advised that they had no questions of Council other than to say they had come to reinforce their objection to Item 8.1.1.1 on the Agenda and neither of them added any further comments.

3.2 Mr Mitch Henry, President, Crana Aboriginal Corporation

Mr Henry referred to a letter from Crana Aboriginal Corporation's Secretary Shane Moad requesting Council to consider flying the Aboriginal Flag on a daily basis.

The Chief Executive Officer advised that all Councillors had received a copy of the letter from Crana Aboriginal Corporation and that Council would be dealing with this matter later in the meeting.

DEPUTATION FROM THE BEVERLEY COMMUNITY RESOURCE & TELECENTRE INC. COMMITTEE

At 8:10am Council received a Deputation from the Telecentre Committee.

The President of the Telecentre, Glenys Lane, and Committee persons, Mr John Fregon and Ms Lynette Willington, addressed Council in regard to the need for relocation of the Telecentre to the Old Pre School building and sought Council's permission to use this building as its office.

The representative indicated they were looking to co-locate with other organisations, which would in turn give them greater access to funding from Government sources.

Cr Dee Ridgway, Shire President, asked Ms Lane if more information could be provided to Council in respect to the availability of funding. Ms Lane advised that she would seek further confirmation of this and provide the information to Council prior to the close of today's Council meeting.

At 10:22am the representatives from the Telecentre left the Chambers.

4. CONDOLENCES

OVERINGTON

Patricia Shepley (Pat)

16 January 2010

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr JD Alexander (North Ward) applied for leave of absence from the February Ordinary Meeting of Council.

RESOLVED that Cr Alexander be granted leave of absence from the February Council meeting.

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 Minutes of the Ordinary Meeting of Council held in the Council Chambers on Tuesday 22 December 2009

COUNCIL RESOLUTION

M1/0110 Moved Cr Foster Seconded Cr Gogol
That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on Tuesday 22 December 2009, as printed, be confirmed.

CARRIED 9-0

BUSINESS ARISING

Nil.

6.2 Minutes of the Plant and Works Committee Meeting held in the Council Chambers on Wednesday 23 December 2009

Appendix 1

COUNCIL RESOLUTION

M2/0110 Moved Cr Gogol Seconded Cr Shaw
That the Minutes of the Plant and Works Committee Meeting held in the Council Chambers on Wednesday 23 December 2009, be received and the recommendations endorsed.

CARRIED 9-0

BUSINESS ARISING

Nil.

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
(Continued)**

**6.3 Minutes of the Independent Living Units Project Team Meeting
held in the Council Chambers on Friday 8 January 2010**

Appendix 2

COUNCIL RESOLUTION

M3/0110 Moved Cr Foster **Seconded Cr Roberts**
That the Minutes of the Independent Living Units Project Team Meeting held in the Council Chambers on Friday 8 January 2010, be received and the recommendation endorsed.
CARRIED 9-0

BUSINESS ARISING

Nil.

**6.4 Minutes of the Development Services Committee Meeting held in
the Council Chambers on Friday 8 January 2010 commencing at
9:25am.**

Appendix 3

COUNCIL RESOLUTION

M4/0110 Moved Cr Shaw **Seconded Cr Pepper**
That the Minutes of the Development Services Committee Meeting held in the Council Chambers on Friday 8 January 2010, be received and the recommendations endorsed.
CARRIED 9-0

BUSINESS ARISING

Nil.

**6. CONFIRMATION OF MINUTES AND BUSINESS ARISING
ITEM 6.6**

**Minutes of the Development Services Committee Meeting held in the Council Chambers on Friday 8 January 2010 commencing at 2:05pm
(Continued)**

COUNCIL RESOLUTION

**M7/0110 Moved Cr Alexander Seconded Cr Egberts
That the recommendation contained in the above Minutes of the Development Services Committee Meeting lay on the table until later in the meeting.**

CARRIED 9-0

7. PRESIDENT AND COUNCILLOR'S REPORTS

7.1 PRESIDENT'S REPORT

STRUCTURAL REFORM

The Department of Local Government is currently re-engaging with the sector and at a meeting in York on Friday 15 January 2010, Jennifer Mathews, Director General of the Department and Caroline Tuthill provided preliminary information from a report due to be released to Local Governments regarding the reform process and Regional Transition Groups. The invited attendees at the meeting were from the Shires of Brookton, Beverley, Cunderdin, Northam, Quairading, Tammin and York, however we were advised the decision to enter into a Regional Transitional Grouping would be voluntary. Financial support and milestone incentives will be linked to this process – at signing of entry into a Regional Transition Group (July 2010), upon completion of a Regional Business Plan for the Group and upon amalgamation by 1 July 2013.

The Minister for Local Government has since indicated he would like to attend the next SEAVROC meeting, which is to be held on 4 February 2010.

NATIONAL TRUST

A very positive meeting was held on 13 January between the National Trust Chief Executive Officer and the Natural Heritage Manager and representatives from the Shire of Beverley.

7. PRESIDENT AND COUNCILLOR'S REPORTS
ITEM 7.1
PRESIDENT'S REPORT
NATIONAL TRUST (Continued)

Key points in the discussion: -

- No management committee – rather the National Trust and the Shire will initially take on this role.
- Farming operation to be assessed after the first 12 months - sponsorship would assist.
- Infrastructure is run down. The conservation plan developed by the Agricultural Department is inadequate. An assessment of the buildings will be made and funding sought to develop a business plan to assist with grant funding applications.
- The National Trust and the Shire to work together and not compete against one another for grant funding etc.
- External funding and sponsorship will be vital in the success of Avondale.
- Mobile phone coverage is an issue.
- Project Committee would be able to continue in current capacity but will need to review their constitution including governance structure and membership.
- Volunteers will be important to the success of Avondale.
- The Shire is the custodian for the Collection however the National Trust are looking to engage a Museum Consultant to review the Collection. It was suggested this could also encompass the Dead Finish local history Museum and the Aeronautical Museum with a suggestion they could be co-managed.
- Shire assistance sought as follows: - grant applications, assistance prior and post annual events as currently has been occurring, rubbish collection. There was no request for a monetary contribution, or to provide funding to staff weekend opening (which occurred last year as an interim measure at the request of the Project Committee).
- Opening hours and times were not yet identified.
- There is a possibility National Trust representatives will be available to attend the Annual Electors' Meeting to provide an Avondale update.

7. PRESIDENT AND COUNCILLOR'S REPORTS
ITEM 7.2
COUNCILLOR'S REPORT
Cr Roberts
Beverley Naturalist Club (BNC)
(Continued)

Purchasing special wild life camera. Will pass on any rare and interesting photos to Council.

COUNCIL RESOLUTION

M9/0110 **Moved Cr Gogol** **Seconded Cr Roberts**
That the Councillor's Report, be received.
CARRIED 9-0

At 11:14am Mr Peter Wright, Shire Planner, entered the Chambers.

8. OFFICERS' REPORTS

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.1.1.1
REPORT DATE:	12 January 2010
SUBJECT:	DEVELOPMENT APPLICATION – RODENT PRODUCTION – 43 (LOT 9) HUNT ROAD, BEVERLEY
APPLICANTS:	D & J Hardy
FILE REFERENCE:	HUN 970
AUTHOR:	Shire Planner – Peter Wright

Appendix 6

BACKGROUND

It is proposed to establish a rodent production facility at 43 (Lot 9) Hunt Road, Beverley. The subject site is approximately 2000m² in area, zoned Residential R10 and contains a single dwelling with ancillary outbuildings. The rodent production activity is to be conducted in an existing approved outbuilding.

In the enclosed outbuilding rats and mice are proposed to be bred and then harvested using CO₂ gas. The rodents are then to be packaged and frozen for distribution. The rodents are to be produced to supply laboratory grade food for the feeding of reptiles and other carnivorous animals (wildlife, birds of prey etc.).

It is anticipated most rodents produced will be shipped to customers, although there may be some clientele attending the premises.

The application was advertised as a Cottage Industry, however subsequent research indicates the proposal does not comply with the definition of Cottage Industry under the Shire of Beverley's Town Planning Scheme No. 2. Therefore the proposal is regarded as a land use not listed.

COMMENT

It should be noted

1. A bias against rats or a dislike of rodents is **not** a valid planning consideration.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

2. Planning Approval does not grant or imply Health approval. Planning and Health are two separate approvals formulated under separate acts requiring specific and generally **different** considerations.

Planning intent for the zone

As a land use not listed under the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2), prior to determining the application, Council must determine by absolute majority that the proposed use may be consistent with the objectives and purposes of the zone. Should Council consider the proposal is consistent with the objectives and purposes of the zone then after advertising Council may, at its discretion, permit the use.

Within a Residential zone some commercial uses are permitted. These uses are discretionary and include Home Occupation, Intensive Agriculture and Residential Building (Boarding House). Land uses that cannot be approved in a Residential R10 zone include Cottage Industry, Rural Pursuit, Rural Industry, Shop and Veterinary Consulting Rooms.

The proposal is similar to intensive agriculture in which the keeping rearing or fattening of rabbits, poultry and aquaculture may be approved. The intensive agriculture definition under TPS 2 does not mention the processing of the livestock produced. Council should also consider the possibility that intensive agriculture could attract wild rodents and predators such as snakes and cats to a residential area.

With the exception that the land use cottage industry refers to the production of arts and craft goods, the proposal complies with all other criteria. Cottage industry is a land use which cannot be approved in an R10 zone.

Rural pursuit and rural industry mention the sale of produce grown on the land and the processing and packing of primary products. Both activities are proposed in the application, however rural pursuit and rural industry cannot be approved in a Residential zone.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

The proposed land use contains components of other land uses which cannot be approved in a Residential zone. When viewed as a whole the proposal may be considered to be generally un-approvable. Additionally intensive farming and processing of livestock is not a land use normally associated with a Residential zone. Therefore it will be recommended Council determine the proposed land use is not consistent with the objectives and purpose of the zone. It will be further recommended the applicant be advised the proposal is more appropriate in another zone, such as Farming.

Assessment of the Application

Should Council determine the proposed land use is consistent with the objectives and purposes of the zone then the application should be determined on its merits after considering the responses to the advertising.

In compliance with Clause 3.2.5b) and 6.2 of TPS 2 the proposal was advertised for a period of 21 days. A total of 18 responses were received comprising of 15 objections 2 no objections and one submission providing only comment. A summary of the submissions and staff responses is detailed below:-

	Respondent	Property	Comment	Planner's Response
1	P. Dempsey 42 Hunt Road Beverley WA 6304	42 Hunt Road Beverley	No objection to proposal.	Noted.
2	C Paskov	40 Hunt Road Beverley	No objection to proposal.	Noted.

8.1.1

TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

	Respondent	Property	Comment	Planner's Response
3.	E Hutchinson PO Box 123 Beverley WA 6304	37 Hunt Road Beverley	<p>1. Objection to proposal.</p> <p>2. Commercial land uses should not be conducted in a Residential area.</p> <p>3. Processing of animals in a residential area should not occur.</p> <p>4. Approval of the application will lower property values.</p> <p>5. The proposal should be in a more appropriate location.</p>	<p>Noted.</p> <p>Some commercial land uses may be approved in Residential areas. It is up to Council to determine the appropriateness of this application (see above).</p> <p>Due to the enclosed nature of the processing, it is unlikely there will be any negative external planning impacts from the processing.</p> <p>This is not a valid planning consideration.</p> <p>Agreed. It would be preferable for the proposal to be located in another site, such as a Farming zoned area, however Council must determine the application as submitted.</p>
4.	K Abrahams	35 Dawson Street Beverley	<p>1. Objection to proposal.</p> <p>2. Other land uses are more appropriate for Beverley.</p>	<p>Noted.</p> <p>All valid planning applications must be considered and determined by Council.</p>

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

	Respondent	Property	Comment	Planner's Response
5.	G & M Hutchinson 47 Hunt Road Beverley WA 6304	47-49 Hunt Road Beverley	<p>1. Objection to proposal.</p> <p>2. Two other planning applications (garden centre and home cooking) were refused in the same street.</p> <p>3. Approval of the application will lower property values.</p> <p>4. The proposed land use will attract other animals (snakes and cats)</p>	<p>Noted.</p> <p>As the proposal is a use not listed it must be assessed on its merits. Previous refusals of uses listed under TPS 2 do not set a precedent.</p> <p>This is not a valid planning consideration.</p> <p>As the proposal is to be self contained it is less likely to attract predators. Council may consider this matter when assessing if this type of development is appropriate for a Residential R10 zoned area (see Planning intent for the zone above). However the control of possible predators is a health matter more properly dealt with by the Shires Health Officer.</p>
6	S Murray 31 Hunt Road Beverley WA 6304	31 Hunt Road Beverley	Objection to proposal.	Noted.
7	D Sing 12A Grant Street Innaloo WA 6018	32 Hunt Road Beverley	<p>1. Objection to proposal.</p> <p>2. Could lower the value of properties.</p>	<p>Noted.</p> <p>This is not a valid planning consideration.</p>

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

	Respondent	Property	Comment	Planner's Response
8	G McCallum RMB 244 Beverley WA 6304	37-39 Dawson Street Beverley	<ol style="list-style-type: none"> 1. Objection to proposal. 2. Commercial land uses should not be conducted in a Residential area. 3. Approval of the application will set a precedent. 4. The proposal should be conducted in a non residential area 	<p>Noted.</p> <p>See 3.2</p> <p>Agreed. Council should consider the appropriateness of the land use in the area.</p> <p>See 3.5</p>
9	W Gilbert 26 Hunt Road Beverley WA 6304	26 Hunt Road Beverley	<ol style="list-style-type: none"> 1. Objection to proposal 2. Commercial land uses should not be conducted in a Residential area. 3. Approval of the application will lower property values. 4. There is a risk of the rodents escaping. 5. The adjacent property is used for growing food. The animals contaminate and destroy the crop. 6. In relation to point 5 would the Shire provide compensation. 	<p>Noted.</p> <p>See 3.2</p> <p>This is not a valid planning consideration.</p> <p>The animals are housed in cages and there is a double door proposed for the entrance. As such there is little possibility of escape, however Council may impose further appropriate conditions of approval.</p> <p>A considerable number of animals would need to escape to cause noticeable damage to the crop. As the proposal is self contained it is considered unlikely any of the animals could escape.</p> <p>In the extremely unlikely event that compensatable damage</p>

			<p>7. Disposal of faeces on the property would encourage disease.</p> <p>8. Snake numbers would increase in the area.</p> <p>9. A plague of rodents in the urban areas of Beverley would be uncontrollable.</p> <p>10. The Shire does not have a permanent experienced Health officer.</p> <p>11. Would Councillors like to have the proposal in the vicinity of their dwelling.</p>	<p>occurs it is a civil matter between the landowners. The Shire would not be involved.</p> <p>This is a health matter more properly dealt with by the Shires Health Officer.</p> <p>See 5.4</p> <p>A considerable number of animals would need to escape to cause noticeable inconvenience. As the proposal is self contained it is considered unlikely any of the animals could escape.</p> <p>The Shire employs a Health Officer permanently for one day a week and additionally on an as needed basis. The officer is both well qualified and experienced.</p> <p>Councillors are obliged to consider all aspects of a planning application without bias, regardless of the location of the proposal.</p>
10	W McDonald 45 Hunt Road Beverley WA 6304	45 Hunt Road Beverley	<p>1. Objection to proposal.</p> <p>2. The applicant already has a home business selling and breeding worms.</p> <p>3. Concerned over the disposal of excrement.</p>	<p>Noted.</p> <p>This is a planning compliance matter that is being investigated by staff. However it is not relevant to this application.</p> <p>This is a health matter more properly dealt with by the Shires Health Officer.</p>

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

	Respondent	Property	Comment	Planner's Response
11	R & A Behn	39 Hunt Road Beverley	<ol style="list-style-type: none"> 1. Objection to proposal 2. The proposed development should be located outside the town area. 3. Concerned over potential impact on amenity through odour being produced 	<p>Noted</p> <p>See 3.5</p> <p>Council should consider the impact on amenity caused by odour. This may be addressed through conditions of approval (see amenity below).</p>
12	A Wardle & S Grey-Smith	28-30 Hunt Road Beverley	<ol style="list-style-type: none"> 1. Objection to proposal 2. No information has been provided concerning licenses for the breeding of the animals. 3. Are regular inspections conducted to ensure compliance with requirements. 4. How many animals will be on the premises. 5. Concerned over potential impact on amenity through odour being produced. 6. Concerned over the potential increase in vehicular traffic. 	<p>Noted</p> <p>See 9.7.</p> <p>It is unlikely regular inspections will be conducted to ensure Planning Compliance. With regard to health requirements this is a matter more properly dealt with by the Shire's Health Officer.</p> <p>Approximately 40 – 50 adult rats and 100 – 150 adult mice are to be used for breeding. The number of juveniles will vary according to market requirements.</p> <p>See 11.3</p> <p>As Hunt Road is a main road any traffic generated by the proposal is not anticipated to have a substantial impact.</p>

			<p>7. Concerned over snakes being attracted to the area.</p> <p>8. No details have been provided relating to the skills and experience of the applicant.</p> <p>9. No details have been provided relating to animal welfare.</p>	<p>See 5.4</p> <p>This is not a relevant planning issue and should be more properly dealt with by the Shire's Health officer.</p> <p>See 9.7 above.</p>
13	B Humphreys & P Halliday 35 Hunt Road Beverley WA 6304	35 Hunt Road Beverley	<p>1. Objection to proposal.</p> <p>2. Concerned over potential for disease.</p> <p>3. The Development Application is incomplete due to lack of information on:</p> <p style="padding-left: 20px;">I. Health impacts from escaped rodents;</p> <p style="padding-left: 20px;">II. Rodents destroying crops on surrounding properties;</p> <p style="padding-left: 20px;">III. Health impacts related to rodents breeding;</p> <p style="padding-left: 20px;">IV. Health impacts related to rodent excrement;</p> <p style="padding-left: 20px;">V. Health impacts related to waste from harvesting;</p> <p style="padding-left: 20px;">VI. Disposal of waste;</p> <p style="padding-left: 20px;">VII. Concerned over amenity impact from the noise produced by air conditioning;</p> <p style="padding-left: 20px;">VIII. The proposal will increase traffic noise.</p> <p style="padding-left: 20px;">IX. The number of breeding</p>	<p>Noted.</p> <p>See 9.7</p> <p>Staff have assessed the application as adequate for consideration of Planning Approval.</p> <p>See 9.7</p> <p>See 9.5</p> <p>See 9.7</p> <p>See 9.7</p> <p>See 9.7</p> <p>See 9.7</p> <p>See 9.7</p> <p>Council should consider the impact on amenity caused by noise. This may be addressed through conditions of approval (see amenity below).</p> <p>See 12.6</p> <p>See 12.4</p> <p>See 12.4</p>

			<p>animals;</p> <p>X. The number of animals harvested.</p> <p>XI. Processes used for breeding and harvesting;</p> <p>XII. Odours caused by the proposal;</p> <p>XIII. Approval of the existing meal worm breeding at the site;</p> <p>XIV. The combined impact of meal worm breeding and the proposal.</p> <p>4. The proposal is not a Cottage Industry;</p> <p>5. A Cottage Industry application was refused on an adjacent property, therefore a precedent has been set.</p>	<p>See 9.7</p> <p>See 11.3</p> <p>See 10.2</p> <p>See 10.2</p> <p>Agreed. The proposal is a use not listed as discussed earlier in the report.</p> <p>As the proposal is not considered a Cottage Industry, previous refusals do not set a precedent.</p>
14	L Geary PO Box 304 Beverley WA 6304	167 Vincent Street Beverley	<p>1. Objection to the proposal</p> <p>2. The application is not appropriate in a Residential area;</p> <p>3. Concerned over security requirements;</p> <p>4. Requests information on the responsibility for monitoring on-going compliance.</p>	<p>Noted</p> <p>See 3.5</p> <p>The rodents are housed in cages and the development is in a sealed outbuilding with double doors. Council may consider additional requirements as a condition of approval.</p> <p>Planning compliance is monitored by the Shire Planner. Health matters are monitored by the Shire's Health Officer.</p>
15	R Ladiges 11 York Road Beverley WA 6304	11 York Road Beverley	Objection to proposal.	Noted

8.1.1

TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

	Respondent	Property	Comment	Planner's Response
16	B Daws	36 Hunt Road Beverley	<ol style="list-style-type: none"> 1. Objection to proposal. 2. Escaping rodents will add to the existing field mouse population and cause an increase in the snake population. 3. Concerned over the possibility of rodents escaping. 4. The breeding of rats should be against health regulations. 5. Concerned over health and safety. 	<p>Noted.</p> <p>A considerable number of animals would need to escape to cause noticeable problem. As the proposal is self contained it is considered unlikely any of the animals could escape.</p> <p>See 14.3</p> <p>See 9.7</p> <p>See 9.7</p>
17	Name and address withheld	Name and address withheld	<ol style="list-style-type: none"> 1. Objection to proposal. 2. The proposal is inappropriate in a Residential zoned area. 3. The escape of rodents is inevitable and will add to the wild rodent population 4. The proposal will attract predators. 5. The proposal will generate noise and odour which will disturb the amenity of the area. 6. The increased volume of traffic will disturb amenity. 	<p>Noted</p> <p>See 3.5.</p> <p>See 14.3</p> <p>See 5.4</p> <p>Council should consider the impact on amenity caused by noise and odour. This may be addressed through conditions of approval (see amenity below).</p> <p>See 12.6</p> <p>Staff agree all equipment should be stored inside</p>

			<p>7. Any equipment stored outside the outbuilding would impact on visual amenity.</p> <p>8. There should be strict monitoring of conditions.</p> <p>9. Approval of the proposal would set a precedent.</p>	<p>the outbuilding. Council may address this matter through conditions of approval.</p> <p>The Shire Planner would monitor Planning Compliance as Shire resources permit. Monitoring of health matters is a matter that should be dealt with by the Shire's Health Officer.</p> <p>A Council's determination in relation to the appropriateness of this type of development in a Residential R10 zone will set a precedent.</p>
18	B Vivian 101 Vincent Street Beverly WA 6304	50 Hunt Road Beverly	<p>1. Comment on proposal.</p> <p>2. Requests a monitoring regime be implemented prior to approval.</p>	<p>Noted.</p> <p>Due to resource constraints Planning Compliance is generally monitored on an as needed basis. Council may require a monitoring regime as a condition of approval. Compliance with health matters is dealt with by the Shires Health Officer.</p>

It should be noted that many of the submissions relate to health matters. Such matters should be dealt with during the Health approval process and are not appropriate considerations for Planning Approval.

Many submissions also mention the appropriateness of the application in a Residential zone. Included in these considerations is the possibility that such applications will attract unwanted wild rodents and associated predators. Such considerations should be incorporated when Council determines the preliminary matter of whether the application complies with the planning intent for the area.

If Council determines the application complies with the planning intent for the area then the impact of impact of wild rodents should be assessed and may be addressed through conditions of approval. However, generally the control of rodents and associated predators is considered to be a health matter.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

Amenity

The submissions indicate that disturbance to amenity is a matter of concern to the community. Concerns cited include noise, odour and to a lesser extent, disturbance to visual amenity. Council may also consider addressing the possibility of an increase in wild rodents and associated predators as an amenity issue as well as a health matter.

Disturbance to visual amenity potentially comes from two sources, signage associated with the business and material and equipment used in the business. In the opinion of staff the disturbance to visual amenity may be addressed, should Council approve the application, by including the requirement that all activity and equipment be contained within the outbuilding and no signage being permitted, as a conditions of approval.

Concerns over noise appear to emanate from the equipment used in the operation, predators (cats) and traffic (to be addressed later). Air conditioning used to regulate the temperature to ensure animal welfare is not anticipated to produce more noise than domestic air conditioning associated with a dwelling. The business is proposed to operate during the hours of 8am to 5pm Monday to Friday, therefore all equipment used apart from the air conditioner, will be operated during these hours. To ensure disturbance to noise amenity is minimized, it will be recommended, should Council approve the application, that the proposed hours of operation be a condition of approval.

Odour is an amenity impact that is difficult to quantify or measure. To ensure the impact of odour does not impact on amenity to an unacceptable degree, it will be recommended, should Council approve the application, that if the odour becomes unacceptable the approval is withdrawn, as a condition of approval. To avoid the condition being the subject of nuisance complaints it will be recommended any complaints of unacceptable odour must be substantiated by the Shire's Health Officer as a component of the condition.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

Whilst wild rodents and their predators are generally considered a health matter and the proposal is to be self contained, there is the possibility that such creatures may disturb amenity. Should Council approve the application, it will be recommended as a condition of approval that the approval be withdrawn if there is a substantiated increase in the number of such creatures. Also similar to noise to avoid nuisance complaints it will be recommended the increase in animal numbers be substantiated by the Shire Health Officer as a component of the condition.

Traffic

The operation of the business is not anticipated to require large commercial vehicles to enter the property. As most of the produce is expected to be shipped to customers, there is not expected to be a significant number of customers visiting the site. Given the property is adjacent to a main road, any increase in traffic generated by the business is not anticipated to have a significant negative impact on neighbourhood amenity. As the proposed hours of operation have previously been recommended to be included as conditions of approval, in relation to traffic no further conditions of approval are recommended.

Escaping rodents

Animals escaping from the outbuilding has been cited in the submissions as a major concern to the community. Whilst such escapes are unlikely and the rodents are unlikely to survive should they escape, the matter may be addressed through conditions of approval.

The applicant proposes writing Standard Operating Procedures (SOP) for various aspects of the business. It will be recommended, should Council approve the application, that SOPs for the handling of stock and the entering and exiting of the work areas be written and adhered to as a condition of approval.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

STATUTORY ENVIRONMENT

Council may determine by absolute majority the land use is not consistent with the objectives and purpose of the zone and therefore is not permitted under Clause 3.2.5a) of Town Planning Scheme No. 2. Should Council determine by absolute majority the proposal complies with the planning intent for the area, then the application may be determined on its merits and approved or refused, with or without conditions, under Clause 3.2.5b) of Town Planning Scheme No. 2.

Under the Planning and Development Act 2005 the applicant has the right of review of any discretionary decision by Council. Determination of the land use, approval or refusal of the application and conditions of approval are all discretionary decisions that may be reviewed by the State Administrative Tribunal.

OFFICER'S RECOMMENDATION

1. That Council determine by absolute majority the proposed land use is not consistent with the objectives and purposes of the Residential R10 zone and therefore under Clause 3.2.5a) of the Shire of Beverley's Town Planning Scheme No. 2, is a land use not permitted.
2. That Council advise the applicant that the proposed land use may be approved in an alternative zone such as Farming.

Should Council determine by absolute majority the land use is consistent with the objectives and purposes of the Residential R10 zone, then the Officer's recommendation is as follows: -

That Council grant Planning Approval for a rodent production facility at 43 (Lot 9) Hunt Road, Beverley, subject to the following conditions and advice notes: -

8.1.1

**TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)**

Conditions:

1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.
2. 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.
3. Approval for the rodent production facility is specific to the applicants, David and Jeannine Hardy and cannot be transferred to any other person or property.
4. Approved rodents shall be domesticated rats and mice only.
5. This approval is for a maximum of 50 adult breeding rats and 150 adult breeding mice. Any increase in breeding rodent numbers shall require the written approval of the Shire.
6. All equipment, material and activity associated with the approved rodent production facility shall be contained within the outbuilding.
7. Should noise or odour generated by the development be assessed by the Shire's Health Officer to be producing an unacceptable impact on the amenity of the neighbourhood, then this approval shall cease and the development shall be removed.
8. Should non domestic rodents and/or predators attracted by the development be assessed by the Shire's Health Officer to be producing an unacceptable impact on the amenity of the neighbourhood, then this approval shall cease and the development shall be removed.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

9. Hours of operation are to be 8.00am to 5.00pm Monday to Friday, with no activity occurring on Public Holidays.
10. No activity shall occur outside of approved hours of operation, with the exception of activity required for the welfare of the animals.
11. Prior to the commencement of use, standard operating procedures shall be submitted and approved by the Shire of Beverley, for the entering and exiting the work area and animal handling.
12. Approved standard operating procedures shall be complied with at all times and shall be regarded as conditions of approval.
13. No signage shall be erected or displayed.

Advice Notes:

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.
2. The applicant is advised a health approval is required prior to commencement of the development.
3. With regard to Advice Note 2, an application is to be submitted to the Shire's Environmental Health Section.
4. The applicant is advised approval may be required from the Department of Health prior to the commencement of the development.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
– RODENT PRODUCTION
– 43 (LOT 9) HUNT ROAD, BEVERLEY
(Continued)

COUNCIL RESOLUTION

- M10/0110 Moved Cr Foster** **Seconded Cr Gogol**
- 1. That Council determine by absolute majority the proposed land use is not consistent with the objectives and purposes of the Residential R10 zone and therefore under Clause 3.2.5a) of the Shire of Beverley's Town Planning Scheme No. 2, is a land use not permitted.**
 - 2. That Council advise the applicant that the proposed land use may be approved in an alternative zone such as Farming.**

CARRIED 9-0
ABSOLUTE MAJORITY

8. OFFICERS' REPORTS

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.1.1.2
REPORT DATE:	23 December 2009
SUBJECT:	DEVELOPMENT APPLICATION – OUTBUILDING – LOT 65 HAMERSLEY STREET, BEVERLEY
APPLICANTS:	J O'Shaughnessy
FILE REFERENCE:	HAM 328
AUTHOR:	Shire Planner – Peter Wright

Appendix 7

BACKGROUND

It is proposed to construct a 92m² outbuilding at Lot 65 Hamersley Street, Beverley. The proposal is being presented to Council as it requires a variation to Council's Outbuilding Policy.

The subject site is approximately 4,000m², zoned Residential R5 and contains a partially completed dwelling. Of relevance the dwelling was granted approval on 3 February 2004 and remains uncompleted.

COMMENT

Under Council's Outbuilding Policy the maximum size for an individual outbuilding in an R5 zone is 75m². The proposed outbuilding exceeds policy criteria by 17m².

Given the location of the outbuilding to the rear of the property and the size of the lot, it is the opinion of staff the outbuilding will have little negative external impact. Therefore it will be recommended the application be approved.

A matter of concern is the length of time taken to complete the dwelling. Currently approval has been granted for nearly six years and the dwelling remains uncompleted. It is the intent of Council's Outbuilding Policy for outbuildings to be associated with dwellings in a residential area. To ensure the outbuilding is associated with a dwelling used for residential purposes it will be recommended, should Council approve the application, that the dwelling be completed within 18 months as a condition of approval.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.2
DEVELOPMENT APPLICATION
– OUTBUILDING – LOT 65 HAMERSLEY STREET, BEVERLEY
(Continued)

Advice Notes:

- 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.**
- 2. The applicant is advised a building licence is required prior to commencement of any building works.**

CARRIED 9-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.1.1.3
REPORT DATE:	6 January 2010
SUBJECT:	DEVELOPMENT APPLICATION – OUTBUILDING – 39 (LOT 229) NICHOLAS STREET, BEVERLEY
APPLICANTS:	R & P Harrington
FILE REFERENCE:	NIC 51328
AUTHOR:	Shire Planner – Peter Wright

Appendix 8

BACKGROUND

It is proposed to construct an outbuilding at 39 (Lot 229) Nicholson Street, Beverley. The application is being referred to Council because it requires a variation to Council's Outbuilding Policy.

The subject site is approximately 1ha in area, zoned Residential R10 and currently contains a single dwelling.

The proposed outbuilding is 150 m² in area and is intended to be used to store domestic items such as a caravan and boat, as well as machinery used in the maintenance of the lot. Council's Outbuilding Policy provides maximum floor area of 75 m² in a Residential R10 zone.

COMMENT

Given the size of the lot and the relative low density of built form in the area, it is the opinion of staff that the proposal will generate little negative impact on the amenity of the area. A site inspection by staff indicates outbuildings of a similar size have been approved in the vicinity. To further enhance amenity, should Council approve the application, it will be recommended that the external colour of the outbuilding be similar to the existing dwelling as a condition of approval.

As it is considered there will be little negative impact on amenity and the proposed outbuilding is intended to be used for the domestic enjoyment and maintenance of the property, it will be recommended the application be approved.

A further consideration in relation to outbuildings is the requirement for all outbuildings that require a variation to Council's Outbuildings Policy to be referred to Council for determination.

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.3

DEVELOPMENT APPLICATION

**– OUTBUILDING – 39 (LOT 229) NICHOLAS STREET, BEVERLEY
(Continued)**

To provide timely determination of applications, minimise the use of Shire resources and reduce the amount of valuable Council time spent on considering such applications, it is suggested the authority to determine these applications be delegated. Council may delegate such authority under Clause 7.7 of the Shire of Beverley's Town Planning Scheme No. 2.

STATUTORY ENVIRONMENT

The proposed outbuilding and suggested delegation of authority comply with the Shire of Beverley's Town Planning Scheme No. 2. The outbuilding requires a variation to Council's Outbuilding Policy.

It was agreed to deal with parts A and B of the Officer's Recommendation as separate motions.

OFFICER'S RECOMMENDATION

- A. That Council grant Planning Approval for the construction of an outbuilding at 39 (Lot 229) Nicholas Street, Beverley, subject to the following conditions and advice notes: -

Conditions:

1. If the development, the subject of this approval, is not **SUBSTANTIALLY COMMENCED** within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.
2. 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.
3. The outbuilding shall not be used for human habitation, commercial or industrial purposes.

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.3

DEVELOPMENT APPLICATION

– OUTBUILDING – 39 (LOT 229) NICHOLAS STREET, BEVERLEY

(Continued)

3. The outbuilding shall not be used for human habitation, commercial or industrial purposes.
4. Cladding for the proposed development is to be Colorbond or similar approved material, in a colour which is similar to the associated single dwelling. Zincalume shall not be used for cladding.

Advice Notes:

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.
2. The applicant is advised a building licence is required prior to commencement of any building works.

CARRIED 8-1

OFFICER'S RECOMMENDATION

- B. That Council resolve to delegate to the Shire Planner, through the Chief Executive Officer, the authority to determine Development Applications for outbuildings that require a variation to Council's Outbuilding Policy.

As there was no mover or seconder of part B of the Officer's Recommendation the motion lapsed.

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.1.1.4
REPORT DATE:	6 January 2010
SUBJECT:	SUBDIVISION APPLICATION – TWO LOT SUBDIVISION – LOT 23562 MAITLAND ROAD, KOKEBY
APPLICANTS:	Land Insights – Owner M Thomas
FILE REFERENCE:	PL141226
AUTHOR:	Shire Planner – Peter Wright

Appendix 9

BACKGROUND

It is proposed to subdivide Lot 23562 Maitland Road, Kokeby into two Green Title lots. Lot 23562 is approximately 449ha in area, zoned Farming, mostly cleared of remnant vegetation and currently contains an existing dwelling with ancillary outbuildings. The subject site is within the District Rural Strategy (DRS) Be3 policy area.

Propose Lot 1 is to be approximately 68ha in area, have direct road frontage and is to retain the existing buildings. Proposed Lot 2 is to be approximately 380ha in area and have access to Maitland Road via a 12 metre wide battleaxe leg. Both proposed lots will have a water supply in the form of dams and a proposed 2000m² building envelope.

COMMENT

The applicant has demonstrated that both proposed lots are consistent with the continued viability of agricultural production. The lots are above the 40ha minimum recommended size under the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2) and are generally consistent with the prevailing lot size in the area. Each proposed lot has an independent water supply (dams) for agricultural purposes and fire management.

As the applicant has demonstrated the proposed lots are consistent with continued viable agricultural production and the proposal complies with TPS 2 and the DRS, it will be recommended the application be recommended for approval.

STATUTORY ENVIRONMENT

The application complies with the Shire of Beverley's Town Planning Scheme No. 2.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.4
SUBDIVISION APPLICATION – TWO LOT SUBDIVISION
– LOT 23562 MAITLAND ROAD, KOKEBY
(Continued)

OFFICER'S RECOMMENDATION

That Council resolve to recommend to the Western Australian Planning Commission that application WAPC No. 141226 for the subdivision of Lot 23562 Maitland Road, Kokeby, be approved subject to the following conditions: -

1. The dwellings and any other structures proposed to be retained are to be compliant with the requirements and provisions of the Shire of Beverley's Town Planning Scheme No. 2.
2. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.
3. Prior to commencement of site works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government.
4. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows: -

"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."

COUNCIL RESOLUTION

M13/0110 Moved Cr Alexander **Seconded Cr Shaw**
That Council resolve to recommend to the Western Australian Planning Commission that application WAPC No. 141226 for the subdivision of Lot 23562 Maitland Road, Kokeby, be approved subject to the following conditions: -

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.4

SUBDIVISION APPLICATION – TWO LOT SUBDIVISION

– LOT 23562 MAITLAND ROAD, KOKEBY

(Continued)

1. The dwellings and any other structures proposed to be retained are to be compliant with the requirements and provisions of the Shire of Beverley's Town Planning Scheme No. 2.
2. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.
3. Prior to commencement of site works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government.
4. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows: -

"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."
5. The battleaxe section to be 20 metres wide.

CARRIED 9-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.1.1.5
REPORT DATE:	6 January 2010
SUBJECT:	BOUNDARY REALIGNMENT – LOTS 10120, 8709 & 4 MAITLAND ROAD, KOKEBY
APPLICANTS:	A J Marsh – Owners J Saville-Wright, L Vincenti & V Smith
FILE REFERENCE:	PL141186
AUTHOR:	Shire Planner – Peter Wright

Appendix 10

BACKGROUND

It is proposed to realign the boundaries of Lots 10120, 8709 & 4 Maitland Road, Kokeby. Lot 8709 is approximately 64ha in area and contains an existing dwelling with ancillary outbuildings. Lot 10120 is approximately 80ha in area, vacant and has no direct road access. Lot 4 is approximately 28ha in area and contains an existing dwelling with ancillary outbuildings.

All lots are zoned Farming and are within the District Rural Strategy (DRS) Be3 policy area.

COMMENT

The proposal appears consistent with the continued viability of agricultural production. With the exception of proposed Lot 3 the lots are above the 40ha minimum recommended size under the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). Existing Lot 4 (proposed Lot 3) will only be reduced in size by the area of an existing carriageway easement. However the realignment will allow direct road access to a previously landlocked property.

In the opinion of staff the proposal is consistent with the planning intent of the area and will produce no negative external impacts or precedents. The proposed lots are consistent with continued viable agricultural production and the proposal complies with TPS 2 and the DRS. Therefore it will be recommended the application be recommended for approval.

STATUTORY ENVIRONMENT

The application complies with the Shire of Beverley's Town Planning Scheme No. 2.

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.1.1.6
REPORT DATE:	13 January 2010
SUBJECT:	VARIATION TO DEVELOPMENT APPLICATION – SWAP MEET – 135 & 137 (LOTS 1 & 2) VINCENT STREET AND 49 (LOT 6) QUEEN STREET, BEVERLEY
APPLICANTS:	Beverley Lions Club Inc.
FILE REFERENCE:	VIN 1083
AUTHOR:	Shire Planner – Peter Wright

BACKGROUND

At its 24 November 2009 Council granted development approval to conduct a swap meet in the rear area of the Beverley Hotel carpark at 135 & 137 (lots 1 & 2) Vincent Street and 49 (Lot 6) Queen Street, Beverley. Of relevance Condition 3 of the approval stated:

“This approval is for activities occurring on the second Saturday of each month commencing 12 December 2009.”

Subsequent to the approval being granted it has been discovered the approved dates may clash with other similar events. Therefore it has been requested the approval be varied to allow the event to be conducted on alternate days.

COMMENT

Staff consider the development will not have any adverse impact if it is conducted on alternate days. The approved development provides variety in community activity and supports a community organisation. Therefore it will be recommended the planning approval be modified through the addition of an additional condition to allow the dates of operation to be varied.

STATUTORY ENVIRONMENT

The application complies with the Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M15/0110 **Moved Cr Foster** **Seconded Cr Gogol**
That Council resolve to modify the planning approval for a swap meet, at 135 & 137 (lots 1 & 2) Vincent Street and 49 (Lot 6) Queen Street, Beverley, granted on 24 November 2009 through the inclusion of additional Condition 8 and Advice Note 4 which state:

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.6

VARIATION TO DEVELOPMENT APPLICATION

**- SWAP MEET - 135 & 137 (LOTS 1 & 2) VINCENT STREET AND 49
(LOT 6) QUEEN STREET, BEVERLEY**

(Continued)

Condition:

8. Additional days of operation may be approved provided the applicant supplies a minimum two weeks' notice in writing to the Shire and receives the Shires written approval, prior to commencement of use, to the satisfaction of the Shire Planner (see Advice Note 4).

Advice Note:

4. With regard to Condition 8, a request using email is acceptable.

CARRIED 9-0

8.1.2 INFORMATION BULLETIN REPORT – SHIRE PLANNER

The Shire Planner had provided an Information Bulletin Report under separate cover.

COUNCIL RESOLUTION

M16/0110 Moved Cr Roberts **Seconded Cr Egberts**
That the Shire Planner's Information Bulletin Report, be received.
CARRIED 9-0

At 11:50am Mr Peter Wright, Shire Planner, left the meeting.

8.2.1 HEALTH & BUILDING SERVICES ITEMS

Nil.

8.2.2 INFORMATION BULLETIN REPORT – HEALTH & BUILDING SERVICES

8.2.2.1 GENERAL

General correspondence, duties and communications for Environmental Health Officer/Building issues.

8.2.2.2 BUILDING LICENSES ISSUED

Building licenses issued up to 8 January 2010: -

Lic No: 37 09/ 10
No: 1 Mawson St
Beverley
Building: Machinery Shed
Value: \$15,000

Lic No: 39 09/ 10
No: Lot 121 Bartram St
Beverley
Building: Single Dwelling
Value: \$110,000

Lic No: 41 09/ 10
No: 77 Harper St
Beverley
Building: Patio
Value: \$7,500

Lic No: 38 09/ 10
No: 52 Smith St
Beverley
Building: Patio & Deck
Value: \$12,500

Lic No: 40 09/ 10
No: 55 Bartram St
Beverley
Building: Conservation &
Alterations & Additions
Value: \$882,638

Lic No: 42 09/ 10
No: 48 Smith St
Beverley
Building: Shed
Value: \$18,400

8.2.2 INFORMATION BULLETIN REPORT – HEALTH & BUILDING SERVICES
ITEM 8.2.2.2 BUILDING LICENSES ISSUED
(Continued)

Lic No: 43 09/ 10
No: Lot 5045 (211) Johnson Rd
Bally Bally
Building: Hay Shed
Value: \$12,000

Lic No: 44 09/ 10
No: Lot 4512 (211)
Johnson Road, Bally Bally
Building: Machinery Shed
Value: \$18,000

COUNCIL RESOLUTION

M17/0110 Moved Cr Roberts **Seconded Cr Murray**
That the Health & Building Services Information Bulletin Report,
be received.

CARRIED 9-0

At 12:02pm Mr Steve Vincent, Works Supervisor, entered the Chambers.

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

Nil.

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR

8.3.2.1 GENERAL – PLANT AND WORKS

8.3.2.1.1 Christmas Decorations

The decorations will be removed this week. These decorations are in a poor state due to their age and wear and tear. It is suggested that an allocation be made in the next budget to replace them. If the banner poles were utilised in some way the decorations would become more visible.

RESOLVED that the condition of the Christmas decorations be for consideration during budget deliberations.

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR
ITEM 8.3.2.1
GENERAL – PLANT AND WORKS
(Continued)

8.3.2.1.2 Uniting Cemetery Trees

It has been suggested that Coral Gums be planted at the Uniting Cemetery. The locations of these trees are to be finalised so that they don't obstruct existing and future graves. These trees will be planted into large well liners to form a root barrier. It is suggested that the locations of these trees be arranged while on the road inspection.

8.3.2.1.3 Tree Removal

The dead pine tree on the corner of Bartram and Horley Streets has been cut down by a contractor and removed by Shire Staff.

8.3.2.1.4 Test Holes at Tip

The area to the north east of the existing sewage dump site has been drilled to test where the rock is located and to determine where future tip holes could be dug.

Five holes were drilled and rock was hit at the following depths: 0.9m, 1.2m, 1.5m, 1.98m and 3.3m. It seems that this area is not suitable for a hole of any significant depth.

8.3.2.1.5 Signs

The caravan park sign has been relocated so that it is more visible when driving along Council Road.

A new sign has been placed at the entrance to Apex Park advising No Camping.

Council agreed that Mr Steve Vincent, Works Supervisor, arrange for a sign to be placed at Apex Park advising people to use the caravan park and where it is situated.

It was also agreed that a sign be arranged at Council Road indicating where the caravan park is situated.

8.3.2.1.6 Railway Station

Excess rubble that was excavated from the stage area has been removed. Sand has been stockpiled nearby, which is to be used for landscaping at a later date.

8.3.2.1.7 New Road Counters

It was requested to obtain a quote to purchase two new road counters. The quote received for these are \$7,730.

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR
ITEM 8.3.2.1
GENERAL – PLANT AND WORKS
(Continued)

8.3.2.1.8 New Loader

The new loader has arrived. Staff are very happy with the performance of this machine. There was a problem with the bucket not fully emptying when in the dump position. This problem has since been rectified.

8.3.2.1.9 Reseals

RnR Contractors are currently resealing the roads that were identified in the 2009/2010 budget. There is an 800 metre section on Talbot West Road that will be left until further investigation is carried out to the sub base, there may be sections that have to be reworked.

8.3.2.2 CONSTRUCTION

8.3.2.2.1 Dobaderry Road

A 600 metre section of road is to be sealed on Wednesday 13 January.

8.3.2.2.2 Westdale Road

Work is currently being carried out on the clean-up of the verges and drains in preparation for the widening and reconstruction. Once the drain lines are prepared and the new gravel is carted in, Rural Road Services will have their contractors on site to stabilise and prepare for sealing. It is anticipated that they will start on 27 January. This work will be done on an hourly rate for an estimated cost of \$50,000 to \$60,000. Where possible we will use Shire equipment, and if available hire a roller and operator from within the SEAVROC group.

8.3.2.2.3 Footpath Construction

Quotes are being obtained for the new concrete footpaths. Before these paths are laid a decision is required as to what, if anything, is to be done with the existing trees along these paths. It is suggested these also be looked at on our road inspection.

8.3.2.2.4 Kokeby East Road Culvert Replacement

Kokeby East Road is open and the rock pitching is complete. We intend to seal the road prior to the rails been installed. This work will be done in conjunction with the Yenyening Lakes Road Intersection.

**8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR
ITEM 8.3.2
(Continued)**

COUNCIL RESOLUTION

**M18/0110 Moved Cr Gogol
That the Works Supervisor's Information Bulletin Report, be
received.**

Seconded Cr Roberts

CARRIED 9-0

At 12:23pm Mr Steve Vincent, Works Supervisor, left the meeting.

At 12:25pm the meeting adjourned for lunch.

At 1:50pm the meeting resumed.

8.4.1 FINANCE ITEMS

SUBMISSION TO: January Council Meeting 19 January 2010
AGENDA ITEM: 8.4.1.1
REPORT DATE: 12 January 2010
SUBJECT: SCHEDULE OF ACCOUNTS
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

Appendix 11

COMMENT

The Schedule of Accounts for the month of December 2009 is the appendix to this item.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M19/0110 Moved Cr Roberts
That the Schedule of Accounts for the month of December 2009,
be received. Seconded Cr Alexander

CARRIED 9-0

SUBMISSION TO: January Council Meeting 19 January 2010
AGENDA ITEM: 8.4.1.2
REPORT DATE: 12 December 2009
SUBJECT: FINANCIAL STATEMENT FOR THE PERIOD ENDED 31
DECEMBER 2009
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

COMMENT

The Financial Statement for the period ended 31 December 2009 was provided under separate cover.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M20/0110 Moved Cr Foster
That the Financial Statement for the period ended 31 December
2009, as presented, be received. Seconded Cr Alexander

CARRIED 9-0

8.4.1 FINANCE ITEMS

SUBMISSION TO: January Council Meeting 19 January 2010
AGENDA ITEM: 8.4.1.3
REPORT DATE: 7 January 2010
SUBJECT: INVESTMENT OF SURPLUS FUNDS
FILE REFERENCE: FM 008
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Council has at present surplus funds that have been invested in line with Council's policy.

COMMENT

Listed below are surplus funds that have been invested during the month of December 2009 with the ANZ Bank.

▪ Office Equipment Reserve	\$ 22,728.00
▪ Annual Leave Reserve	\$ 112,997.00
▪ Building Reserve	\$ 985,299.00
▪ Plant Reserve	\$ 423,955.00
▪ Recreation Ground Reserve	\$ 265,262.00
▪ Bush Fire Fighters Reserve	\$ 87,295.00
▪ Avon River Development Reserve	\$ 17,618.00
▪ Community Bus Reserve	\$ 21,859.00
▪ Cropping Committee Reserve	\$ 112,900.00
▪ Road Construction Reserve	\$ 190,091.00
▪ Municipal Fund	\$ 300,000.00
▪ Municipal Fund	\$ 500,000.00
▪ Municipal Fund	\$ 500,000.00

The Investment terms are as follows:

Certificate#	Term	Interest Rate	Amount	Expires
9669-41335	91 Days	4.35%	\$ 985,299.00	29/01/2010
9669-40287	91 Days	4.35%	\$ 423,955.00	29/01/2010
9669-41167	4 Months	4.40%	\$ 378,259.00	31/01/2010
9669-41538	4 Months	4.75%	\$ 452,491.00	30/03/2010
9669-37985	4 Months	4.40%	\$ 300,000.00	31/01/2010
ANZ Bank	2 Months	4.30%	\$ 500,000.00	09/01/2010
ANZ Bank	3 Months	4.50%	\$ 500,000.00	09/02/2010

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M21/0110

Moved Cr Pepper
That the Investment Report for the month of December 2009, be received.

Seconded Cr Roberts

That the Investment Report for the month of December 2009, be received.

CARRIED 9-0

8.4.1 FINANCE ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.4.1.4
REPORT DATE:	7 January 2010
SUBJECT:	REQUEST TO WAIVE PENALTY INTEREST – Assessment 1254 – 21993 & 77 WESTDALE ROAD, BEVERLEY
FILE REFERENCE:	WES 1254
AUTHOR:	Rates Officer – Lois Salkilld

BACKGROUND

Mr Wiltshire rang on 7 December 2009 to update his address from Tate Street, South Perth, to Mill Point Road, South Perth, as it had come to his attention that he not been receiving Rates Notices.

- Last payment of rates was September 2006.
- Current outstanding balance is \$5,277.18 as at 6 January 2010.

Correspondence was received from Mr Wiltshire on 16 December 2009, requesting Interest Penalty Relief for interest accrued (\$656.25) from August 2007 to December 2009, claiming that the Beverley Shire did not make an effort to make contact with him. He also claimed to have changed his home address with us in 2005 as well as giving us his phone number.

In response to his concerns that we failed to make every effort to contact him I advised him that on checking our records I was unable to locate any notification of 'Change of Address' in 2005, nor a record of a phone number having been supplied.

(Rates for 2006/07 were sent and paid in September 2006, so an unrecorded address change in 2005 must have gone unnoticed by him.) Mail is not always 'Returned to Sender', our records only show Rates Notices actually returned in November 2009.

A search of Telstra White Pages was also without success. In addition, when we were unsuccessful in our attempts to contact him, a title search revealed that his properties had mortgages registered to NAB and ANZ. We wrote to both banks in an attempt to make contact. NAB notified us that no such mortgage was in place, and we have no record of a response from ANZ.

8.4.1

FINANCE ITEMS

ITEM 8.4.1.4

**REQUEST TO WAIVE PENALTY INTEREST
– 21993 & 77 WESTDALE ROAD, BEVERLEY
(Continued)**

COMMENT

In my opinion genuine efforts were made to contact Mr Wiltshire and whilst we need to be sympathetic to his situation, at the end of the day the responsibility remains with the Rate Payer to ensure that Rates, on properties owned, are paid in accordance with the *Local Government Act 1995*.

Mr Wiltshire was also sent, in December 2009, documentation offering him the opportunity of 'Payments by Special Agreement' in order to reduce his debt. To date no payments have been received.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M22/0110

Moved Cr Foster
That Council do not waive Penalty Interest applied to the account for Assessment 1254.

Seconded Cr Alexander

That Council do not waive Penalty Interest applied to the account

CARRIED 9-0

8.4.1 FINANCE ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.4.1.5
REPORT DATE:	11 January 2010
SUBJECT:	ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2009
FILE REFERENCE:	CM 007
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare an annual financial report for the preceding financial year.

Section 6.53 of the Local Government Act 1995 requires a Local Government to prepare an Annual Report for each financial year.

The Annual Report was provided under separate cover.

Section 5.54 of the Local Government Act 1995 requires a Local Government to accept its Annual Report by an absolute majority of the Council.

Section 5.55 of the Local Government act 1995 requires the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after it has been adopted by Council.

Section 5.27 of the Local Government Act requires that an Electors' meeting is held once every financial year not more than 56 days after the Annual Report has been accepted by Council.

Section 5.29 of the Local Government Act 1995 requires the Chief Executive Officer to give at least 14 days public notice of the date, time and place of the Annual Electors' Meeting.

COMMENT

The Shire of Beverley's Auditor, Gregory Froomes Wyllie, has audited the Shire's annual financial statements for the year ended 30 June 2009 and has provided the Shire with an Audit Report.

The Annual Elector's Meeting is proposed to be held in the Lesser Hall on Thursday 25 February 2010 commencing at 7:00pm.

8.4.1

FINANCE ITEMS

ITEM 8.4.1.5

ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2009

(Continued)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M23/0110

Moved Cr Roberts

Seconded Cr Foster

That Council –

- a) accept the Shire of Beverley's audited financial statements for 2008/09;
- b) accept the Auditors Report for 2008/09 from the Shire's Auditor, Gregory Froomes Wyllie;
- c) accept the Shire of Beverley's Annual Report for 2008/09;
- d) hold the Annual Electors' meeting in the Lesser Hall commencing at 7:00pm on Thursday 25 February 2010 and give at least 14 days notice of this meeting, in the Western Australian newspaper; and
- e) give local public notice of the availability of the 2008/09 Annual Report.

CARRIED 9-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.5.1.1
REPORT DATE:	8 January 2010
SUBJECT:	EIGHT YEAR LOCAL LAWS REVIEW
FILE REFERENCE:	LE 010
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 12

BACKGROUND

The Act requires that the Shire of Beverley (the Council) must, every eight years after adoption or review of any local law conduct a review of the local law to ensure that it still retains currency. DL Consulting was engaged to conduct the review.

The Council at its meeting on the 27 October 2009 resolved as follows:

"That Council:-

- 1. Resolves to undertake a review of its existing local laws; and*
- 2. in accordance with section 3.16 (2) of the Local Government Act 1995, give public notice of its intention to undertake a review of its local laws."*

Following the formal adoption by the Council of the outcome of the review, any amendments to the local laws under review must be processed in accordance with Section 3.12 of the Act.

This means that two distinct processes must be followed. In order to separate the processes and avoid any confusion it was determined at the outset of the review process that the review would be undertaken first, with any amendments to the local laws to be undertaken as a separate process.

COMMENT

At the close of the submission period, no submissions had been received.

As a result of the review conducted by DL Consulting and Council Officers, it is proposed that the actions outlined in the table below be taken in relation to each local law.

8.5.1

ADMINISTRATION ITEMS
ITEM 8.5.1.1
EIGHT YEAR LOCAL LAWS REVIEW
(Continued)

It should be noted that the only two local laws that have been amended are those relating to Pest Plants and Health. In each case DELETIONS have been struck through and INSERTIONS highlighted.

By-Law/Local Law Title	Proposed Action	Reason
Cemeteries – Control and Management of Beverley	Repeal	Obsolete – Repeal and replace with more contemporary local law.
Pest Plants	Amend	Update with new provisions outlined in the discussion paper.
Health Local Laws 1997	Amend	Update with new provisions outlined in the discussion paper.
Trading in Public Places	Repeal	Repeal and replace with more contemporary local law.
Standing Orders	Repeal	It is proposed that this local law be repealed as it is believed that a local law to regulate Council meetings is not required.
Fencing	Repeal	Many of the provisions required under this local law are imposed as conditions on a Development Application. It is proposed to repeal this local law and regulate fencing matters as part of the Development Approval process.
By-Law Relating to Dogs	Repeal	Repeal and replace with more contemporary local law.
Clearing and Removal of Rubbish or Disused Material from Land	Repeal	Obsolete

8.5.1

ADMINISTRATION ITEMS
ITEM 8.5.1.1
EIGHT YEAR LOCAL LAWS REVIEW
(Continued)

By-Law/Local Law Title	Proposed Action	Reason
Buildings – Management, use and Letting of Halls	Repeal	Obsolete – repeal and replace with more contemporary Local Government Property Local Law
Appointment of Employees	Repeal	Obsolete
Swimming Pool – Pioneer Memorial	Repeal	Obsolete – repeal and replace with more contemporary Local Government Property Local Law
Vehicles Driven on Land under Control of Council	Repeal	Obsolete.
Storage of Inflammable Liquids	Repeal	Obsolete – now regulated by the Dangerous Goods Act .
Petrol Pump – Draft Model BY Law No. 10	Repeal	Obsolete.
Hawkers and Stalls	Repeal	Obsolete.
Extractive Industries	Repeal	Obsolete – repeal and replace with more contemporary local law.
Old Refrigerators and Cabinets	Repeal	Obsolete.
Obstructing Animals and Vehicles Model By-Laws	Repeal	Obsolete.
Prevention of Damage to Streets	Repeal	Obsolete
Street lawns and Gardens Model By-Law	Repeal	Obsolete –Repeal and replace with a more contemporary Thoroughfares Local Law
Buildings	Repeal	Obsolete

It should be noted that the issues that have been identified in the initial Discussion Paper and through comments received as part of the advertising and submission period, whilst included in the report for consideration as a possible amendment to the respective Local Law, have not been formally assessed from a legal perspective. This would be more effectively undertaken as part of the second phase; that is development of the amendments to the various Local Laws.

8.5.1

**ADMINISTRATION ITEMS
ITEM 8.5.1.1
EIGHT YEAR LOCAL LAWS REVIEW
(Continued)**

CONSULTATION

As required by the Act the community was invited to comment on the review of the Council's Local Laws. The review was advertised on 14 November 2009 with a closing date for submissions of 6 January 2010. At the close of submissions no community comments had been received.

Council's Officers were invited to comment on the Local Laws and their suggestions were incorporated into the Discussion papers, where appropriate.

POLICY IMPLICATIONS

There are no policy implications associated with this item at this point in time.

However as a result of the review process and amendments made to local laws, amendments to specific Council policies may be required. Policy amendments, (if any), will be addressed during the drafting of the local law amendments.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 3.16 of the Act requires the Council to carry out a formal review of its Local Laws every 8 years. The Act provides that after the last day for submissions the Council is to consider any submissions received and cause a report of the review to be prepared and considered by the Council. The Council must adopt the report on the review at which time it determines whether the Local Laws should be repealed or amended.

Agriculture and Related Resources Protection Act 1976

Cemeteries Act 1986

Dog Act 1976

Health Act 1911

STRATEGIC IMPLICATIONS

Up to date and relevant local laws are an important cornerstone of good governance. Local Government has a statutory and moral obligation to ensure that the regulation of local matters is conducted in a fair, efficient and reasonable manner.

8.5.1

ADMINISTRATION ITEMS
ITEM 8.5.1.1
EIGHT YEAR LOCAL LAWS REVIEW
(Continued)

At 3:14pm Mr Peter Ibbott, EHO, entered the Chambers.

OFFICER'S RECOMMENDATION

That Council -

1. NOTE that no community submissions were received by the close of the submission period on 6 January 2010 following advertising the review of the following local laws:
 - Control and Management of Beverley Cemeteries
 - By-Laws relating to Pest Plants
 - Trading in Public Places Bylaws
 - By-Laws relating to Clearing and Removal of Rubbish or Disused Material from Land
 - Buildings – By-Laws relating to the Management, Use and Letting of halls
 - BY-Laws relating to the appointment of Employees
 - By-Laws relating to Extractive Industries
 - By-Laws relating to the Management of the Pioneer Memorial Swimming Pool
 - By- Laws relating Vehicles Driven on Land under Control of Council
 - By-Laws relating to Storage of Flammable Liquids
 - Petrol Pumps – Draft Model By-Law No. 10
 - By-Laws relating to Hawkers and Stalls
 - By-Laws relating to Old Refrigerators and Cabinets
 - By-Laws Relating to Dogs
 - Local Laws relating to Fencing
 - By-Laws relating to the Prevention of Damage to Streets
 - By-Laws relating to Obstructing Animals and Vehicles
 - By-Laws relating to Street Lawns and Gardens
 - By-Laws relating to Buildings
 - Local Laws relating to Standing Orders
 - Health Local Laws

2. DETERMINE BY ABSOLUTE MAJORITY to accept the review report and to take the following action for each local law:
 - Control and Management of Beverley Cemeteries Repeal
 - By-Laws relating to Pest Plants Amend
 - Trading in Public Places Bylaws Repeal

8.5.1

ADMINISTRATION ITEMS
ITEM 8.5.1.1
EIGHT YEAR LOCAL LAWS REVIEW
(Continued)

- By-Laws relating to Clearing and Removal of Rubbish or Disused Disused Material from Land Repeal
 - Buildings – By-Laws relating to the Management, Use and Letting of Halls Repeal
 - BY-Laws relating to the appointment of Employees Repeal
Repeal
 - By-Laws relating to Extractive Industries Repeal
 - By-Laws relating to the Management of the Pioneer Memorial Swimming Pool Repeal
 - By- Laws relating Vehicles Driven on Land under Control of Council Repeal
 - By-Laws relating to Storage of Flammable Liquids Repeal
Repeal
Repeal
 - Petrol Pumps – Draft Model By-Law No. 10 Repeal
 - By-Laws relating to Hawkers and Stalls Repeal
 - By-Laws relating to Old Refrigerators and Cabinets Repeal
Repeal
Repeal
 - By-Laws Relating to Dogs Repeal
 - Local Laws relating to Fencing Repeal
 - By-Laws relating to the Prevention of Damage to Streets Repeal
 - By-Laws relating to Obstructing Animals and Vehicles Repeal
 - By-Laws relating to Street Lawns and Gardens Repeal
 - By-Laws relating to Buildings Repeal
 - Local Laws relating to Standing Orders Repeal
 - Health Local Laws Amend
3. DETERMINE BY ABSOLUTE MAJORITY to commence the process under Section 3.12 of the Local Government Act 1995 of amending or repealing the Local Laws as per (2) above.

COUNCIL RESOLUTION

M24/0110 Moved Cr Alexander **Seconded Cr Roberts**
That item 8.5.1.1 above be deferred until the February Ordinary Council Meeting. **That item be deferred until the February Ordinary Council Meeting.**

CARRIED 9-0

At 3:23pm Mr Peter Ibbott, Environmental Health Officer, left the meeting.

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.5.1.2
REPORT DATE:	11 January 2010
SUBJECT:	BUSINESS PLAN LOCAL GOVERNMENT SYSTEM (LGS) INTEGRATED SOFTWARE
FILE REFERENCE:	IT 006
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 13

BACKGROUND

At its Meeting of 2 July 2008, the Executive Committee of SEAVROC resolved in part:

- “(b) Subject to (a) above, the Executive Officer be authorised to enter into negotiations with LGS in relation to the items stated in the MOU, namely:
- (i) An amount to be advanced by the SE#AVROC Member Local Governments to LGS to assist in funding the development of the Microsoft net environment on a stable SQL database.
 - (ii) SEAVROC Member Local Governments be provided within all LGS software products in return for the Capital Contribution.
 - (iii) Exclusive market rights, share of sales income, and annual system support fees in Western Australia.
 - (iv) The determination of annual system support fees.
 - (v) Software support.
 - (vi) Installation of software.
 - (vii) Access to network infrastructure.
- (c) A further report be presented to the Executive Committee Meeting of SEAVROC once negotiations have been finalised.”

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.2
BUSINESS PLAN LOCAL GOVERNMENT SYSTEM (LGS)
INTEGRATED SOFTWARE
(Continued)

COMMENT

The SEAVROC Executive Officer has prepared a business plan for Council's consideration.

Council is requested to give consideration to accepting the offer from LG System Inc, as detailed in the business plan.

If Council wish to participate in this venture a joint advertisement will be placed by SEAVROC

STATUTORY IMPLICATIONS

If Section 3.59 of the Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996, was to be applied to this activity, it would be exempt from the preparation of a business plan for the following reasons:

Section 3.59(1) – Defines "Trading Undertaking" as an activity carried out by a local government with the view of producing profit to it.

Section 3.59(2) – A local government is to prepare a business plan before it commences a major trading undertaking.

Regulation 9 states that a 'trading undertaking' to be a 'major trading undertaking' has to be more than either \$500,0000 or 10% of the lowest operating expenditure.

However, SEAVROC agreed that it should prepare business plans for any projects or initiatives, and in this instance, it is considered good practice that Section 3.59(3) of the Act apply, that is:

"The business plan is to include an overall assessment of the trading undertaking and is to include details of –

- (a) Its expected effect on the provision of facilities and services by the local government;
- (b) Its expected effect on other persons providing facilities and services in the district;

8.5.1

ADMINISTRATION ITEMS

ITEM 8.5.1.2

**BUSINESS PLAN LOCAL GOVERNMENT SYSTEM (LGS)
INTEGRATED SOFTWARE
(Continued)**

- (c) Its expected financial effect on the local government;
- (d) Its expected effect on matters referred to in the local government's current plan prepared under Section 5.56;
- (e) The ability of the local government to manage the undertaking or the performance of the transaction; and
- (f) Any other matter prescribed for the purposes of this subsection."

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M25/0110

Moved Cr Alexander

Seconded Cr Foster

- (a) That Council advise SEAVROC that it wishes to participate in the LGS Integrated Software project.
- (b) That the Chief Executive Officer be authorised to undertake public consultation, making the Plan available for viewing, advertising the Plan (period not less than 6 weeks), with any submissions received to be considered by Council before its final adoption, pursuant to Section 3.59 of the Local Government Act 1995.

CARRIED 9-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.5.1.3
REPORT DATE:	12 January 2010
SUBJECT:	PROPOSED SUBDIVISION – CLOSED ROADS
APPLICANT:	Mr DJ Barrett-Lennard
FILE REFERENCE:	RO 005
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

Appendix 14

BACKGROUND

Mr Doug Barrett-Lennard is proposing to submit an application to the Western Australian Planning Commission, to subdivide his property on Lennard Road. (Attached is a diagram of the proposal.

Should the application be successful the portion of road coloured yellow on the attachment will become redundant and he would like Council's support in having it closed and purchased by him.

COMMENT

Should the subdivision be approved the land in question would have no importance to Council.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M26/0110

Moved Cr Foster

Seconded Cr Roberts

That subject to the proposal of Mr Doug Barrett-Lennard to subdivide his property as per the attached plan, Council has no objection to that section of road coloured yellow and the closed roads coloured orange being purchased and included within the subdivision.

CARRIED 9-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	January Council Meeting 19 January 2010
AGENDA ITEM:	8.5.1.4
REPORT DATE:	12 January 2010
SUBJECT:	UNALLOCATED CROWN LAND
FILE REFERENCE:	GR 015
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 15

BACKGROUND

The Department of Regional Development and Lands has advised they are considering the release or disposal of the following lots for the purposes described on the attached letter:

- Lots 53 and 56 Railway Street
- Lots 372 & 374 Railway Street
- Lot 373 Forrest Street
- Lot 356 Bartram Street
- Lot 349 Bartram Street
- Lots ... and 2 Bartram Street
- Lot 357 Monger Street
- Lots 422, 423 & 424 Hope Street
- Lot 316 Lukin Street
- Lot 155 Dempster Street

COMMENT

As Lots 53 and 56 Railway Street have only minimal access Council may be placed under some pressure to upgrade this street if sold.

It is noted that Lot 155 Dempster Street is being proposed for the purposes of "Protection of Natural Landscape" under management of the Shire. I am unsure whether Council has the resources to adequately manage this location.

OFFICER'S RECOMMENDATION

For Council's consideration.

COUNCIL RESOLUTION

M27/0110

Moved Cr Alexander

That this matter be deferred until the February Ordinary Council Meeting. That all of the abovementioned lots be inspected during the annual road inspection to be held on 29 February 2010.

Seconded Cr Shaw

CARRIED 7-2

8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER

The Chief Executive Officer had provided an Information Bulletin Report under separate cover.

8.5.2.1 Crana Aboriginal Corporation

The Crana Aboriginal Corporation has forwarded correspondence requesting:

- a) That the Aboriginal flag be flown daily outside the Administration Centre.
- b) That two representatives from the Noongar community sit at Council meetings.

COUNCIL RESOLUTION

M28/0110 Moved Cr Foster **Seconded Cr Gogol**
Council advise Crana Aboriginal Corporation that it denies their request for the Aboriginal flag to be flown daily outside the Administration Centre.

CARRIED 8-1

Cr Roberts requested his vote against the motion to be recorded.

It was agreed that Council advise Crana Aboriginal Corporation that the Shire of Beverley flag is flown to represent the whole community.

COUNCIL RESOLUTION

M29/0110 Moved Cr Gogol **Seconded Cr Pepper**
That Council advise Crana Aboriginal Corporation that the Local Government Act does not permit anyone to stand on Council other than those elected via the democratic process, however, should Crana Aboriginal Corporation become aware of any issue before Council which is of a cultural significance to them, they are welcome to advise Council that they wish to form a delegation to address Council on that subject at the relevant Council meeting.

CARRIED 9-0

**8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER
(Continued)**

8.5.2.2 Deep Pool Reserve 883

Council discussed retention of the management order over Deep Pool Reserve 883.

RESCINDED MOTION

- M30/0110 Moved Cr Murray** **Seconded Cr Egberts**
That Council rescind Motion M2/1109 of the 24 November 2009
Ordinary Council Meeting: -
“That Council: -
1. Support Greg and Sue Atwell request to manage “Reserve Pool” being Reserve 833;
 2. Purchase a suitable sign to be erected at the entrance of Reserve 833 requesting visitors to abide to certain rules;
 3. Write to the Department of Regional Development and Lands requesting that the Management Order placed on Council to manage this Reserve be removed; and
 4. Request the Department of Regional Development and Lands to commence negotiations with Greg and Sue Atwell with the aim of leasing “Reserve Pool” to the Atwells.”
- CARRIED 9-0**

COUNCIL RESOLUTION

- M31/0110 Moved Cr Pepper** **Seconded Cr Foster**
That the Shire of Beverley retain the management order over Deep Pool Reserve 883 and that arrangements be made for the Greg and Sue Atwell to be appointed as Wardens.
CARRIED 9-0

RESOLVED that Council invite Mr and Mrs Atwell to discuss this matter with them.

RESOLVED that Council advise the Naturalist Club of the above motions in regard to Deep Pool Reserve 833.

11. OTHER BUSINESS

ITEM 11.1

CONFIRMATION OF MINUTES AND BUSINESS ARISING

Item 11.1.1 Minutes of the Cropping Committee Meeting held in the Council Chambers on Tuesday 19 January 2010

(Continued)

COUNCIL RESOLUTION

- M33/0110** Moved Cr Pepper **Seconded Cr Gogol**
That the Minutes of the Cropping Committee Meeting held in the Council Chambers on Tuesday 19 January 2010, as read, be received.

CARRIED 9-0

BUSINESS ARISING

Cropping Committee Leases -
Portion Reserve 5265 Lot C (between Great Southern Highway and the Railway Reserve);
Reserve 2633 (Old Aerodrome Opposite CBH);
Lot 78 Waterhatch Road;
Portion Reserve 5265 Lot A (Old Commonage);
Portion Reserve 5265 Lot B (Sand Pit).

COUNCIL RESOLUTION

- M34/0110** Moved Cr Pepper **Seconded Cr Gogol**
That Council offer the assignment of the current leases of T & A Hosking to Mr David Adams and Mr David Fleay for the period of 12 months from 1 April 2011 to 31 March 2011, on the same terms and conditions, as Hosking leases, subject to the acceptance by Mr David Adams and Mr David Fleay.

CARRIED 9-0

- 11.1.2** Minutes of the Independent Living Units Project Team Meeting held in the Council Chambers on Monday 18 January 2010

Appendix 17

COUNCIL RESOLUTION

- M35/0110** Moved Cr Pepper **Seconded Cr Egberts**
That the Minutes of the Independent Living Units Project Team Meeting held in the Council Chambers on Monday 18 January 2010, as read, be received.

CARRIED 9-0

11. OTHER BUSINESS

ITEM 11.1

CONFIRMATION OF MINUTES AND BUSINESS ARISING

Item 11.1.2 Minutes of the Independent Living Units Project Team Meeting held in the Council Chambers on Monday 18 January 2010 (Continued)

BUSINESS ARISING

Lease Agreement

COUNCIL RESOLUTION

M36/0110 Moved Cr Pepper **Seconded Cr Egberts**
Council not accept the recommended amendment to the refurbishment clause in the lease agreement.

CARRIED 9-0

11.1.3 Minutes of the Development Services Committee Meeting held in the Council Chambers on Friday 8 January 2010 commencing at 2:05pm

BUSINESS ARISING

Under Item 6.6 of this Ordinary Meeting of Council the recommendation to Council contained in the above Minutes of the Development Services Committee Meeting was laid on the table until further information was to hand.

The further information has been provided to the Shire President.

Rationalisation of Building Use

COUNCIL RESOLUTION

M37/0110 Moved Cr Foster **Seconded Cr Pepper**
That the Development Services Committee meet with representatives from the Telecentre, Op Shop, Naturalist Club, Toy Library and Playgroup to discuss proposed location changes and that permission be granted for the Telecentre to be relocated to the Old Pre School Building.

COUNCIL RESOLUTION

M38/0110 Moved Cr Alexander **Seconded Cr Gogol**
That the abovementioned motion be put.

CARRIED 9-0

The motion was then put.

12. CLOSURE

There being no further business the meeting closed at 5:20pm.

I hereby certify these Minutes as being confirmed in accordance with Section 5.26 of the Local Government Act 1995.

Presiding Member

Date

APPENDIX LIST

19 JANUARY 2010

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APPENDIX LIST
19 JANUARY 2010
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MINUTES OF THE PLANT & WORKS COMMITTEE MEETING HELD IN THE
COUNCIL CHAMBERS ON WEDNESDAY 23 DECEMBER 2009
COMMENCING AT 8:16AM

1. **ATTENDANCE AND APOLOGIES**

Attendance

Cr JD Alexander	Chairman
Cr LC Shaw	Deputy President
Cr KM Murray	
Cr CJ Pepper	
Cr P Gogol	
Mr KL Byers	Chief Executive Officer
Mr SP Vincent	Works Supervisor

Apologies

Nil.

2. **CONFIRMATION OF MINUTES**

Moved Cr Shaw *Seconded Cr Gogol*
That the Minutes of the Meeting of the Plant and Works Committee,
held on Friday 11th December 2009, as printed, be confirmed.

CARRIED

5.0

BUSINESS ARISING

Nil.

3. **GENERAL BUSINESS**

Westdale Road – Regional Road Grant Program

Moved Cr Pepper *Seconded Cr Gogol*
That up to \$90,000 be expended to employ contractors to assist with
the construction of the Westdale Road, as outlined in the 2009/2010
Regional Road Group Program.

CARRIED

5.0

10 Year Road Works Program

Considerable discussion took place relating to the merits of undertaking a survey to determine the likely grain routes that will be utilised when the Beverley grain receival bin is closed.

Cr Shaw departed the meeting at 10:01am.

Moved Cr Gogol

Seconded Cr Alexander

That a survey be prepared for consideration in February 2010, requesting primary producers to outline their likely grain delivering routes after the Beverley receival bin has been closed.

CARRIED

4.0

It was suggested that the survey include where grain is likely to be delivered, the route to be utilised and the tonnage involved.

4. CLOSURE

There being no further business the Chairman declared the meeting closed at 10:20am.

Keith Byers

From: mconiglio@upnaway.com
Sent: Wednesday, 6 January 2010 4:29 PM
To: 'David & Lilia Vaughan'
Cc: "Keith Byers"; mconiglio@upnaway.com; mcarch_aainsworth@upnaway.com
Subject: Dawson Street, Beverly Email.02

Hi David and Keith,

A few urgent queries for your input:

1. Does the QS allow to stage the works in his pre-tender estimate (with allowances for cost increases) similar to his first estimate? I suggest the estimate allows for the first four (rear) units to commence construction in April 2010 and second four (street front) units in April 2011?
2. I have advised the QS the tender will be an open, advertised local government tender. Is this correct? If not please advise otherwise.
3. What type of contract the shire intends to use? I think AS4124 is common for local government work.
4. The preliminary site classification is indicating Class H which is highly reactive and the structural engineer has advised me that the Australian Standard recommends against double brick construction on this type of soil classification (and he recommends against it also). He is suggesting external leaf of brickwork and internal leaf/internal walls in plasterboard lined framed (timber or steel) walls - i.e. brick veneer. There is a chance of the site being classified a Class M (which is moderately reactive) on review by the proprietor of the geotechnical company however this cannot be confirmed prior to 20th Jan 2010 (I understand that brick veneer will perform better on the Class M site also). However I would expect if the geotechnical company errs on the side of caution that the Class H will stand. To meet the Jan 2010 meeting deadline I suggest we progress with the brick veneer solution based on a Class H site as this is the suggested structural solution for the likely soil classification and is a practical outcome. Alternatively if we allow for double brick on either Class M or Class H there could be significant cost implications. At this stage we are also intending to avoid removing large volumes of fill or introducing same to keep costs down.

Email is best to contact me on this week however I can be contacted on mobile to discuss the above as I need to provide answers to the consultant team in the coming few days to the above queries. I will intend to return your call as soon as practical.

Regards,

Matthew

**MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBERS ON FRIDAY 8TH JANUARY 2010**

1. MEETING COMMENCEMENT

The Chairperson declared the meeting opened at 9:25am.

2. ATTENDANCE AND APOLOGIES

Attendance

Cr DJ Ridgway	Chairperson
Cr CJ Pepper	
Cr BM Foster	
Mr D Vaughan	Consultant
Mr KL Byers	Chief Executive Officer

Apologies

Cr C Egberts

Observers

Cr LC Shaw
Cr KM Murray

3. CONFIRMATION OF MINUTES

Moved Cr Pepper
That the minutes of the Development Services Committee Meeting held in the Council Chambers on Friday 11 December 2009, as presented, be confirmed.

Seconded Cr Ridgway

CARRIED 3-0

BUSINESS ARISING

Nil.

4. GENERAL BUSINESS

4.1 Caravan Park

Concept Plan

RESOLVED that an illustrated Concept Plan be developed utilising the drawing in the original Townscape Plan and the aerial photograph of Prue Dufty from the Department of Water.

Campers' Kitchen

RESOLVED that the Chief Executive Officer obtain an estimated cost of locating a lined colourbond Campers' Kitchen, on Reserve 1570, being Lot 369, bounded by Council Drive, similar in size of facilities of that which is situated in Goomalling.

Entry Sign

RESOLVED that the entry sign at the Caravan Park be relocated to the eastern side of the driveway.

4.2 Town Hall

Moved Cr Foster
That the Concept Plan drawn up by Mr Warren Wandless plus lighting be costed for implementation.

Seconded Cr Pepper

CARRIED 3-0

5. CLOSURE

There being no further business the Chairperson declared the meeting closed at 12:15pm.

SHIRE OF BEVERLEY

INDEPENDENT AUDIT REPORT

TO THE ELECTORS OF THE SHIRE OF BEVERLEY

SHIRE OF BEVERLEY
30 NOV 2009
FILE REF:

SCOPE

We have audited the financial report of the Shire of Beverley for the year ended 30 June 2009. The Council is responsible for the preparation and presentation of the financial report and the information contained therein. We have conducted an independent audit of the financial report in order to express an opinion on it to the electors of the Shire of Beverley.

Our audit has been conducted in accordance with Australian Auditing Standards to provide a reasonable level of assurance as to whether the financial report is free of material misstatement. Our procedures included examination, on a test basis, of evidence supporting the amounts and other disclosures in the financial report, and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with the requirements of Local Government Act, the Local Government Financial Management Regulations and Australian Accounting Standards and other mandatory professional reporting requirements so as to present a view of the Shire which is consistent with our understanding of its financial position and the results of its operations and cashflows.

The audit opinion expressed in this report has been formed on the above basis.

AUDIT OPINION

In our opinion, the financial report presents fairly the financial position of the Shire of Beverley as at 30 June 2009 and the results of its operations and cashflows for the year then ended in accordance with the requirements of the Local Government Act, the Local Government Financial Management Regulations, applicable Accounting Standards and other mandatory professional reporting requirements.

STATUTORY COMPLIANCE

We did not become aware of any instances where the Council did not comply with the requirements of the Local Government Act and the Local Government Financial Management Regulations.



Gregory Froomes Wyllie
Certified Practising Accountant
Perth, Western Australia
26 November 2009.

10/10/10

10/10/10

10/10/10

10/10/10

**MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBERS ON FRIDAY 8TH JANUARY 2010**

1. **MEETING COMMENCEMENT**

The Chairperson declared the meeting opened at 2:05pm.

2. **ATTENDANCE AND APOLOGIES**

Attendance

Cr DJ Ridgway	Chairperson
Cr BM Foster	
Cr CJ Pepper	
Mr KL Byers	Chief Executive Officer

Apologies

Cr C Egberts

Observers

Cr LC Shaw
Cr KM Murray

3. **GENERAL BUSINESS**

Rationalisation of Building Use

An on-site inspection of the Old Pre School, Infant Health Centre, Town Hall and Court House was undertaken to review the current use by various groups.

RESOLVED that it be recommended to Council that the Development Services Committee meet with representatives from the Telecentre, Op Shop, Naturalist Club, Toy Library and Playgroup to discuss proposed location changes and that permission be granted for the Telecentre to be relocated to the Old Pre School Building.

4. **CLOSURE**

There being no further business the Chairperson declared the meeting closed at 4:30pm.

APPLICATION for HOME
BUSINESS
/ COTTAGE INDUSTRIES

For

DAVID HARDY
43 HUNT ROAD
BEVERLEY
WA 6304.

I am putting together this information pack to go with my application.

This business is being created to supply laboratory grade food to various industries for the feeding of reptiles and other carnivorous animals (wildlife, birds of prey ect) .Our clients will include, but will not be limited to reptile organizations (eg. Armadale Reptile Park) animal organizations that provide services for the preservation of wildlife and pet shops. There will also be private sales for people that have their own pet that requires this type of food .I intend to buy an existing business that supplies laboratory grade food, and can guarantee the quality of the stock and equipment.

A business study has also been conducted and concluded that there were no other business in the Wheatbelt areas that supplies this type of food .In fact , the supply demand that we have already far exceeds the initial productivity that has been calculated.

The metropolitan area has a growing number of reptile owners. Therefore I aim to supply these people with a high grade, quality product and therefore be able to support the local community with local business.

Housing of the mice and rats

The mice and rats will be housed in an insulated and air-conditioned sealed structure. The room will be suitably temperature controlled and ventilated appropriately. There will also be double door entry so to eliminate escapes. should the animal escape or become loose at any time during harvesting time. For the housing of the mice and rats whilst there are breeding, they will be housed in rodent proof enclosures which will contain the following.

Mice

3 females and 1 male (and babies if there is any) in an enclosure measuring 465mm x 300mm x 155mm (LxHxW) this area contains an area for food and an on demand water bottle.

Rats

2 females and 1 male (that is moved between four enclosures on a two week rotation,)

See Diagram 1 Their enclosure measures 560mm x 360mm x 300mm (LxWxH) and contains an area for food and an on demand water bottle.

Enclosures will put in "Banks" or groups. Each will include 4 rows of 5 banks. See Diagram 2.

All enclosures are lined with an absorbent material plus bedding which is made up of straw and newspaper. The enclosures are fully cleaned on a weekly basis and waste material will be involved in a compost bin on the property. I am looking at three or four 20lt bags of waste per week. Enclosures are checked daily to ensure enclosures are clean. If not they will be cleaned.

Breeding

The Breeding cycle for both mice and rats are as follows.

Mice

Female mice can be bred from approx. 12 weeks of age. Male mice can be bred from approx. 6-8 weeks of age. Both male and female mice will be kept for a period of 12 months as "breeding stock". They then will be euthanized and sold in the adult batches.

The gestation period for mice is approx. 18 to 20 days. As the babies are born they are left in the enclosure for a certain amount of time then they are either "Harvested" or "Grown on".

Rats

Female rats can be bred from approx. 12 weeks of age. Male rats can be bred from approx. 6 to 8 weeks of age. Both male and female rats will be kept for a period of 18 months as "Breeding stock". Then they will be euthanized and sold in the adult batches.

The gestation period for female rats is 20 to 22 days. Using the rotation process of the male (moving him every two weeks into a new enclosure on a four week rotation) it gives the females adequate rest and reduce cannibalization to a bare minimum.

Harvesting

Harvesting is a term used when the mice and rats are euthanized with CO₂ gas and then frozen. Both mice and rats are harvested at various ages. These are detailed as below.

Mice: are harvested by ages

Pinkies	4 – 5 days old
Velvets	8 – 10 days old
Weaners	3 weeks old
Juveniles	3 ½ to 4½ weeks old
Adults	5 weeks old and over

Rats: are harvested on both age and weight

Pinkies	4 -5 days old
Velvets	8 – 10 days old
Sucklings	25 – 30 grams
Weaners	45 – 50 grams
Juveniles	120 – 150 grams
Adults	300 grams and over

All mice and rats are checked for harvesting a minimum of three times per week. This depends on the rate of growth and the demand for the sizes.

Harvesting of the mice and rats is done by CO₂ gas. An E sized cylinder is used and ventilation and safety requirements whilst using this method are as per the Australian Standards

The mice and rats are placed into a large container and the CO₂ gas is passed via a regulator through tubing from the gas bottle for approx. 30 – 60 seconds through a hole in the container lid. The hole is then covered over allowing the gas to settle to the bottom of the container. (CO₂ gas is heavier than air and will therefore sink to the bottom of the container) ensuring all the mice and rats are killed.

The mice and rats are then sized accordingly and either packaged in lots of 5 or 10 on trays or in plastic containers and then wrapped, plastic sealed and placed in the freezer for distribution. For larger rats they are put onto trays of 1, 2, 3, 4 or 5.

Cleaning

~~Below is outlined a basic cleaning schedule of the week. This is the bare minimum that will be done, however incidental cleaning will be done as required. A rat cleaning schedule has been included (Diagram 3)~~

Monday

- Check all water bottles and food supplies
- Check all boxes to ensure no livestock is deceased (this includes stillborn, young and breeding livestock)
- Check all boxes marked with a W (weaners) or a P (pinkies)
- Check all boxes of heavily pregnant livestock
- Clean rat enclosure as per schedule in accordance with Standard Operational Procedure.
- Clean and move male rat as per rotation process
- Harvest appropriate bank and row
- Clean and package harvested mice and rats

Tuesday

- Check all water bottles and food supplies
- Check all boxes to ensure no livestock is deceased (this includes stillborn, young and breeding livestock)
- Check all boxes marked with a W (weaners) or a P (pinkies)
- Check all boxes of heavily pregnant livestock
- Clean rat enclosure as per schedule in accordance with Standard Operational Procedure
- Kill adult mice in enclosures and do a full clean out including lids, wire racking, food and water trays
- Set up as many new enclosures with absorbent material, bedding etc needed for the following day.

Wednesday

- Check all water bottles and food supplies
- Check all boxes to ensure no livestock is deceased (this includes stillborn, young and breeding livestock)
- Check all boxes marked with a W (weaners) or a P (pinkies)
- Check all boxes of heavily pregnant livestock
- Clean rat enclosure as per schedule in accordance with Standard Operational Procedure.
- Set up of all new enclosures with new mice from growing stock. Healthy mice only to be used.
- Kill the remaining mice left in the growing enclosures if required. If not required leave them to keep growing to the desired age.

~~Clean all the growing enclosures and livestock in them.~~

Thursday

~~Check all water bottles and food supplies~~

- Check all boxes to ensure no livestock is deceased (this includes stillborn, young and breeding livestock)
- Check all boxes marked with a W (weaners) or a P (pinkies)
- Check all boxes of heavily pregnant livestock
- Clean rat enclosure as per schedule in accordance with Standard Operational Procedure.
- Harvest mice as required (pinkies, velvets and weaners) some to be killed and frozen others to be transferred to growing enclosures.

Friday

- Check all water bottles and food supplies
- Check all boxes to ensure no livestock is deceased (this includes stillborn, young and breeding livestock)
- Check all boxes marked with a W (weaners) or a P (pinkies)
- Check all boxes of heavily pregnant livestock
- Clean rat enclosure as per schedule in accordance with Standard Operational Procedure.
- Clean and harvest the last bank of mice and rats.
- Clean all bottles, change water and top up all enclosures with pellets for weekend.

Other Information

- * Random checks will take place Saturday and Sunday to monitor food/water, births and natural deaths. Please Note: water and food supply given on Friday is sufficient for a week.
- * Gloves are worn at all times including cleaning, harvesting and transporting mice and rats.

Ordering and Delivery

Customers will place their orders by either phone or fax. The order will then be made up and delivered to them in cool room boxes to sustain the high quality.

There may be times when a small percentage of people are able to pick up their stock from the place of business; however we envisage most orders will be delivered.

The business will operate Monday – Friday between the hours of 8am to 5pm.

We are able to stop the breeding cycle by removing the males to isolated enclosures. This will be done if the demand for the product has decreased. Once demand increases the males can be reintroduced and breeding recommences.

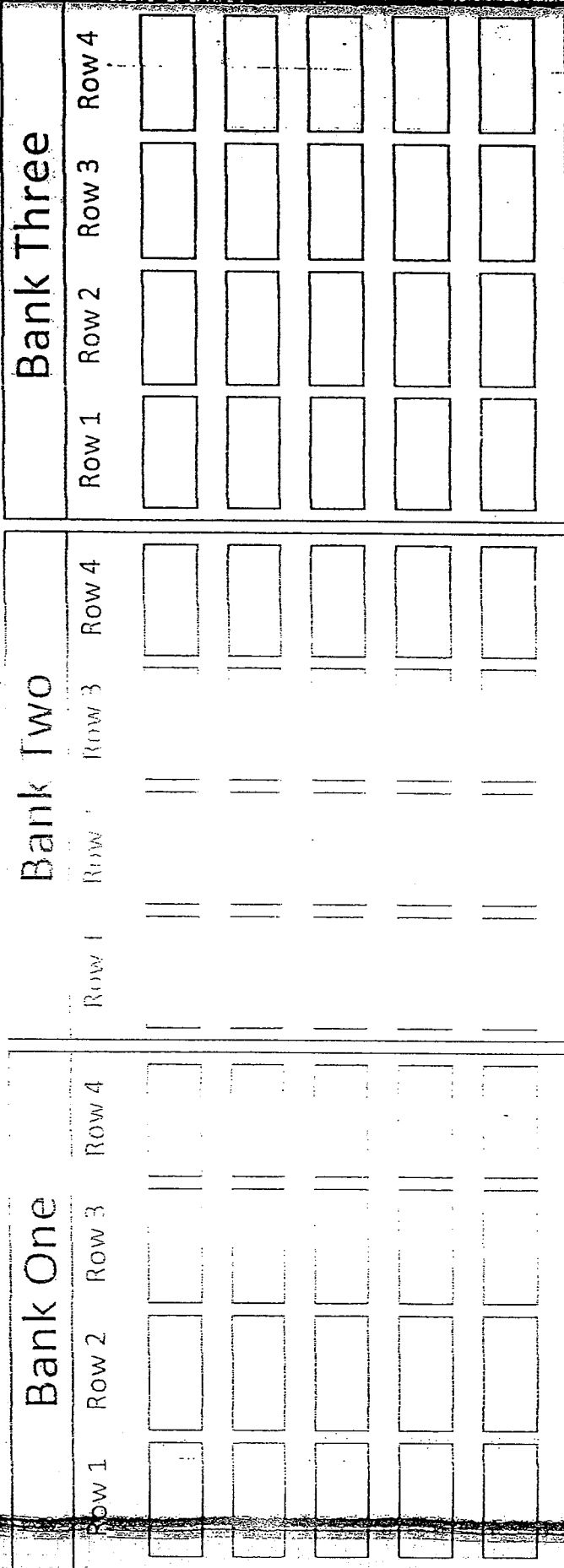
Rotation Process of the Male Rat - Diagram 1

	Row 1	Row 2	Row 3	Row 4
Male Rat One	F F M	I I	F F	F F
Dates in Enclosure	31/8 7/9	1/9 1/9	21/9 - 5/10	5/10 - 19/10
Male Rat Two	F F M	I I	F F	F F
Dates in Enclosure	31/8 7/9	1/9 1/9	21/9 - 5/10	5/10 - 19/10
Male Rat Three	F F M	I I	F F	F F
Dates in Enclosure	31/8 7/9	1/9 1/9	21/9 - 5/10	5/10 - 19/10
Male Rat Four	F F M	I I	F F	F F
Dates in Enclosure	31/8 7/9	1/9 1/9	21/9 - 5/10	5/10 - 19/10
Male Rat Five	F F M	I I	F F	F F
Dates in Enclosure	31/8 7/9	1/9 1/9	21/9 - 5/10	5/10 - 19/10

F Female Rat
M Male Rat

7/9/09 each male rat is moved from Row 1 to Row 2 for a 2 week period until the 1/9/09 each male rat will be moved to Row 3 for a 2 week period. During this time (whilst the male rats are in Row 3) the babies are due to be born in Row 1. This cycle is continued throughout the male rats life.

Banks of Enclosures - Diagram 2



Building

I propose to use a portion of my existing council approved shed to operate out of. With a few minor modifications it will be suitable to house the business. The set up will take up aprox. 42 sqmt of the existing shed space.

Other information

Standard operating procedures

I am currently writing standard operating procedures (S.O.P) for a variety of things

This includes

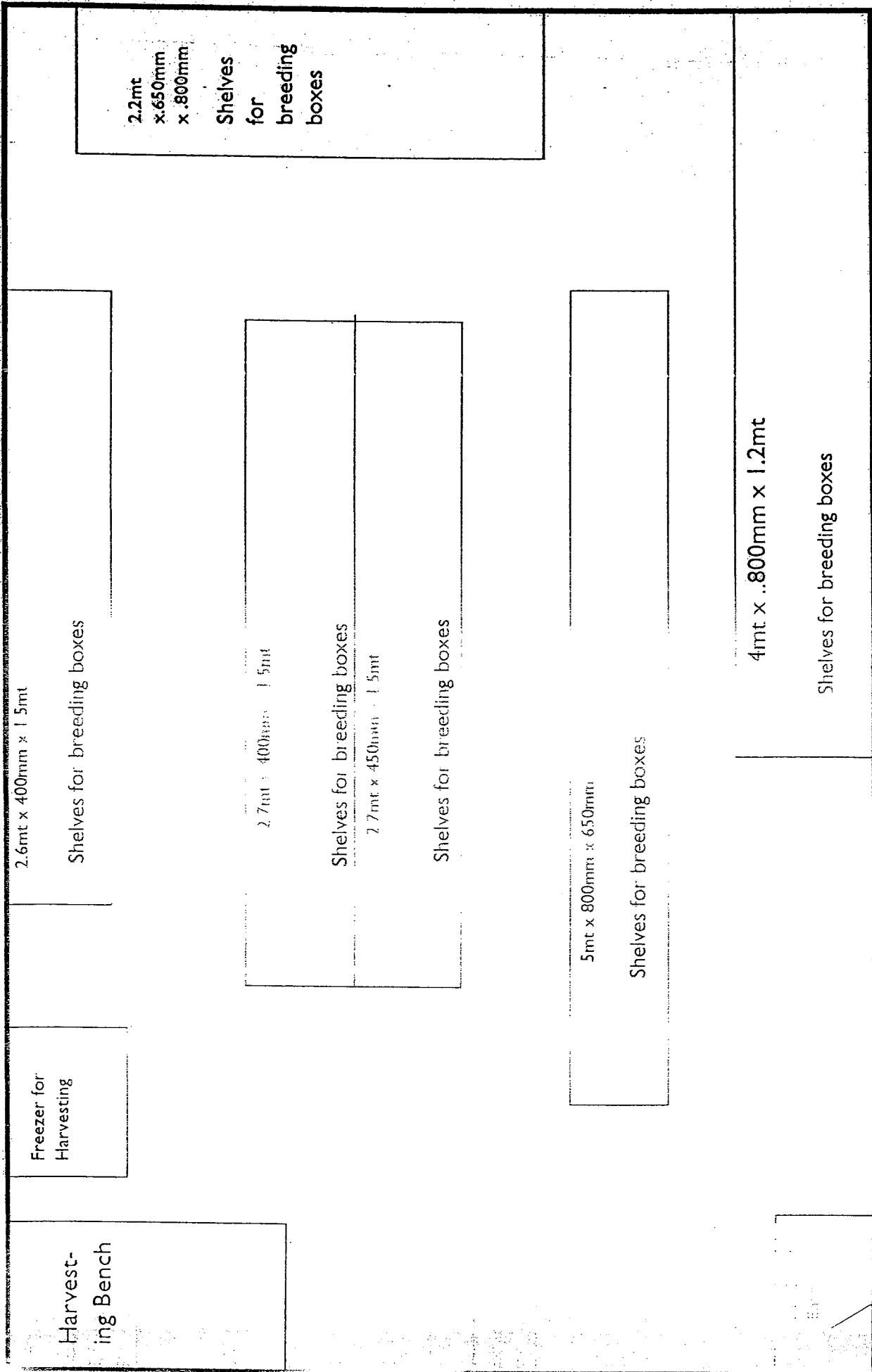
- Cleaning of cages
- Handling of stock
- Rotation process of male rat
- Weighing of rats
- Entering and exiting work areas
- Safety equipment and clothing

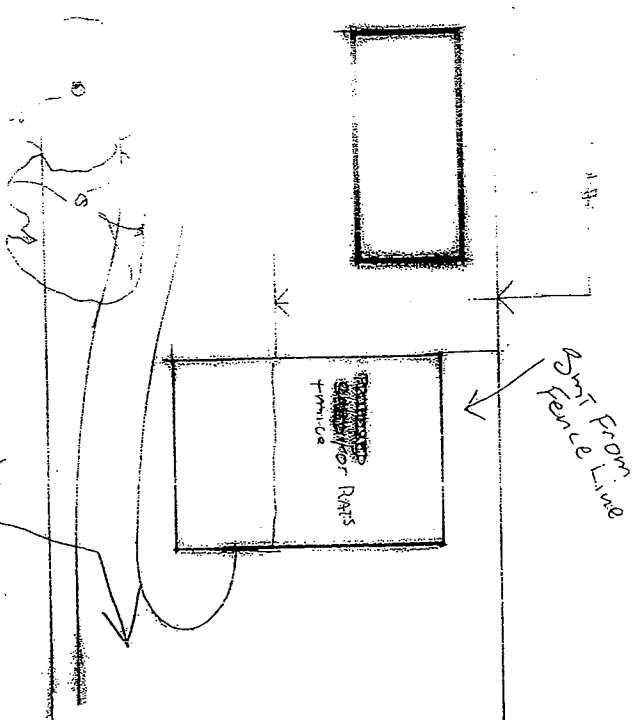
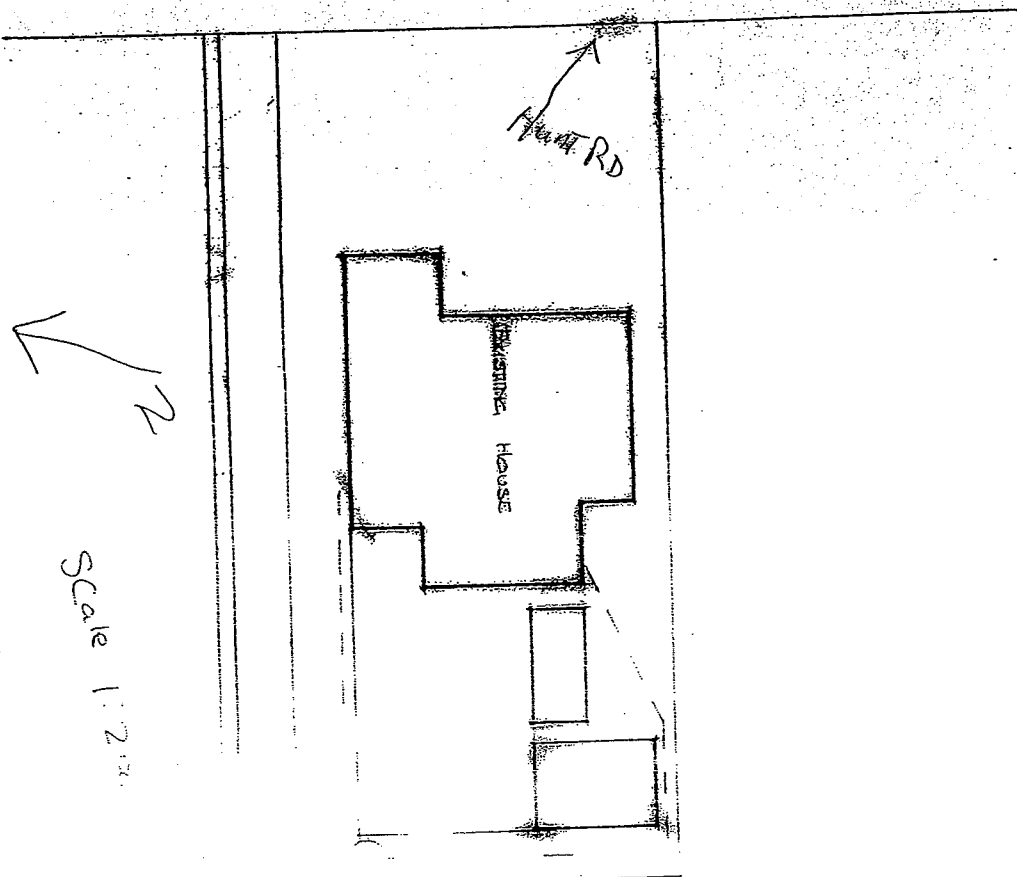
Training of workers

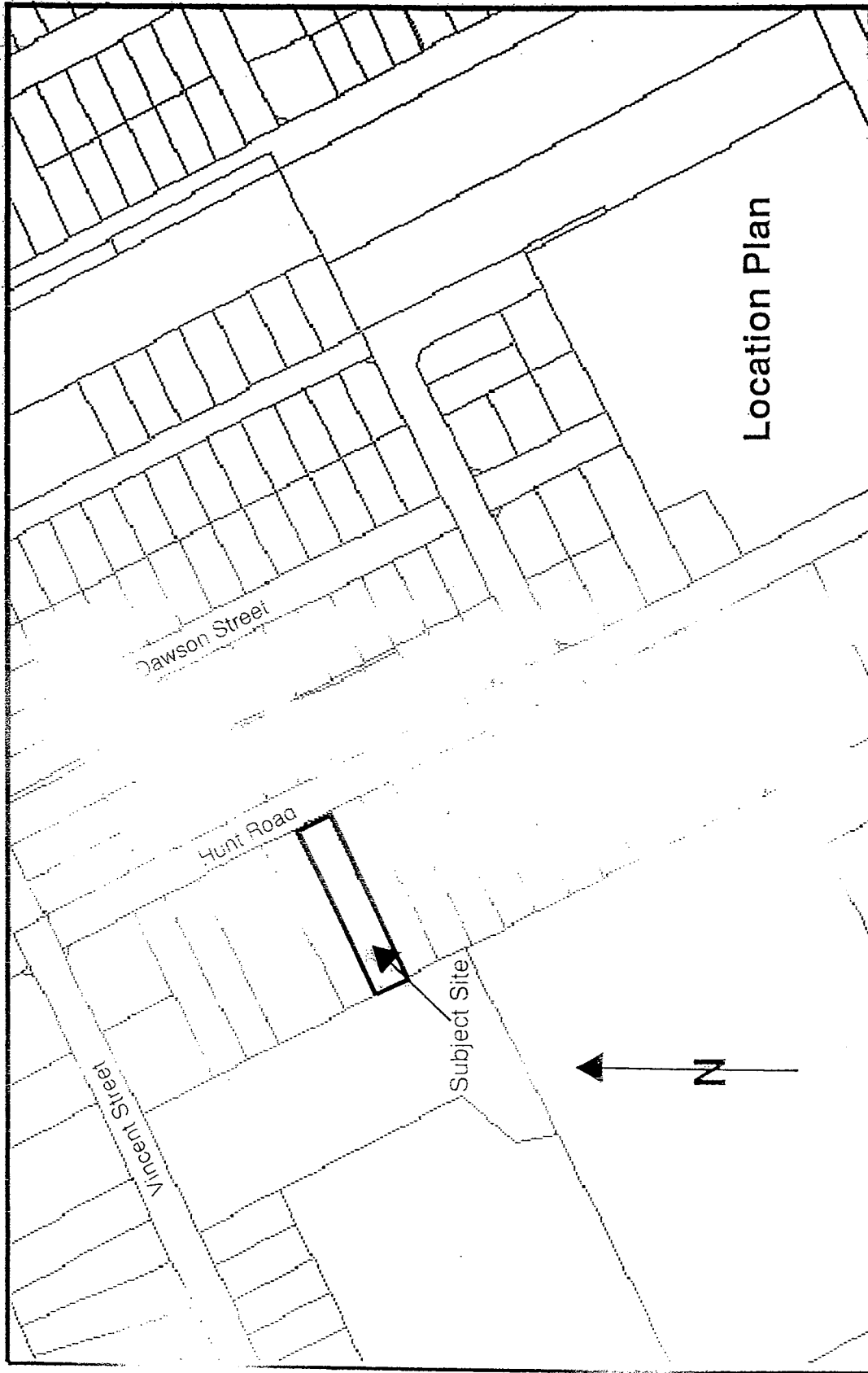
Hands on training of workers have been provided by the current business owners I am buying from. They have agreed to supply ongoing support and guidance both hand on and business activity.

Please do not hesitate to contact myself on 08 9646 0131 or 0429 460 131 or hardys1234@bigpond.com if you require more information or clarification on any of the above information.

external size 6mt x 7mt x 2.7mt high to 3.8mt gable







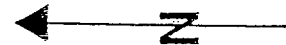
Location Plan

Dawson Street

Hunt Road

Vincent Street

Subject Site



12 off 100 "C" Channel gal
purlins fixed to Trusses via 2
M16 gal. bolts, inc. diagonal
bracing on each section

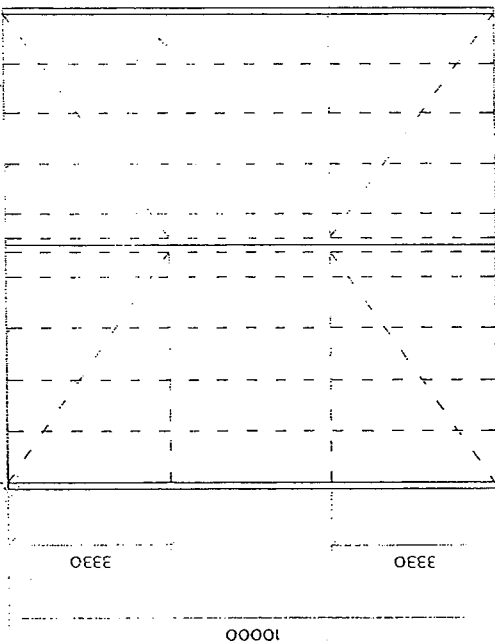
4 off 75 x 5 steel Equal Angle
Welded/Engineered roof trusses
fixed to posts by 3 off M16 gal. bolts

NOTE:

Shed constructed from Lysaght/Colorbond
"Trimdeck" in "Surfmist" colour. Roofing
"crest fastened" with "Tek" N6 14 x 45 self
drill screws, Wall cladding with "Tek" No 14 x
22 screws or similar.

Dimensions in millimetres
unless stated otherwise

9200



PLAN

Scale 1 : 100

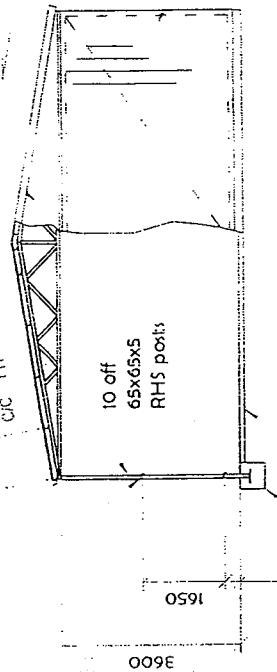
Trimdeck Cable infill

100 "C" Channel gal wall
rail c/w diagonal bracing
on centre panel

1000

C/C TYP

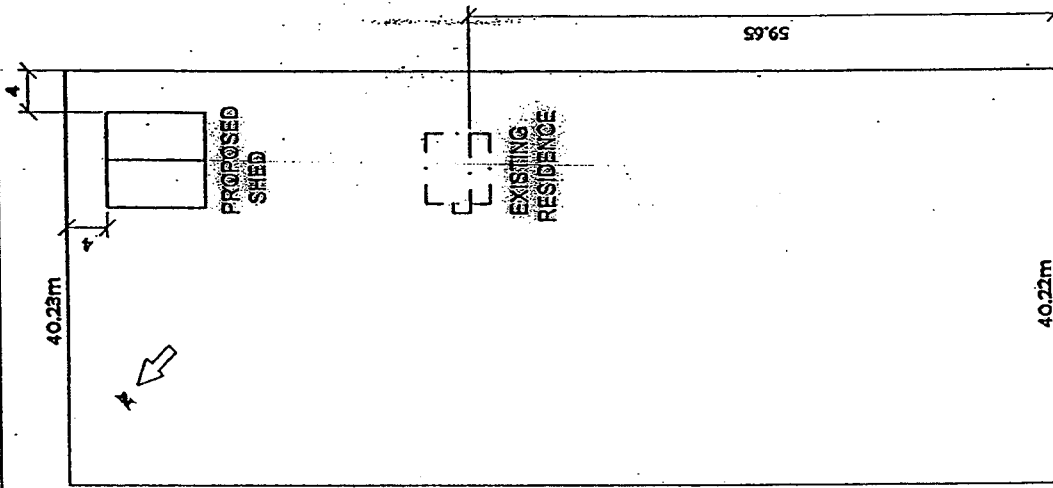
10 off
65x65x5
RHS posts



PART SECTIONAL
FRONT ELEVATION

100 thick, 20/20 Concrete floor

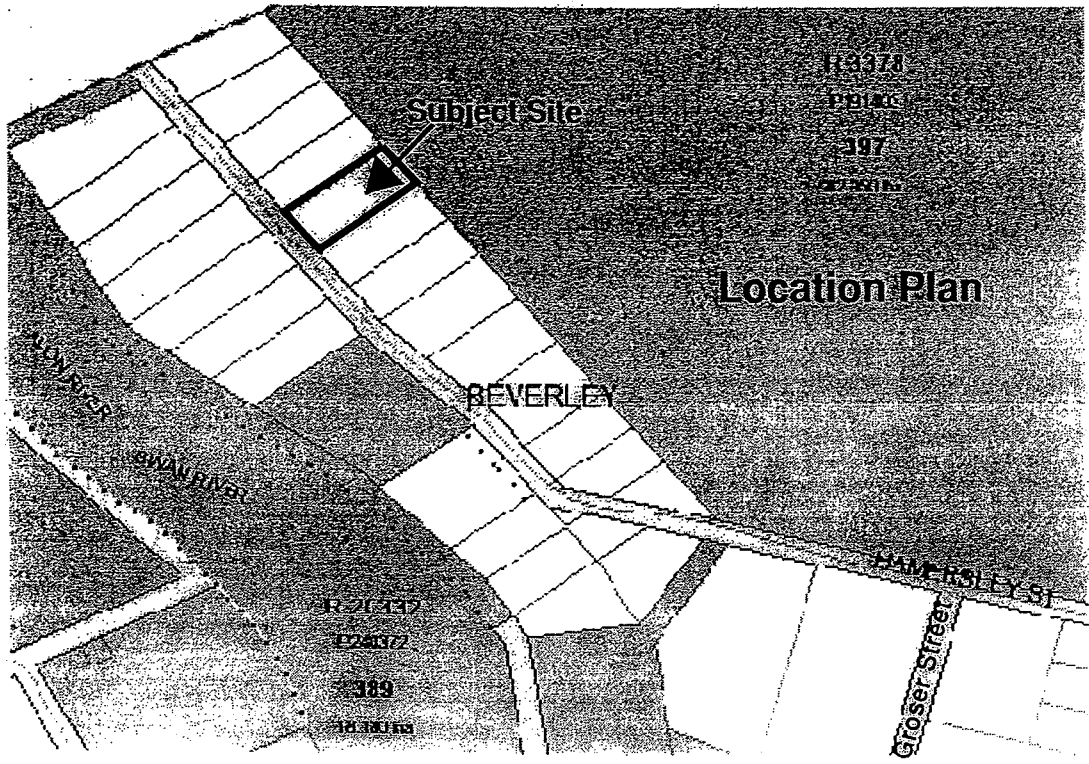
post footing 500 cubed
20/20 concrete



LOCATION/SITE PLAN
Scale 1 : 500

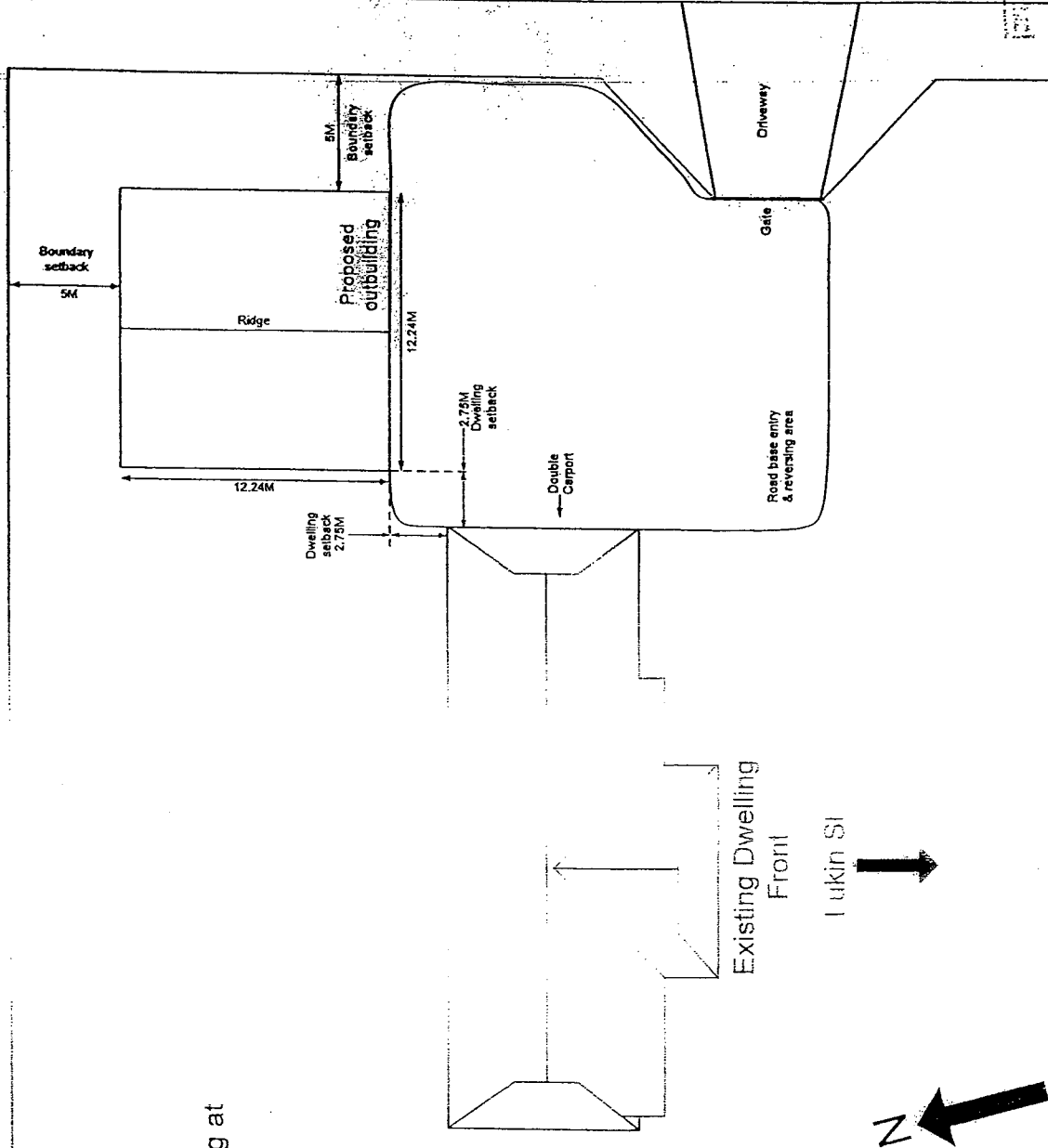
PROPOSED SHED
at Lot 65 HAMERSLEY ST, BEVERLEY.

OWNER: JOHN
O'SHAUGHNESSY
DATE: 11/12/2009
DRAWN: M. HOWE
MechEng



No. 1, 2008
 Date: 10/10/08
 Page: 1/2

Nicholas St



Site plan B for proposed outbuilding at
 Lot 229, 39 Nicholas St,
 Beverley WA 6304

Prepared by:
 Pat Harrington

Existing Dwelling Front

Lukin St

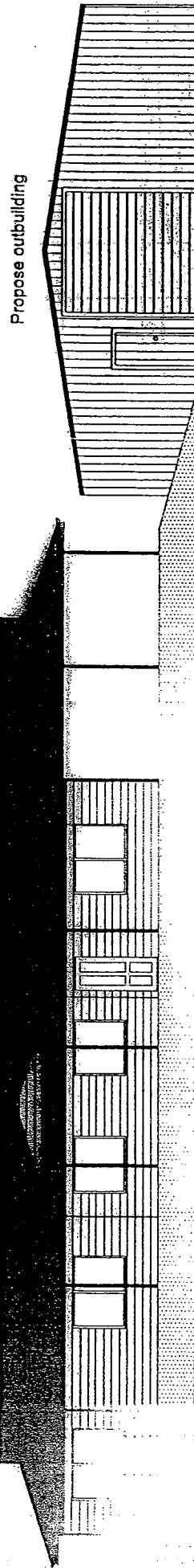


SCALE 1:200

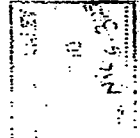
Elevation plan for proposed outbuilding at
Lot 229, 39 Nicholas St,
Beverly, WA 6304

Builders:
Rick & Pat Harrington

Existing Residence



Propose outbuilding





Copyright 2009
Lynght Building
Solutions Pty Ltd
trading as PANBUILD

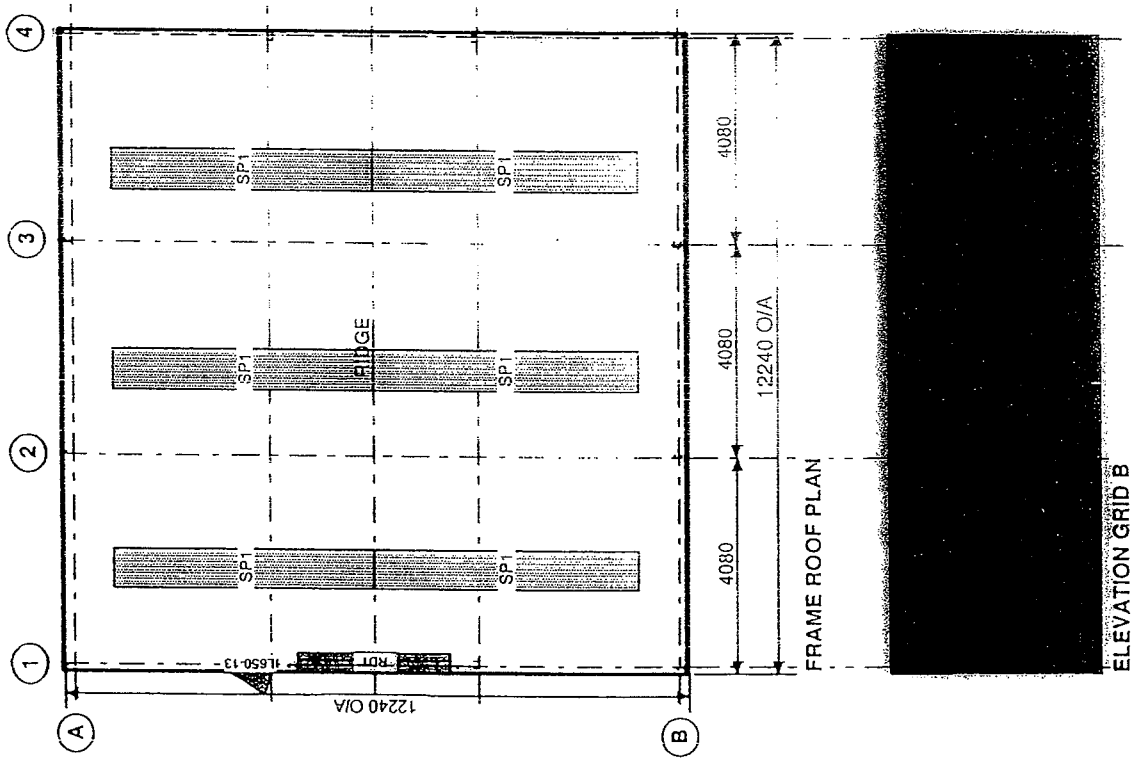
CLADDING			
ITEM	PROFILE (mm)	FINISH	COLOUR
ROOF	TRIMDEK 0.42	COLORBOND	PE
WALLS	TRIMDEK 0.35	COLORBOND	SK
CORNERS	-	COLORBOND	SK
BARGE	-	COLORBOND	CN
GUTTER	SHEERLINE	COLORBOND	CN
DOWNPIPE	100x80	COLORBOND	SK

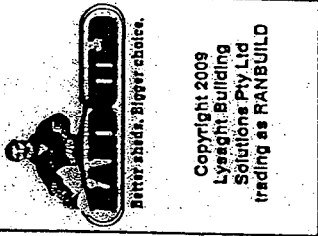
ACCESSORY SCHEDULE & LEGEND	
QTY	MARK DESCRIPTION
1	RD1 R4D-Finadeck, R.O. Indust. *S21, 3125 High x 30 Wide Clear Opening: CIB
1	L650-13 Larnac Door & Frame Kit, #50/27, Std. 2040 x 820 C/Bond
6	SP1 Translucent Sheathing, P/Carbon, High Profile

WIND DESIGN		
IMPORTANCE LEVEL	REGION	TERRAIN
2	A	2.5

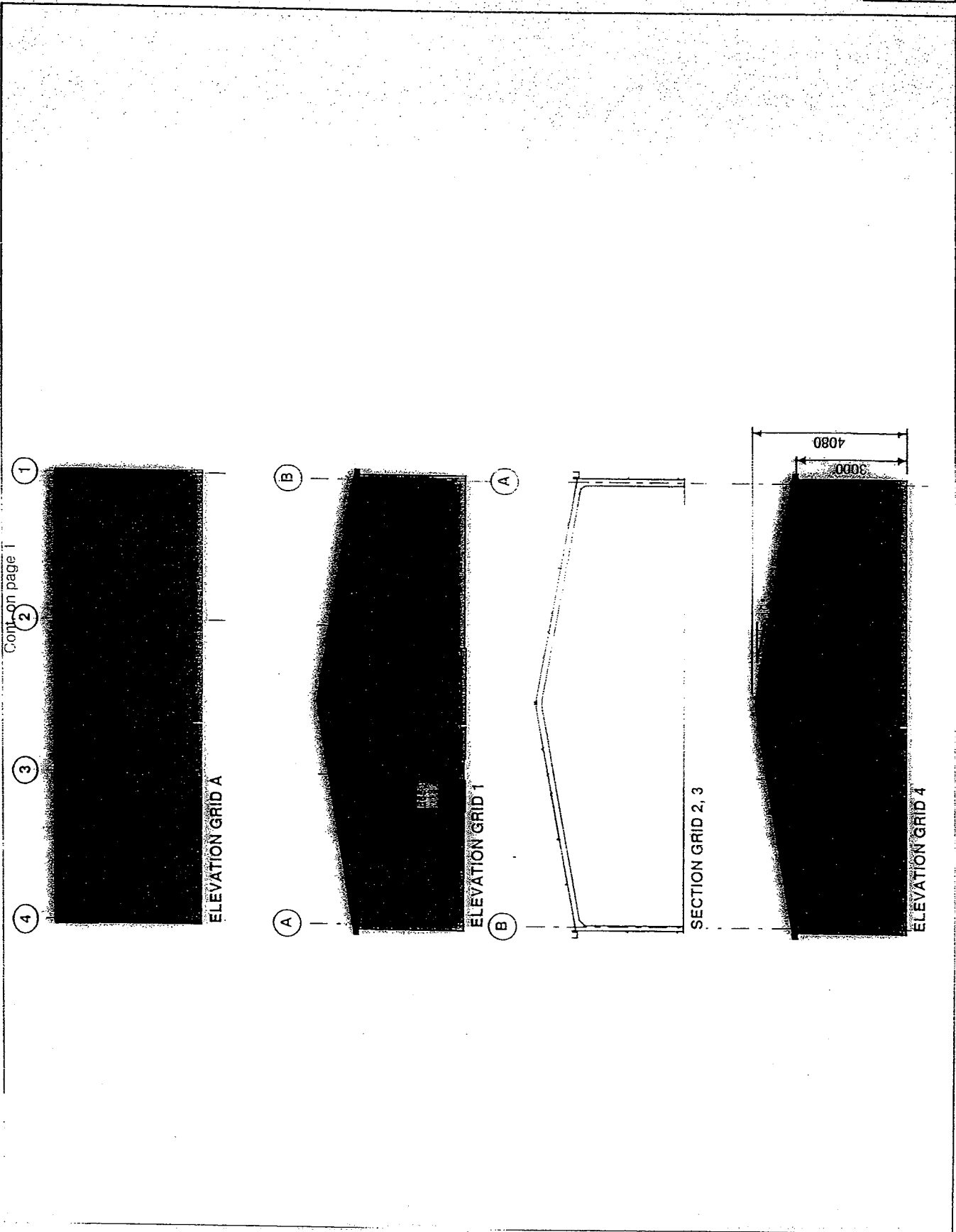
CLIENT	Rick Harrington
SITE	3 Beale Way ROCKINGHAM WA 6168
BUILDING	SUNDOWN DELUXE 12240 SPAN x 3000 EAVE x 12240 LONG

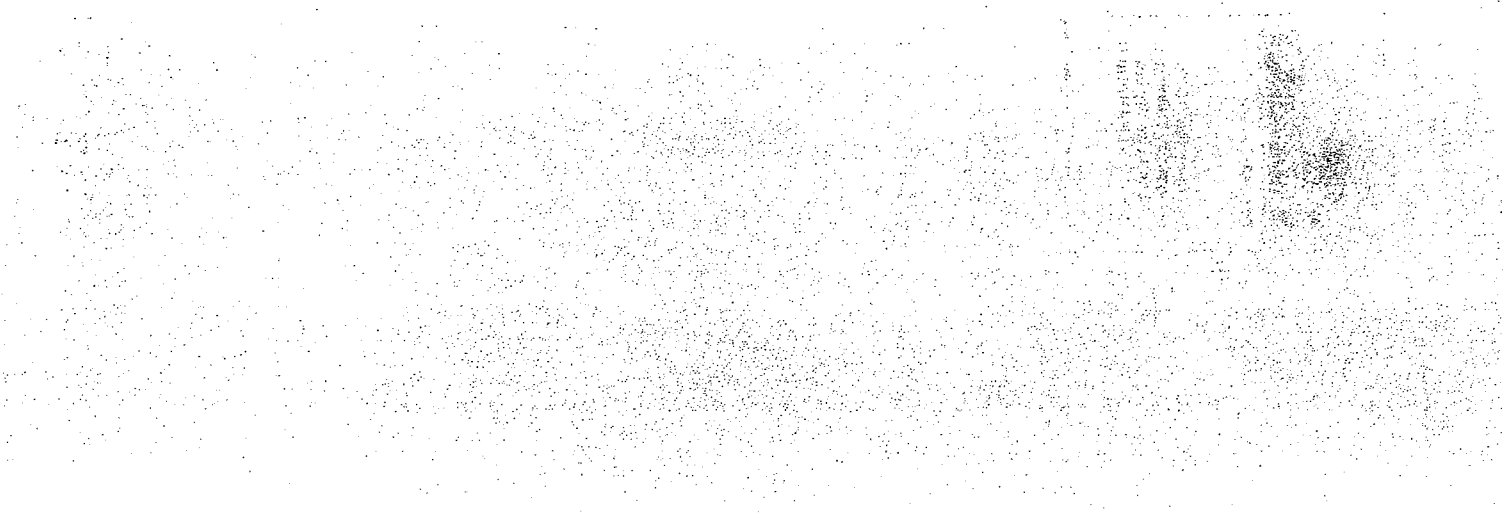
GENERAL ARRANGEMENT	
SCALE	DRAWING NUMBER
A4 SHEET 1:125	307906-GA
PAGE 1/2	

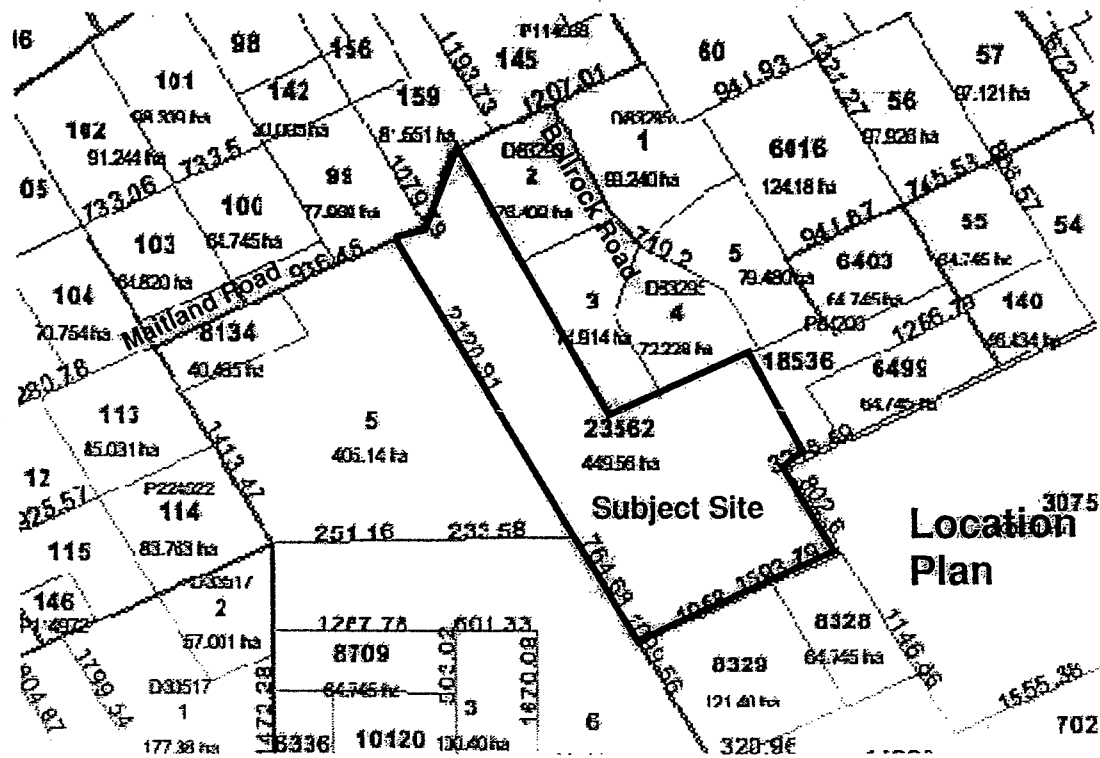


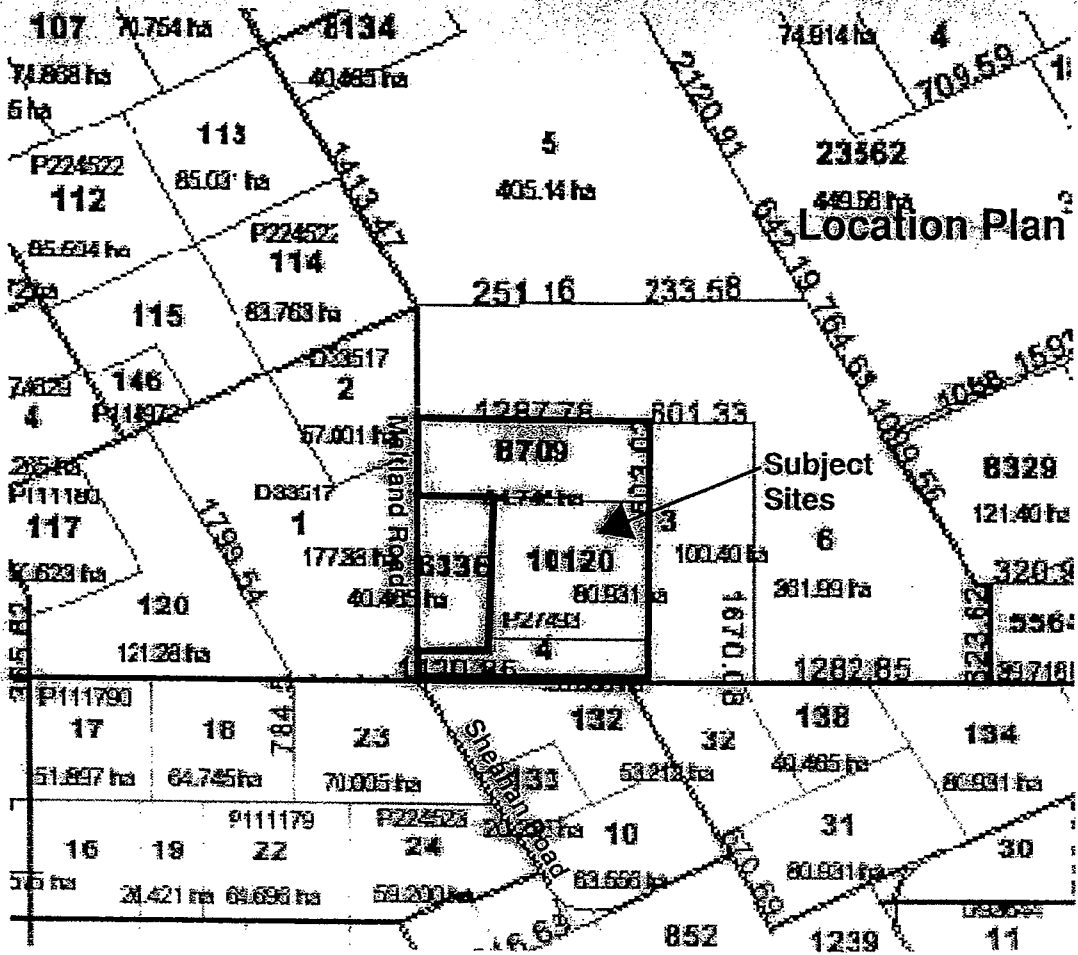


SCALE A4 SHEET 1:125	PAGE 2/2
DRAWING NUMBER 307906-GA	

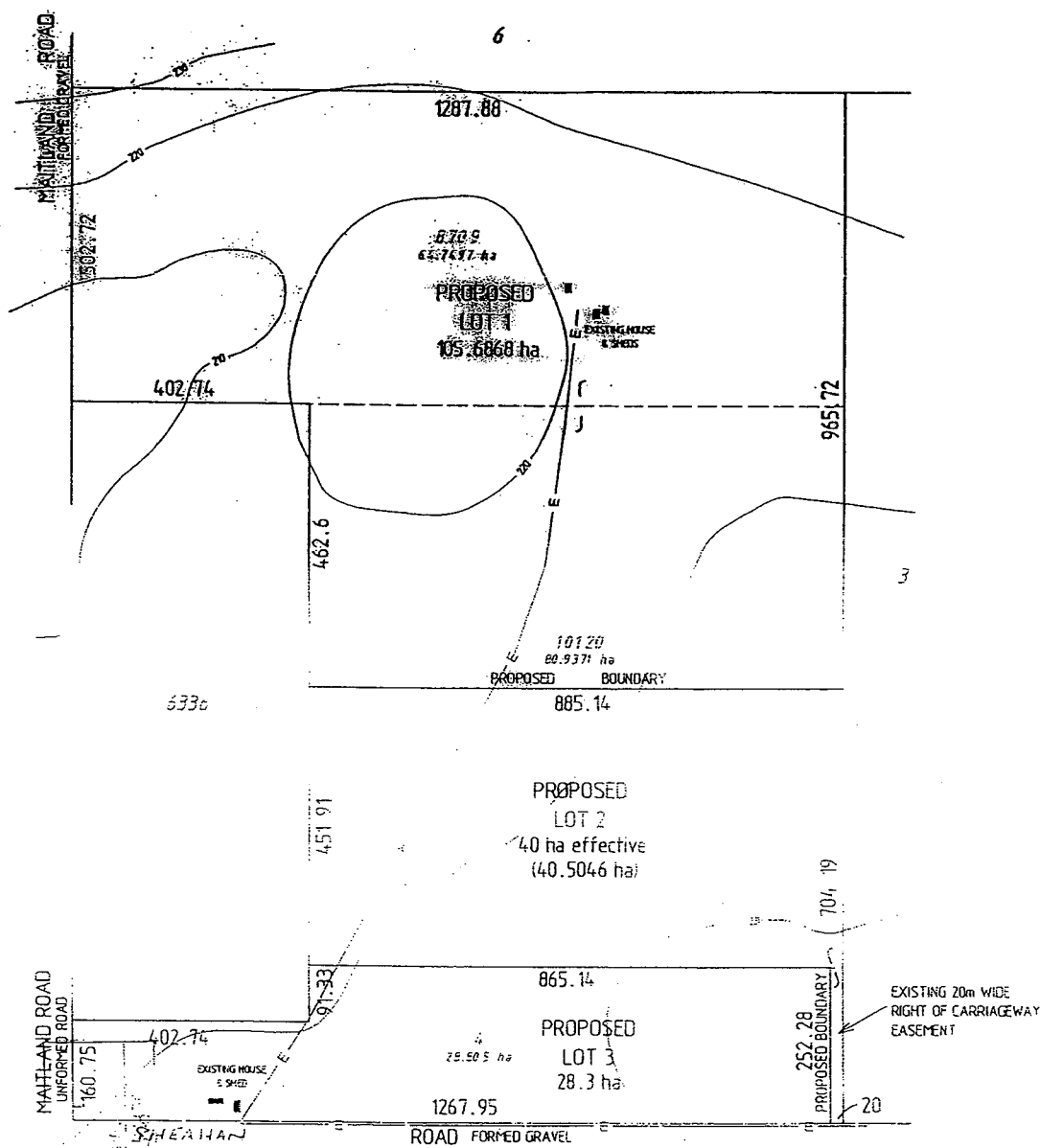
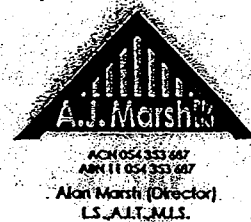








BOUNDARY RATIONALISATION
LOT 4 ON DP 274 93 LOT 8709 ON DP 125434
AND LOT 10120 ON DP 126312



DATE: 9-12-2009
 CONTOUR INTERVAL: 10 METRES
 DATUM: AHD
 NOTE: ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY

SCALE 1:7500

LEGEND	
Overhead	— E —
Electrical	— E —

25 Wheatley Street GOSNELLS WA 6110
 Mobile: 0438 582 441 A.Marsh (Residential 93)

L.S. WA 6990
 a.j.marsh@ajm.com.au

dx-fs ref: 91259

CHEQUE DETAIL - Municipal and Trust Accounts - DECEMBER 2009

		DETAILS			AMT PAID	TOTALS
TYPE	NUM	DATE	NAME			
EFT Payment		09/12/2009	BROWN Stan	ASS 784 - REFUND	-373.02	
EFT Payment		09/12/2009	BRYSON John	ASS 1171 - REFUND	-150.96	
EFT Payment		09/12/2009	CLASSIC GIFT BASKETS	32 CHRISTMAS HAMPERS	-3,520.00	
EFT Payment		09/12/2009	COLE Maureen	ASS 856 - REFUND	-21.50	
EFT Payment		09/12/2009	DALE RIVER TENNIS CLUB	RESURFACING COURTS DONATION	-5,500.00	
EFT Payment		09/12/2009	GIEBELER AUSTRALIA P/L	ASS 51371 - REFUND	-269.92	
EFT Payment		09/12/2009	GOLLAN Stephen	REIMBURSEMENT: GIFT VOUCHER for COUNCILLOR	-250.00	
EFT Payment		09/12/2009	LEONHARDT Karina	DEC 09 BLARNEY ISSUE	-700.00	
EFT Payment		09/12/2009	McLEAN Heather	ASS 1115 - REFUND	-460.90	
EFT Payment		09/12/2009	McLEODS BARRISTERS & SOLICITORS	PROFESSIONAL SERVICES: INDEPENDENT LIVING UNITS	-675.67	
EFT Payment		09/12/2009	STATE LIBRARY OF WA (LISWA)	22 x GIFT BOOKS for THE BETTER BEGINNINGS YR09/10	-121.00	
EFT Payment		09/12/2009	TURLE Carharina	ASS 21 - REFUND	-73.69	
EFT Payment		09/12/2009	WA TREASURY CORPORATION	VARIOUS TREASURY LOANS	-26,431.11	-38,547.77
Liability Chq		10/12/2009	WALGSP - SUPER	SUPER CONTRIB: FE 09 DEC 09	0.00	0.00
Liability Chq		10/12/2009	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 09 DEC 09 - L SALKILLD	0.00	0.00
EFT Payment		11/12/2009	ALEXANDER Jim	2 of 2 PYMT OCT 08- SEP 09 YEAR REMUNERATION	-5,500.00	
EFT Payment		11/12/2009	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 09 DEC 09	-130.03	
EFT Payment		11/12/2009	FOSTER Belinda	2 of 2 PYMT OCT 08- SEP 09 YEAR REMUNERATION	-1,500.00	
EFT Payment		11/12/2009	GOGOL Peter	2 of 2 PYMT OCT 08- SEP 09 YEAR REMUNERATION	-1,500.00	
EFT Payment		11/12/2009	KAY Lyn	YOUTH COORDINATOR - 19/10/09 to 18/12/09	-3,150.00	
EFT Payment		11/12/2009	McDONALD Bill	2 of 2 PYMT OCT 08- SEP 09 YEAR REMUNERATION	-1,500.00	
EFT Payment		11/12/2009	MURRAY Keith	2 of 2 PYMT OCT 08- SEP 09 YEAR REMUNERATION	-1,500.00	
EFT Payment		11/12/2009	RIDGWAY Dee	2 of 2 PYMT OCT 08- SEP 09 YEAR REMUNERATION	-2,062.50	
EFT Payment		11/12/2009	RnR CONTRACTING PTY LTD	MAWSON RD: BITUMEN SEALING WORK	-8,312.48	
EFT Payment		11/12/2009	ROBERTS Mal	2 of 2 PYMT OCT 08- SEP 09 YEAR REMUNERATION	-1,500.00	
EFT Payment		11/12/2009	SHAW Lew	2 of 2 PYMT OCT 08- SEP 09 YEAR REMUNERATION	-1,500.00	
EFT Payment		11/12/2009	WALGSP - SUPER	SUPER CONTRIB: FE 09 DEC 09	-6,604.78	
EFT Payment		11/12/2009	WHATELY Mark	GRAVEL RIPPING	-5,480.74	-40,240.53
EFT Payment		17/12/2009	ADVANCED AUTO LOGIC P/L	VARIOUS LUBRICANTS	-467.00	

CHEQUE DETAIL - Municipal and Trust Accounts - DECEMBER 2009

				DETAILS		AMT PAID	TOTALS
TYPE	NUM	DATE	NAME				
EFT Payment		17/12/2009	ALLPACK SIGNS		BLACK SPOT FUNDING SIGNAGE	-868.12	
EFT Payment		17/12/2009	AUSSIE IT		PRINTER TONERS	-1,082.08	
EFT Payment		17/12/2009	AVON EXPRESS - STANFIELD Cobb		POOL FREIGHT CHARGES - NOV 2009	-44.00	
EFT Payment		17/12/2009	AVON TRADING		OCT NOV 09 HARDWARE PURCHASES	-2,425.79	
EFT Payment		17/12/2009	AVON WASTE		RUBBISH COLLECTIONS for 13, 20, 27 NOV & 04 DEC 2009	-4,014.88	
EFT Payment		17/12/2009	AVONDALE PROJECT COMMITTEE		CLEANING - AVONDALE: OCT-NOV 2009	-2,640.00	
EFT Payment		17/12/2009	BAILEYS FERTILISERS		2000kg 311 GROSORB BLEND	-2,530.00	
EFT Payment		17/12/2009	BEV ELECTRICAL SERVICES		WORK at CARAVAN PARK, RAILWAY STN & OVAL	-6,754.00	
EFT Payment		17/12/2009	BEV FARM SERVICES		CHLORINE DRY 10kg	-83.38	
EFT Payment		17/12/2009	BEV GAS & PLUMBING		WORK at AIRFIELD, VILLAGE & CARAVAN PARK	-2,023.27	
EFT Payment		17/12/2009	BEV NEWS - Barry & Pauline		NOV 2009 ACCOUNT	-2,544.95	
EFT Payment		17/12/2009	BEV STEEL FABRICATION		BE016 - PARTS	-222.09	
EFT Payment		17/12/2009	BEV TELECENTRE		COLOURED P/COPYING & AGENDA PRINTING	-159.75	
EFT Payment		17/12/2009	BLECHY'S TYRE & BATTERY		NOV 09 TYRE MAINTENANCE	-3,050.00	
EFT Payment		17/12/2009	BOC LIMITED		NOV 2009: CYLINDER RENTAL	-53.57	
EFT Payment		17/12/2009	BUNNINGS BUILDING SUPPLIES P/L		HARWARE PURCHASES	-383.05	
EFT Payment		17/12/2009	CAFE 6304		INDEP LIVING UNITS MEET - 27 NOV 09	-156.00	
EFT Payment		17/12/2009	CDA - ANGELFISH HOLDING P/L		AIR CONDITIONING SERVICE	-150.00	
EFT Payment		17/12/2009	CONTRACT AQUATIC SERVICES		MAY AUG 09 T/OVER & CHEMICALS	-2,912.80	
EFT Payment		17/12/2009	COURIER AUSTRALIA		FREIGHT CHARGES: 18 NOV - 02 DEC 2009	-176.09	
EFT Payment		17/12/2009	DCA - DOMINIC CARBONE & ASSOC		OCT 09 MONTH END FINANCIALS & INDEP LIVING UNITS	-1,716.00	
EFT Payment		17/12/2009	DORMA BWN AUTOMATICS PTY LTD		AUTOMATC DOORS: SCHEDULED SERVICE	-132.00	
EFT Payment		17/12/2009	DUNLOP Graham		LOCATE CABLING: RLWY STN & WESTDALE RD	-664.95	
EFT Payment		17/12/2009	ELECTRICAL DISTRIBUTORS OF WA P/L		CABLE MOUNTS	-16.50	
EFT Payment		17/12/2009	ELWARD Henry Clive		ASS 596 - REFUND	-60.88	
EFT Payment		17/12/2009	ESPLANADE FREMANTLE		LGMA CONFERENCE, 18 - 21 NOV 09: STEPHEN GOLLAN	-824.60	
EFT Payment		17/12/2009	FESA - FIRE & EMERGENCY SERVICES AUTH		2nd QTRLY PYMT & ESL: RLWY STN	-17,637.47	
EFT Payment		17/12/2009	FUEL DISTRIBUTORS OF WA P/L		5,050L DIESEL for 11 DEC 09	-6,025.66	
EFT Payment		17/12/2009	HAINES NORTON		OCT 09 BAS - PREP & RECONCILIATION	-440.00	

CHEQUE DETAIL - Municipal and Trust Accounts - DECEMBER 2009

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Payment	17/12/2009	17/12/2009	HANSON CONSTRUCTION MATERIALS P/L	VARIOUS WASHED GRANITE	-46,596.90	
EFT Payment	17/12/2009	17/12/2009	HOTEL BEV - MAXWELL	ORD COUNCIL MEET & VARIOUS COMMITTEE MEETINGS	-679.00	
EFT Payment	17/12/2009	17/12/2009	HOWARD PORTER	BE012 & BE013 (TRUCKS): PARTS	-516.78	
EFT Payment	17/12/2009	17/12/2009	JASOL AUSTRALIA	JUMBO PARABLOCKS	-87.82	
EFT Payment	17/12/2009	17/12/2009	JASON SIGNMAKERS	VARIOUS SIGNAGE	-656.70	
EFT Payment	17/12/2009	17/12/2009	JOHNSTONE Lorna	ASS 43 - REFUND	-23.84	
EFT Payment	17/12/2009	17/12/2009	LANDGATE (VGO)	VALUATIONS: 10 OCT - 13 NOV 2009	-120.21	
EFT Payment	17/12/2009	17/12/2009	LEE GYOMOREI	CONSULTANT - CORPORATE PLAN	-2,202.85	
EFT Payment	17/12/2009	17/12/2009	LGMA	2009 STATE CONF (SG) & 12 POCKET DIARIES	-1,199.40	
EFT Payment	17/12/2009	17/12/2009	LITTLE ECO HILL	RILWY STN: GROUNDWORKS	-6,402.00	
EFT Payment	17/12/2009	17/12/2009	MATTHEW CONIGLIO ARCHITECT	INDEPENDENT LIVING UNITS - ARCHITECTURAL SERVICES	-11,002.26	
EFT Payment	17/12/2009	17/12/2009	OFFICEWORKS	SIA TATIONERY PURCHASES	-1,119.64	
EFT Payment	17/12/2009	17/12/2009	ORICA/SPECTRUM	3 x CHLORINE GAS & NOV 09 RENTAL	-1,025.64	
EFT Payment	17/12/2009	17/12/2009	PALASSIS ARCHITECTS	TOWN HALL RESTORATION: FINAL PAYMENT	-2,168.10	
EFT Payment	17/12/2009	17/12/2009	PAPER COMPANY OF AUSTRALIA	VARIOUS COLOURED A4 PAPER	-107.25	
EFT Payment	17/12/2009	17/12/2009	PEEL ENGRAVING & IM-PRESS RUBBER & JAMIE	(COUNCILLOR NAME BADGES & HONOUR BOARD ENGRAVING	-874.20	
EFT Payment	17/12/2009	17/12/2009	RADIOWEST BROADCASTERS P/L	NOV 09 FIRE MESSAGE BROADCASTS	-77.00	
EFT Payment	17/12/2009	17/12/2009	ROSHERE & MJ	BE423: VARIOUS MOWER PARTS	-565.65	
EFT Payment	17/12/2009	17/12/2009	RSEA	BARRIER - WATER FILLABLE	-371.25	
EFT Payment	17/12/2009	17/12/2009	SHELL Ian Francis	ASS 779 REFUND	-60.00	
EFT Payment	17/12/2009	17/12/2009	SHIRE OF BROOKTON	NOV 09 - RELIEF EHO: PETER IBBOTT	-3,024.00	
EFT Payment	17/12/2009	17/12/2009	SHIRE OF YORK	DOG CONTROL & FIRE BREAK INSPECTIONS	-858.03	
EFT Payment	17/12/2009	17/12/2009	SIGMA CHEMICALS	NOV 09 POOL CHEMICALS	-729.72	
EFT Payment	17/12/2009	17/12/2009	SLEEPS TRANSPORT	RILWY STN: STAGE FOOTINGS	-660.00	
EFT Payment	17/12/2009	17/12/2009	SNAP OSBORNE PARK	PRINTING: LETTERHEAD	-654.00	
EFT Payment	17/12/2009	17/12/2009	STEWART & HEATON CLOTHING CO PTY LTD	UNIFORMS: DALE, NORTH EAST, TALBOT & KOKEBY BRIGADES	-2,539.06	
EFT Payment	17/12/2009	17/12/2009	STRATCO	50 DAWSON ST FENCING	-1,723.79	
EFT Payment	17/12/2009	17/12/2009	TOTAL EDEN	L35 WRIGHT ST: RETICULATION SYSTEM	-1,042.27	
EFT Payment	17/12/2009	17/12/2009	WA ART AUCTIONS	ART COLLECTION: INSURANCE VALUATION	-500.00	

CHEQUE DETAIL - Municipal and Trust Accounts - DECEMBER 2009

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Payment		17/12/2009	WESTERN STABILISERS	TALBOT WEST RD: WET MIXING & STABILISATION	-20,549.53	
EFT Payment		17/12/2009	WILLEYS TRADING POST	TALBOT WEST RD: FENCE DROPPERS	-345.00	
EFT Payment		17/12/2009	WIN UNITED	DAM & OVAL: HOISING	-656.35	
EFT Payment		17/12/2009	YAKKA	UNIFORMS - VARIOUS STAFF	-174.68	
EFT Payment		17/12/2009	YORK LANDSCAPE SUPPLIES	135 WRIGHT ST: COMPOST	-608.00	-170,179.80
EFT Payment		24/12/2009	CLIFFORD Gary James	ASS 854 - REFUND	-30.25	
EFT Payment		24/12/2009	FUEL DISTRIBUTORS OF WA P/L	3,000L DIESEL PURCHASES for 17 DEC 09	-3,518.10	-3,548.35
EFT Payment		24/12/2009	ARROW BRONZE	PLAQUE for the LATE ANTHONY & BARRETT-LENNARD	-493.40	
EFT Payment		24/12/2009	AVON WASTE	BIN COLLECT @ \$1.57 per BIN, GST INC & RECYLING BINS	-2,013.72	
EFT Payment		24/12/2009	AVONDELL EARTHMOVING	REFUND of CR BAL DR/AVONDELL EARTHMOVING DUE TO	-420.00	
EFT Payment		24/12/2009	BEV BOWLING CLUB	POWER USE fe NETBALL COURTS: 11 DEC 08 - 17 DEC 09	-122.08	
EFT Payment		24/12/2009	BEV SUPERMARKET & LIQUOR	COFF NOV 09 REFRESHMENTS	-1,041.46	
EFT Payment		24/12/2009	BLECHY'S TYRE & BATTERY	DEC 09 TYRE MAINTENANCE	-10,590.00	
EFT Payment		24/12/2009	CAFE 6304	XMAS PARTY 2009 - 17 DEC 09	-150.00	
EFT Payment		24/12/2009	COLONIAL FIRST STATE-MOULTON CLUB	SUPER CONTRIB: FE 23 DEC 09	-57.92	
EFT Payment		24/12/2009	CONTRACT AQUATIC SERVICES	5 MONTHS INSTALLMENTS of CONTRACT FOR 09/10 SWIMMING YEAR	-19,611.68	
EFT Payment		24/12/2009	COUNTRY COPIERS NORTHAM	READING: 19 NOV - 16 DEC 09	-550.97	
EFT Payment		24/12/2009	COURIER AUSTRALIA	FREIGHT CHARGES: 07-17 DEC 2009	-97.30	
EFT Payment		24/12/2009	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 23 DEC 09	-110.52	
EFT Payment		24/12/2009	DCA - DOMINIC CARBONE & ASSOC	1/5 SEAVROC STRUCT REFORM SUBMISSION	-1,918.04	
EFT Payment		24/12/2009	GOGOL Peter	TRAVEL CLAIM: 03 DEC 2009	-196.04	
EFT Payment		24/12/2009	HANSON CONSTRUCTION MATERIALS P/L	12.64 T 7mm WASHED GRANITE	-1,735.45	
EFT Payment		24/12/2009	ISWEEP TOWN & COUNTRY	STREET SWEEPING: 17 DEC 2009	-1,644.50	
EFT Payment		24/12/2009	LGRCEU	DEC 09 UNION FEES	-98.40	
EFT Payment		24/12/2009	NORM REYNOLDS RETRAVISION	DYSON DC29 VACUUM CLEANER: ADMIN	-500.00	
EFT Payment		24/12/2009	OCEAN BROADBAND	INTERNET ACCESS (JAN-MAR 2010): ADMIN OFFICE, KG, SG	-532.20	
EFT Payment		24/12/2009	PIONEER ROAD SERVICES P/L	2 x EZ STREET BULKA BAG	-1,207.80	
EFT Payment		24/12/2009	RnR CONTRACTING PTY LTD	TALBOT WEST RD: BITUMEN WORK	-31,072.80	
EFT Payment		24/12/2009	SHELL Ian Francis	REJECTED EFT FROM 17 DEC 09. TO BE REISSUED AS EFT PYMT.	-60.00	

CHEQUE DETAIL - Municipal and Trust Accounts - DECEMBER 2009

NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
	24/12/2009	SHIRE OF BROOKTON	OCT & DEC 09 - RELIEF EHO: PETER IBBOTT	-4,320.00	
EFT Payment	24/12/2009	SPECIALISED TREE SERVICE	TREE CUTTING	-412.50	
EFT Payment	24/12/2009	TURF DEVELOPMENTS WA PTY LTD	SAMPLING: OVAL	-495.00	
EFT Payment	24/12/2009	WALGSP - SUPER	SUPER CONTRIB: FE 23 DEC 09	-6,631.02	
EFT Payment	24/12/2009	WESTARP	POOL: REPAIRS TO SHADESAIL	-528.00	-86,610.80
D/DEBIT	31/12/2009	DPI - LICENSING SERVICES	NOV/DEC 09 LICENSING PAYMENTS	-68,734.45	-68,734.45
D/DEBIT	31/12/2009	CBA - MERCHANT BANKING	NOV 2009 TRANSACTION FEES	-81.07	-81.07
D/DEBIT	31/12/2009	CBA - MERCHANT BANKING	NOV 2009 ACCESS FEE	-28.91	-28.91
D/DEBIT	31/12/2009	ANZ- ONLINE BANKING/BANK FEES	FEES for NOV 2009	-64.18	-64.18
D/DEBIT	31/12/2009	WESTNET PTY LTD	DEC 2009 INTERNET ACCESS	-66.00	-66.00
Liability Chq	31/12/2009	ATO - AUSTRALIAN TAX OFFICE	DEC 09 PAYG TAX	0.00	0.00
Liability Chq	31/12/2009	COLONIAL FIRST STATE-MOULTON Claire	SUPER CONTRIB: FE 24 DEC 09	0.00	0.00
Liability Chq	31/12/2009	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 24 DEC 09	0.00	0.00
Liability Chq	31/12/2009	LGRCEU	DEC 09 CONTRIBUTIONS	0.00	0.00
Liability Chq	31/12/2009	SHIRE OF BEVERLEY	DEC 09 SAL DEDUCTIONS	0.00	0.00
Liability Chq	31/12/2009	WALGSP - SUPER	SUPER CONTRIB: FE 24 DEC 09	0.00	0.00
Cheque #	646	ADEBAYO Aderemi	ASS 1190 - REFUND	-100.25	-100.25
Cheque #	647	BARRETT-LENNARD Doug	ASS 51149 - REFUND	-540.00	-540.00
Cheque #	648	BEECROFT K & N	ASS 380 - REFUND	-10.75	-10.75
Cheque #	649	BOYLE Robin	ASS 51360 - REFUND	-15.72	-15.72
Cheque #	650	CALCUTT Julie Anne	ASS 796 - REFUND	-64.06	-64.06
Cheque #	651	JONES Warren & Helen	ASS 729 - REFUND	-583.00	-583.00
Cheque #	652	MORRISON John	ASS 51125 - REFUND	-582.43	-582.43
Cheque #	653	OFFICE OF STATE REVENUE	REFUND of REBATE	-421.88	-421.88
Cheque #	654	PENROSE Raymond	ASS 1317 - REFUND	-60.98	-60.98
Cheque #	655	WATT Don	ASS 771 - REFUND	-229.05	-229.05
Cheque #	656	VENCEL Jiri	REFUND of SEPTIC TANK FEE AS ON MINISTERS SEWERAGE	-208.00	-208.00
Cheque #	657	AUST POST	NOV 2009 POSTAGE	-499.55	-499.55
Cheque #	658	BEV HEALTH SERVICES	2009 GOPHER PARADE	-150.00	-150.00

SHIRE OF BEVERLEY
CHEQUE DETAIL - Municipal and Trust Accounts - DECEMBER 2009

	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
Cheque #	659	17/12/2009	DPT TREASURY & FINANCE	ADVERTISING: TPS No.3	174.70	-74.70
Cheque #	660	17/12/2009	GIBSON RAISON	WESTDALE RD WIDENING: L5437 & 5439	-747.90	-747.90
Cheque #	661	17/12/2009	NORDIC FITNESS EQUIP	GYM EQUIPMENT: MAINTENANCE INSPECTION	-790.00	-790.00
Cheque #	662	17/12/2009	RALE HOLDINGS P/L	CROSSOVER REBATE - 13 HOPE ST	-225.00	-225.00
Cheque #	663	17/12/2009	SHIRE OF BEVERLEY	REGO of BEL, BE032 & BE464	-440.55	-440.55
Cheque #	664	17/12/2009	TELSTRA	DEC 09 TELEPHONE ACCOUNTS	-1,322.38	-1,322.38
Cheque #	665	17/12/2009	TESTERINK Elizabeth & Jan	ASS 69 REFUND	-171.72	-171.72
Cheque #	666	21/12/2009	ATO - AUSTRALIAN TAX OFFICE	NOV 09 BAS	-9,223.00	-9,223.00
Cheque #	667	21/12/2009	ROBERTS Mal	REJECTED EFT FROM 11 DEC 09. TO BE REISSUED AS CHQ PYMT.	-1,500.00	-1,500.00
Cheque #	668	23/12/2009	SHIRE OF BEVERLEY	EARNERS PERMIT for ADDITIONAL CLASS: KEN COLLINS	-154.30	-154.30
Cheque #	669	24/12/2009	SHIRE OF BEVERLEY	ADD LICEN CLASS (JM) REMAKE of BE036 PLATES	-175.30	-175.30
Cheque #	670	24/12/2009	BCE - BEV COMMUNITY INFORMATION REFERR 09/10 DONATION		-1,500.00	-1,500.00
Cheque #	671	24/12/2009	GIBSON RAISON	ROAD WIDENING - L102 WESTDALE RD	-777.10	-777.10
Cheque #	672	24/12/2009	SYNERGY	VARIOUS ELECTRICAL ACCOUNTS	-11,033.30	-11,033.30
					-439,702.78	-439,702.78
WAGES & SALARIES						
EFT Payment		10/12/2009	WAGES & SALARIES	PE 09 DEC 09	-34,567.17	
EFT Payment		22/12/2009	WAGES & SALARIES	PE 23 DEC 09	-34,144.65	
			WAGES & SALARIES		-68,711.82	-68,711.82

CHEQUE DETAIL - Municipal and Trust Accounts - DECEMBER 2009

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
TRANSFERS to TRUST						
Gen Journal	1177	10/12/2009		ASS 49 (BREMNER F & B) TFR of CR BAL to TRUST	-14.60	
Gen Journal	1178	10/12/2009		ASS 246 (WILLIAMSON O P) TFR of CR BAL to TRUST	-319.53	
Gen Journal	1179	10/12/2009		ASS 277 (MOYNES R D) TFR of CR BAL to TRUST	-106.61	
Gen Journal	1180	10/12/2009		ASS 438 (HILL GC & L) TFR of CR BAL to TRUST	-413.38	
Gen Journal	1181	10/12/2009		ASS 475 (PRIOR & BUTLER) TFR of CR BAL to TRUST	-21.50	
Gen Journal	1182	10/12/2009		ASS 832 (KUKICH BB & MC) TFR of CR BAL to TRUST	-193.17	
Gen Journal	1183	10/12/2009		ASS 963 (FOSTER B M) TFR of CR BAL to TRUST	-59.67	
Gen Journal	1184	10/12/2009		ASS 1048 (PRATT J & R) TFR of CR BAL to TRUST	-21.50	
Gen Journal	1185	10/12/2009		ASS 51001 (GREENHEDGE P/L) TFR of CR BAL to TRUST	-109.69	
Gen Journal	1186	10/12/2009		ASS 51165 (ADAMS S & K) TFR of CR BAL to TRUST	-170.07	
Gen Journal	1187	10/12/2009		ASS 51248 (WESTON FAMILY CO) TFR of CR BAL to TRUST	-70.67	
Gen Journal	1190	18/12/2009		ASS 721 (SMITH A B) TFR of CR BAL to TRUST	-218.96	
Gen Journal	1191	18/12/2009		ASS 448 (COURTNEY M & G) TFR of CR BAL to TRUST	-50.78	
Gen Journal	1192	18/12/2009		ASS 1581 (STRANGE F & D) TFR of CR BAL to TRUST	-116.40	
Gen Journal	1193	18/12/2009		ASS 51205 (TELDER D & G) TFR of CR BAL to TRUST	-60.00	
Gen Journal	1194	18/12/2009		ASS 1326 (TOZER S) TFR of CR BAL to TRUST	-60.00	
Gen Journal	1207	31/12/2009		WAGE'S DEDUCTS: ADV RATE PYMTS (NOV 09)	-270.00	
					-2,276.53	-2,276.53
					TRANSFERS to TRUST	
UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT						
Cheque #	648	09/12/2009	BEECROFT K & N		10.75	
Cheque #	649	09/12/2009	BOYLE Robin		15.72	
Cheque #	654	09/12/2009	PENROSE Raymond		60.98	
Cheque #	655	09/12/2009	WATT Don		229.05	
Cheque #	658	17/12/2009	BEV HEALTH SERVICES		150.00	
Cheque #	662	17/12/2009	RALE HOLDINGS P/L		225.00	
Cheque #	665	17/12/2009	TESTERINK Elizabeth & Jan		171.72	
					863.22	863.22
					UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT	

CHEQUE DETAIL - Municipal and Trust Accounts - DECEMBER 2009

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
PAYMENTS PRESENTED IN CURRENT BANK # RELATING TO PRIOR MONTHS' TRANSACTIONS						
Cheque #	643	07/12/2009	PITERS TRANSPORT PTY LTD	FREIGHT O/N 18813 - PAVING BRICKS - WRIGHT STREET	-326.70	
Cheque #	644	03/12/2009	SWAN SURPLUS STORES (1974)	RAILWAY STATION -O/N 18952 - SHOWER ENCLOSURE & 30MM	-887.83	
				PAYMENTS PRESENTED IN CURRENT BANK # RELATING TO PRIOR MONTHS' TRANSACTIONS	-1,214.53	-1,214.53

OTHER AMENDMENTS/GENERAL JOURNALS

OTHER AMENDMENTS/GENERAL JOURNALS	0.00	0.00
INVESTMENTS	0.00	0.00
TOTAL EXPENDITURE for MUNICIPAL ACCOUNT		-511,042.44

TRUST ACCOUNT DETAILS

No transactions for the month of DECEMBER 2009.

TOTAL EXPENDITURE for TRUST ACCOUNT	0.00
Municipal Account Expenditure	-511,042.44
Trust Account Expenditure	0.00
Total Expenditure for DECEMBER 2009	-511,042.44

EXPENDITURE as reconciled to the DECEMBER 2009 BANK RECONCILIATIONS

Municipal Account Expenditure
Trust Account Expenditure
Total Expenditure for DECEMBER 2009

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**BEVERLEY PUBLIC CEMETERIES
BYLAWS**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BEVERLEY PUBLIC CEMETERIES BYLAWS

This local law was adopted on 17th June 1960, gazetted on 1st August 1960, and amended on 17th March 1966, 28th November 1968, 25th January 1974, 4th March 1977, 9th November 1979, 23rd October 1981, 9th December 1983, 26th October 1984, 10th June 1988 and 17th May 1991. The primary objectives of the local law were to provide rules and guidelines as to control and management of public cemeteries by the Shire within the district.

It is proposed that this local law be repealed as it is obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**BY-LAWS RELATING TO
PEST PLANTS.**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BY-LAWS RELATING TO PEST PLANTS

This by-law was adopted on 19th November 1981, and gazetted on 2nd April 1982, with the primary objective of controlling and managing pest plants, and requiring owners and occupiers to take appropriate measures to control pest plants on land under their ownership or management.

It is proposed that this by-law be amended by:

- (a) amending titles and heading to reflect the current legislation;
- (b) through-out the by-law, deleting old terminology and inserting new terminology that better reflects the use of modern language.

The proposed amendments are shown as follows:

- (a) deletions are shown with strike-through text and highlighted in yellow; and
- (b) insertions are shown as text highlighted in yellow.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

**BY-LAWS RELATING TO
PEST PLANTS**

GAZETTAL DATE - 2nd APRIL 1982

LOCAL GOVERNMENT ACT 1995 ~~1960-1981~~
AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

~~The Municipality of the~~ **Shire of Beverley**

~~Local Laws By-Laws~~ **Relating to Pest Plants**

In pursuance of the powers conferred upon it by the abovementioned Acts and of all other powers enabling it, the Council of the ~~abovementioned municipality~~ hereby records having resolved on the 19th November 1981, to make and submit for confirmation by the Governor, the following local laws:

1. Citation

These local laws may be cited as the Shire of Beverley Pest Plant local laws ~~By-Laws~~ 1981.

2. Definitions

In these local laws, unless the contrary intention appears —

~~“Council” means the Shire of Beverley;~~

“district” means the district of the ~~council~~ local government;

~~“local government” means the Shire of Beverley;~~

“Pest Plant” means a plant described as a pest plant by ~~By-law~~ clause 4 of these local laws.

3. Application

These local laws apply ~~throughout in respect of~~ the district.

4. Pest Plants

Every plant described in the First Schedule to these local laws ~~by-laws~~ is a pest plant.

5. Serving of Notice

(1) The ~~council~~ local government may serve on the owner or occupier of private land within the district, a duly completed notice in the form of the Second Schedule to these local laws requiring him to destroy, eradicate or otherwise control any pest plant on that land:

(2) A person served with a notice under ~~sub-by-law subclause~~ (1) of this clause shall comply with that notice within the time and in the manner specified therein.

6. Failure to comply with a Notice

Where a person fails to comply with a notice under ~~By-law clause~~ 5 of these local laws served upon him, the local government may:—

(a) Without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be, any pest plant, the destruction, eradication or control of which was required by the notice; and

(b) Recover in a court of competent jurisdiction from the person to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

FIRST SCHEDULE

PEST PLANTS

Common Name
Caltrop
Afghan Thistle

Scientific Name
Tribulus Terrestris
Solanum hystrix
Solanum hoptopatum
Bitter et Summ

Second Schedule
AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976
Shire of Beverley Pest Plant Local Laws ~~By-laws~~ 1981
PEST PLANT NOTICE

No.

To
(Full name)

of
(Address)

You are hereby given notice under the above local laws that you are required to:

.....
(here specify whether required to destroy, eradicate or otherwise control)

the pest plant —
(Common Name) (Scientific Name)

on
(here specify the land)

of which you are the
(owner or occupier)

This notice may be complied with by
(here specify manner of achieving destruction, eradication or control)

Such measures shall be commenced not later than
(Date)

and shall be completed by
(Date)

Upon failure to comply with this notice within the times specified, the local government may destroy, eradicate or control, as the case may be, any specified pest plant at your expense, and if necessary recover the same in a Court of competent jurisdiction.

Date of service of notice:

.....
Signature of authorized person _____

Dated this 19th day of February 1982.

The Common Seal of }
the Shire of Beverley was }
hereunto affixed in }
the presence of — }
}

S D President.

D J Cunah Chief Executive Officer.

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

HEALTH LOCAL LAWS

1. INTRODUCTION

Section 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribes all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. HEALTH LOCAL LAWS

This local law was adopted on 22nd December 2000, and gazetted on 2nd March 2001, with the primary objectives of providing rules and guidelines for the health of the community including sanitation requirements, requirements for bathrooms, laundries and kitchens, keeping a dwelling in a sound and fit condition for use, need for an owner of a house to ensure connection to a separate water and independent water supply, requirements for the disposal of liquid waste and rubbish collection requirements and burning off requirements, keeping of animals, birds, poultry and pigeons, approval for feedlots, pest control including the need to keep a premises free from mosquito breeding sites, take effective measures against rodents, cockroaches, argentine ants and the requirements regarding the keeping of bees, the handling of infectious diseases, and lodging house requirements.

It is proposed that this local law be amended. The proposed amendments are detailed in the draft Local Law attached to this discussion paper, with each amendment highlight as follows:

(i) proposed deletions are highlighted in yellow with strike-through text: and

(ii) proposed insertions are highlighted in yellow with red text.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

HEALTH LOCAL LAWS

GAZETTAL DATE – 3rd APRIL 2001

HEALTH ACT 1911

SHIRE OF BEVERLEY
HEALTH LOCAL LAW
2000

HEALTH ACT 1911

SHIRE OF BEVERLEY HEALTH LOCAL LAW 2000

ARRANGEMENT

PART 1 - PRELIMINARY

- 1.1 Citation
- 1.2 Definition
- 1.3 Repeal

PART 2 - SANITATION

Division 1 - Sanitary Conveniences

- 2.1.1 Definition
- 2.1.2 Dwelling house
- 2.1.3 Premises other than a dwelling house
- 2.1.4 Outdoor festivals
- 2.1.5 Toilets
- 2.1.6 Temporary works
- 2.1.7 Maintenance of sanitary conveniences and fittings
- 2.1.8 Ventilation of toilets
- 2.1.9 Public sanitary conveniences
- 2.1.10 Lighting
- 2.1.11 Installation

Division 2 - Bathrooms, Laundries and Kitchens

- 2.2.1 Bathrooms
- 2.2.2 Laundries
- 2.2.3 Washing or keeping of clothes in Kitchens
- 2.2.4 Kitchens

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Dwelling Houses

- 3.1.1 Dwelling house maintenance
- 3.1.2 Guttering and Downpipes
- 3.1.3 Maintenance of Guttering and Downpipes and disposal of rainwater

Division 2 - Ventilation of Dwelling Houses

- 3.2.1 Exemption for short term hostels and recreational campsites
- 3.2.2 Overcrowding
- 3.2.3 Calculated sufficient space
- 3.2.4 Ventilation
- 3.2.5 Sub-Floor Ventilation

Division 3 - Water Supply

- 3.3.1 Water supply
- 3.3.2 Rain water tanks
- 3.3.3 Wells
- 3.3.4 Pollution

Division 4 - Second-hand Furniture, Bedding and Clothing

- 3.4.1 Prohibition of sale
- 3.4.2 Prohibition of possession

Division 5 - Morgues

- 3.5.1 Application and Licensing of morgues

PART 4 - WASTE FOOD AND REFUSE

Division 1 - Liquid Refuse

- 4.1.1 Interpretation
- 4.1.2 Deposit of liquid refuse
- 4.1.3 Disposal of liquid waste
- 4.1.4 Approval for Septic Tank Pumpouts and Removal of Liquid Waste
- 4.1.5 Application for Approval
- 4.1.6 Provision of Quarterly Reports

~~Division 2 - Disposal of Refuse~~

- ~~4.2.1 Interpretation~~
- ~~4.2.2 Receptacles~~
- ~~4.2.3 Exemption~~
- ~~4.2.4 Use of receptacles~~
- ~~4.2.5 Damage to receptacles~~
- ~~4.2.6 Use of other containers~~
- ~~4.2.7 Suitable Enclosure~~
- ~~4.2.8 Deposit of refuse~~
- ~~4.2.9 Removal of rubbish from premises or receptacle~~
- ~~4.2.10 Burning rubbish or refuse~~
- ~~4.2.11 Rubbish Removal Vehicles~~
- ~~4.1.12 Method of Removing Rubbish~~

Division 3 - Transport of Butchers' Waste

- 4.3.1 Definition
- 4.3.2 Restriction of vehicles
- 4.3.3 Transport of butchers' waste

PART 5 - NUISANCES AND GENERAL

Division 1 - Nuisances

- 5.1.1 Definition
- 5.1.2 Footpaths etc. to be kept clean
- 5.1.3 Escape of smoke etc.
- 5.1.4 Public vehicles to be kept clean
- 5.1.5 Prohibition against spitting
- 5.1.6 Transportation, use and storage of offal or blood
- 5.1.7 Use or storage of fertiliser
- 5.1.8 Storage and dispatch of artificial fertiliser
- 5.1.9 Storage of fertiliser in a house
- 5.1.10 Vehicles used for Transporting of Animals and Birds

Division 2 - Keeping of Animals

- 5.2.1 Interpretation
- 5.2.2 Cleanliness
- 5.2.3 Animal enclosures
- 5.2.4 Cats
- 5.2.5 Slaughter of animals
- 5.2.6 Disposal of dead animals

Division 3 - Keeping of Large Animals

- 5.3.1 Definition
- 5.3.2 Condition of keeping an animal
- 5.3.3 Stables
- 5.3.4 Manure receptacles

Division 4 - Keeping of Poultry and Pigeons and Miscellaneous Birds

- 5.4.1 Definition
- 5.4.2 Limitation on Numbers of Poultry and Pigeons
- 5.4.3 Conditions on keeping poultry in Limited Numbers
- 5.4.4 Roosters, Geese, Turkey, Peafowl's and Gamebirds
- 5.4.5 Pigeons and doves
- 5.4.6 Removal of non-conforming structure or enclosure
- 5.4.7 Restrictions on pigeon nesting or perching

Division 5 - Keeping of Feedlots

- 5.5.1 Definition
- 5.5.2 Premises to be approved
- 5.5.3 Site conditions

Division 6 - Piggeries

- 5.6.1 Definition
- 5.6.2 Premises to be approved
- 5.6.3 Site conditions
- 5.6.4 Prevention of Nuisances

Division 7 - Car Parks

- 5.7.1 Interpretation
- 5.7.2 Ventilation
- 5.7.3 Exhaust Air Discharge Points and Exhaust Registers

PART 6 - PEST CONTROL

Division 1 - Flies

- 6.1.1 Interpretation
- 6.1.2 Fly breeding matter not to be left on premises unless covered or treated
- 6.1.3 Measures to be taken by an occupier
- 6.1.4 EHO may give notice directing measures to be taken
- 6.1.5 Council may execute work and recover costs

Division 2 - Mosquitoes

- 6.2.1 Definition
- 6.2.2 Measures to be taken to prevent mosquitoes breeding
- 6.2.3 Council may execute work and recover costs

Division 3 - Rodents

- 6.3.1 Definition
- 6.3.2 Measures to be taken to eradicate rodents
- 6.3.3 Food and wastes to be kept in rodent proof receptacles
- 6.3.4 Restrictions on the keeping of rodents
- 6.3.5 Food premises etc to be cleaned after Use

Division 4 - Cockroaches

- 6.4.1 Interpretation
- 6.4.2 Measures to be taken to eradicate cockroaches

Division 5 - Argentine Ants

- 6.5.1 Interpretation
- 6.5.2 Measures to be taken to keep premises free from Argentine Ants

Division 6 - European Wasps

- 6.6.1 Interpretation
- 6.6.2 Measures to be taken to keep premises free from European Wasps

Division 7 - Bee Keeping

- 6.7.1 Interpretation
- 6.7.2 Restrictions on keeping of Bees in Hives

Division 8 - Anthropod Vectors of Diseases

- 6.8.1 Interpretation
- 6.7.2 Responsibility of Owner or Occupier

PART 7 - INFECTIOUS DISEASES

Division 1 - General Provisions

- 7.1.1 Requirements on owner or occupier to clean, disinfect and disinfest
- 7.1.2 EHO may disinfect or disinfest premises
- 7.1.3 Insanitary houses, premises and things
- 7.1.4 Medical Officer may Examine Persons
- 7.1.5 Medical Officer may authorise disinfecting
- 7.1.6 Persons in contact with an infectious disease sufferer
- 7.1.7 Declaration of infected house or premises
- 7.1.8 Destruction of infected animals
- 7.1.9 Disposal of a body
- 7.1.10 Council may carry out work and recover costs

Division 2 - Disposal of Condoms and Needles

- 7.2.1 Disposal of used condoms
- 7.2.2 Disposal of used needles

PART 8- LODGING HOUSES

Division 1 - Registration

- 8.1.1 Interpretation
- 8.1.2 Lodging house not to be kept unless registered
- 8.1.3 Application for registration
- 8.1.4 Approval of application
- 8.1.5 Renewal of registration
- 8.1.6 Notification upon sale or transfer
- 8.1.7 Revocation of registration

Division 2 - Construction and Use Requirements

- 8.2.1 General construction requirements
- 8.2.2 Kitchen
- 8.2.3 Dining Room
- 8.2.4 Lounge Room
- 8.2.5 Sanitary conveniences
- 8.2.6 Laundry
- 8.2.7 Fire prevention and control
- 8.2.8 Obstruction of passages and stairways
- 8.2.9 Fitting of locks
- 8.2.10 Restriction on use of rooms for sleeping

- 8.2.11 Sleeping accommodation - short term hostels and recreational campsites
- 8.2.12 Furnishing etc. of sleeping apartments
- 8.2.13 Ventilation
- 8.2.14 Numbers to be placed on doors

Division 3 - Management and Care

- 8.3.1 Keeper or manager to reside in the lodging house
- 8.3.2 Register of lodgers
- 8.3.3 Keeper report
- 8.3.4 Certificate in respect of sleeping accommodation
- 8.3.5 Duplicate keys and inspection
- 8.3.6 Room occupancy
- 8.3.7 Maintenance of a room by a lodger or resident
- 8.3.8 Cleaning and maintenance requirements
- 8.3.9 Responsibilities of lodgers and residents
- 8.3.10 Approval for storage of food

PART 9 - OFFENSIVE TRADES

Division 1 - General

- 9.1.1 Definition
- 9.1.2 Consent to establish offensive trade
- 9.1.3 Notice of application
- 9.1.4 Registration of premises
- 9.1.5 Certificate of registration
- 9.1.6 Change of occupier
- 9.1.7 Alterations to premises
- 9.1.8 Occupier includes employee

Division 2 - General Duties of an Occupier

- 9.2.1 Definition
- 9.2.2 Cleanliness
- 9.2.3 Rats and other vectors of disease
- 9.2.4 Sanitary conveniences and wash basins
- 9.2.5 Painting of walls etc
- 9.2.6 Effluvia, vapours or gases
- 9.2.7 Offensive material
- 9.2.8 Storage of materials
- 9.2.9 Specified offensive trades
- 9.2.10 Directions
- 9.2.11 Other duties of occupier

Division 3 - Fish Premises

- 9.3.1 Interpretation
- 9.3.2 Duties of an Occupier
- 9.3.3 Disposal of Waste
- 9.3.4 Fish Containers

Division 4 - Laundries, Dry Cleaning Establishments and Dye Works

- 9.4.1 Interpretation
- 9.4.2 Receiving Depot
- 9.4.3 Reception Room
- 9.4.4 Walls and floors
- 9.4.5 Laundry Floor

- 9.4.6 Escape of dust
- 9.4.7 Precautions against combustion
- 9.4.8 Trolleys
- 9.4.9 Sleeping on premises

PART 10 - OFFENCES AND PENALTIES

- 10.1.1 Penalties

SCHEDULE OF FORMS

<u>Schedule Number</u>	<u>Description</u>
1.	Application for Registration of a Lodging House
2.	Certificate of Registration of a Lodging House
3.	Notice of Change of Owner of a Lodging House
4.	Register of Lodgers
5.	List of Lodgers
6.	Certificate of Sleeping Accommodation
7.	Application for licensing a Morgue
8.	Certificate of Licensing of a Morgue
9.	Application for Consent to Establish an Offensive Trade
10.	Application for Registration of Premises for Offensive Trade
11.	Certificate of Registration of Premises for Offensive Trade

HEALTH ACT 1911

SHIRE OF BEVERLEY

HEALTH LOCAL LAW 2000

Made by the Council of the Shire of Beverley.

PART 1 - PRELIMINARY

1.1 Citation

These local laws may be cited as "*The Shire of Beverley Health Local Laws 2000*".

1.2 Repeal

- (1) The Health Local Laws adopted by the Shire of Beverley and published in the *Government Gazette* on 20 April 1928, and amended from time to time, are repealed;
- (2) The Health Local Laws adopted by the Shire of Beverley and published in the *Government Gazette* on 22 July 1949, and amended from time to time, are repealed;
- (3) The Health Local Laws adopted by the Shire of Beverley and published in the *Government Gazette* on 12 December 1956, and amended from time to time, are repealed; and
- (4) The Health Local Laws adopted by the Shire of Beverley and published in the *Government Gazette* on 14 April 1966, and amended from time to time are repealed.

1.3 Interpretation

- (1) In these local laws, unless the context otherwise requires:

"Act" means the *Health Act 1911*.

"adequate supply of water" means a flow of water of not less than 0.076 litres per second.

"approved" means approved by the Council of the Shire of Beverley.

"AS" means Australian Standard published by the Standards Association of Australia.

"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.

"Chief Executive Officer" means the Chief Executive Officer of the Shire of Beverley and includes an Acting Chief Executive Officer.

"Council" means the Local Government of the Shire of Beverley *and its officers*.

"district" means the district of the Shire of [name] and includes any area placed under the jurisdiction of the local government pursuant to section 22 of the Act.

"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.

"Environmental Health Officer" means an Environmental Health Officer appointed by the Council under the Act.

"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; but
- (b) excludes a bathroom, laundry, water closet, 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 75 degrees Celsius.

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes and Acting Medical Officer so appointed;

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the Council to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;

~~**"Morgue"** means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation;~~

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

"sanitary convenience" includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

"sewage" means any kind of sewage, nightsoil, 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 Council;

"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 water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality in Australia - 1996 as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time;

"WC" means a water closet pan; and

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position;

- (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 forbidden to be done in relation to any premises, 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 act so forbidden to be done, as the case may be.

PART 2 - SANITATION

Division 1 - Sanitary Conveniences

2.1.1 Interpretation

In this Part, unless the context otherwise requires -

"festival" includes a fair, function or event;

"organiser" means a person -

- (a) to whom approval has been granted by the Council to conduct the festival; or
- (b) responsible for the conduct of the festival;

"public sanitary convenience" means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by -

- (a) patrons in conjunction with a festival; or

- (b) employees at construction sites or the like.

2.1.2 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 lighting.

2.1.3 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 these local laws 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 basin;
 - (iv) separate from any trough, sink or 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 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 basin.

2.1.4 Outdoor Festivals

- (1) The applicant for an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale -
 - (a) for the first 250 males—
 - (i) one water closet for each 150;
 - (ii) one urinal stall for each 50; and
 - (iii) one hand wash basin for each 50;
 - (b) for additional males—
 - (i) one water closet for each 200;
 - (ii) one urinal stall for each 100; and
 - (iii) one hand wash basin for each 200;
 - (c) for the first 250 females—
 - (i) one water closet for each 40; and
 - (ii) one wash hand basin for each 50;
 - (d) for additional females—
 - (i) one water closet for each 100; and
 - (ii) one wash hand basin for each 200.
- (2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.
- (3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

2.1.5 Toilets

(1) Toilets on premises shall be maintained in accordance with the following requirements -

- (a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;
- (b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;

~~(c) the floor of any internal toilet shall be~~

~~(i) of concrete or of other approved impervious material of an approved thickness; and~~

~~(ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and where necessary, protected by an approved sump; and~~

~~(d) the floor of any external toilet shall be~~

~~(i) of concrete or of other approved impervious material of an approved thickness; and~~

~~(ii) graded to the floor or alternatively an approved outlet.~~

(2) Toilets on premises other than a dwelling-house shall be maintained in accordance with the following additional requirements -

- (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a Sound Transmission Class of not less than 50 as required by AS1276;
- (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.1.6 Temporary Works

A person who undertakes temporary work at any place shall -

- (a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, one temporary toilet in accordance with the *Health (Temporary Sanitary Conveniences) Regulations 1997*; and
- (b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from an EHO and ensure the site is left clean.

2.1.7 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 EHO, 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.

2.1.8 Ventilation of Toilets

(1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

~~(2) A mechanical ventilation system provided under subsection (1) shall be maintained in good working order and condition.~~

2.1.9 Public Sanitary Conveniences

(1) A person shall not -

- (a) foul;
- (b) damage or vandalise; or
- (c) 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.

2.1.10 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.

2.1.11 Installation

(1) Every sanitary convenience shall be installed in accordance with the requirements of the Metropolitan Water Supply Sewerage and Drainage Act 1909 and shall have an adequate supply of water.

~~(2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the Health (Temporary Sanitary Convenience) Regulations 1997.~~

Division 2 - Bathroom, Laundries and Kitchens

2.2.1 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that -

- (a) is adequately lined with an impervious material and has an adequate ceiling;
- (b) complies with the Health Act (Laundries and Bathrooms) Regulations; and
- (c) is equipped with -
 - (i) a wash hand basin; and
 - (ii) either a shower in a shower recess or a bath.

(2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.2.2 Laundries

(1) 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) is not a room in which food is stored, prepared, served or consumed.
- (d) is provided with adequate ventilation.

(2) A laundry referred to in subsection (1) must conform to the provisions of the Building Code.

(3) 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.

(3) 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 1220 millimetres wide; and
- (b) have a door which when closed shall completely fill the opening.

2.2.3 Storing of clothes in Kitchens

A person shall not store clothes in a kitchen or other place where food is kept -

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

2.2.4 Kitchens

- (1) In this section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with -
 - (a) ~~an electric, gas, wood or other fuel burning stove; a cooling facility which is adequate in the opinion of an EHO;~~
 - (b) ~~an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres; and~~
 - (be) a sink which shall
 - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
 - (ii) have an adequate supply of hot and cold water.
- (3) The occupier of a dwelling house shall ensure that the ~~stove, cooling facility, oven~~ and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility shall -
 - (a) be installed in accordance with the requirements of the Energy Safety and the 'Manufacturers Specifications'; and
 - (b) not be installed or used in any room other than a kitchen.
- (5) Where mechanical extraction is provided in a kitchen, the exhaust air shall be
 - (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
- (6) Mechanical ventilation shall be maintained in good working order and condition.

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Dwelling Houses

3.1.1 Dwelling House Maintenance

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

- (a) maintain all roofs, guttering and downpipes 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 EHO 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 ventilators in good order and repair;
- (h) maintain all floors even in surface and free from cracks;
- (i) maintain all ceilings, internal walls, architraves and other fixtures and

fittings complete and with smooth unbroken surfaces;

- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) 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 *Metropolitan Water Supply, Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Energy Safety.

3.1.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

The owner or occupier of a dwelling house 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 onto or over a footpath or other property, ~~and ensure stormwater is disposed of directly into an appropriate drain or soak well or directly onto a paved surface provided the surface has an adequate fall away from any building structure.~~

Division 2 - Ventilation of Dwelling Houses

3.2.1 Exemption for Short Term Hostels and Recreational Campsites

This Division shall not apply to short term hostels and recreational campsites referred to in Division 1 of Part 8

3.2.2 Overcrowding

The owner or occupier of a dwelling house shall not permit -

- (a) a room in the dwelling house that is not a habitable room to be used for sleeping purposes; or
- (b) a habitable room in the dwelling 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 or shed to be used for sleeping purposes.

3.2.3 Calculate Sufficient Space

For the purpose of section 3.2.2, 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) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

3.2.4 Ventilation

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless the dwelling house is properly ventilated.
- (2) For the purpose of subsection (1) a dwelling house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of -
 - (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2.
- (3) The owner of a dwelling house provided with a mechanical ventilation or air-conditioning system

shall ensure that the system is -

- (a) maintained in good working condition and in accordance with AS/NZS 3666: ~~1989~~ **2002**; and
 - (b) in use at all times the building is occupied if it is a building without approved natural ventilation.
- (4) If, in the opinion of an EHO, a dwelling house is not properly ventilated, the EHO may by notice require the owner of the dwelling house to -
- (a) provide a different, or additional method of ventilation; or
 - (b) cease using the dwelling house until it is properly ventilated.
- (5) The owner shall comply with a notice under subsection (4).

3.2.5 Sub-Floor Ventilation

The owner or occupier of a dwelling house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

Division 3 - Water Supply

3.3.1 Water Supply

- (1) The owner of a dwelling house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the EHO.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the dwelling house or on the site on which the dwelling house is located.

3.3.2 Rain Water Tanks

The owner or occupier of a dwelling house for which part of the water supply is drawn from a rain water tank shall

- (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 rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
- (c) annually clean any tank the water from which is used to store water for human consumption;
- (d) when directed by an EHO, empty, clean and disinfect any tank upon the premises, the water from which is used for human consumption.

3.3.3 Wells

The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director, Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

3.3.4 Pollution

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

Division 4 - Second-hand Furniture, Bedding and Clothing

3.4.1 Prohibition on

A person shall not offer for sale or sell any second-hand furniture, bedding or clothing, which is filthy or infested with vectors of disease.

3.4.2 Prohibition of Possession

A dealer in second-hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second-hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

Division 5 - Morgues

3.5.1 Application for Licensing of Morgues

- (1) All morgues, other than those of any public hospital or any Council or police morgue, shall be licensed annually in accordance with the requirements of this Division.
- (2) An application for a licence of a morgue shall be—
 - (a) made by the applicant;
 - (b) made in the form prescribed in schedule (7); and
 - (c) forwarded to the Chief Executive Officer with the fee as fixed from time to time by Council under Section 344C of the Act.
- (3) A licence shall—
 - (a) be in the form prescribed in Schedule (8); and
 - (b) expire on 30 June next and after the date of its issue.
- (4) A licence shall not be granted in respect of any premises unless—
 - (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other approved material;
 - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
 - (d) all floors are constructed of an approved impervious material, having a fall to an outlet discharging over a trapped gully; and the premises are adequately ventilated by direct communication with the outside air.

3.5.2 Revocation of Licence

- (1) Subject to subsection (3), the Council may, at any time, revoke the licence of a morgue for any reason, which in the opinion of the Council, justifies the revocation.
- (2) Without limiting the generality of subsection (1), the Council may revoke a licence upon any one or more of the following grounds—
 - (a) that the morgue has not, to the satisfaction of the Council, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - (b) that the proprietor of the morgue has—
 - (i) been convicted of an offence against these local laws in respect of a morgue;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of licence;
 - (c) that the Council, having regard to a report from the Police Service, is satisfied that the proprietor or manager is not a fit and proper person; and
 - (d) that by reason of alterations or additions or neglect to repair and renovate, the condition of the morgue is such as to render it, in the opinion of the Council, unfit to remain registered.
- (3) Before revoking the licence of a morgue under this section, the Council shall give notice to the proprietor requiring him or her, within a time specified in the notice, to show cause why the licence should not be revoked.
- (4) Whenever the Council revokes the licence of a morgue, it shall give the proprietor notice of the revocation and the licence shall be revoked as from the date on which the notice is served on the proprietor.

PART 4 WASTE FOOD AND REFUSE

Division 1 - Liquid Refuse

4.1.1 Definition

In this division, unless the context otherwise requires -

“approved carrier” means a carrier approved by the Council.

“liquid refuse” includes all washings from windows and 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 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.

4.1.2 Deposit of Liquid Refuse

A person shall not deposit or cause, or permit to be deposited liquid refuse or liquid waste -

- (a) on a street;
- (b) in a stormwater disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

4.1.3 Disposal of Liquid Waste

(1) The owner or occupier of premises shall -

- (a) provide, by one of the methods prescribed in this section, 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 sewerage 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 and disposal of effluent and liquid waste approved by the Executive Director, Public Health or the Council;
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

4.1.4 Approval for Septic Tank Pumpouts and Removal of Liquid Waste

A person shall not—

- (a) unless he or she is an approved carrier;
- (b) without the written approval of the Council; and
- (c) except in accordance with any terms and conditions imposed by the Council or the Executive Director, Public Health in connection with the approval under paragraph (b), collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage and other liquid wastes.

4.1.5 Application for Approval

- (1) A carrier may apply in writing to the Council for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.
- (2) The Council may grant or refuse an application under this section subject to conditions relating to—
 - (a) the time and method of collection, removal or disposal of the contents; or
 - (b) the route to be followed by a vehicle used in collection, removal or disposal of the contents; or
 - (c) the type of liquid waste that can be collected.
- (3) Any conditions imposed by the Council under this section shall be—
 - (a) specified in the written approval of the Council; and
 - (b) in addition to any conditions imposed by the Executive Director of Public Health or conditions applying under any other law.

The Council may from time to time vary conditions imposed by the Council under this section by giving written notice of the variation to the person to whom approval was granted.

4.1.6 Provision of Quarterly Reports

The approved carrier may be required to provide Quarterly Reports to the Council containing accurate details of—

- (a) the date of servicing the liquid waste system;
- (b) the address or location of the involved property; and
- (c) the type of system serviced.

~~Division 2 Disposal of Refuse~~

~~4.2.1 Definition~~

~~In this division, unless the context otherwise requires—~~

~~"building line" has the meaning given to it in and for the purposes of the Local Government (Miscellaneous Provisions) Act 1960;~~

~~"collection time" means the time in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the Council or its contractor;~~

~~"commercial refuse" means refuse and other rubbish generated by or emanating from commercial or industrial premises and includes liquid refuse;~~

~~"domestic refuse" means refuse and other rubbish generated by or emanating from residential premises and includes liquid refuse;~~

~~"public place" includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not a public place;~~

~~"receptacle" means a receptacle fitted with wheels or handles and of a carrying capacity of 120 litres or 30 gallons, or other size or receptacle approved or approved by the Council;~~

~~"rubbish" or "refuse" includes any (fill dirt, ashes, vegetation, earth, refuse, waste material, waste food, sludge, offensive matter, sand, wood or metal shavings and sawdust) but does not include liquid waste or liquid refuse;~~

~~"refuse disposal site" means a waste treatment facility or depot licensed under Part V of the Environmental Protection Act 1986 to store, treat, reuse or dispose of rubbish or refuse;~~

~~"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the Local Government (Miscellaneous Provisions) Act 1960, means the new street alignment so prescribed.~~

~~4.2.2 Receptacles~~

~~An owner or occupier of premises shall—~~

- ~~(a) provide a receptacle, unless provided by Council or its agent, for the depositing of rubbish or refuse and maintain the receptacle in a serviceable condition;~~
- ~~(b) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;~~
- ~~(c) except for a reasonable period before and after collection time as determined by the EHO, keep the receptacle on the premises and located—
 - ~~(i) behind the street alignment and so as not to be visible from a street or public place or~~
 - ~~(ii) in such other position as is approved by an EHO;~~~~
- ~~(d) on each collection day at or prior to 6.00am place the receptacle out in the street in a position prescribed by the Council, where it is visible from the carriageway of the street or the right of way, but so that it does not obstruct any thoroughfare, land, footpath, cycleway or other carriage way and positioned with the handle facing away from the kerb line, or placed in such other position as is approved by the Council;~~

~~4.2.3 Exemption~~

- ~~(1) An owner or occupier of premises may apply in writing to the Council for an exemption from compliance with the requirements of Section 4.2.2 (c) or (d);~~
- ~~(2) Council may grant or refuse, with or without conditions, an application for exemption from~~

~~compliance with this section.~~

~~(3) An exemption granted under this section shall not:~~

~~(a) be a premise to which the exemption applies;~~

~~(b) be the period during which the exemption applies; and~~

~~(c) any conditions imposed by the Council.~~

~~(4) The Council may rescind the exemption or from time to time vary conditions imposed by it under this section if circumstances arise which require it to do so. The person to whom the exemption is granted shall be notified of any such variation.~~

~~4.2.4 Use of Receptacles~~

~~A owner or occupier of premises shall:~~

~~(a) not deposit or permit to be deposited in a receptacle:~~

~~(i) more than 70 kilograms of rubbish or refuse;~~

~~(ii) hot or burning ash;~~

~~(iii) oil, kerosene, petrol, other flammable liquid, or any gas, except as provided for the storage of flammable gas;~~

~~(iv) paint, paint or other solvent;~~

~~(v) bricks, concrete, building rubble, asbestos, earth or other like substances;~~

~~(vi) drugs, if they are of a kind or in a form which samples, unless placed in a sealed impervious and leak-proof container;~~

~~(vii) hospital, medical, veterinary, laboratory or pathological substances containing blood, unless placed in a sealed impervious leak-proof container;~~

~~(viii) syringes, needles, surgical blades, broken glass, sharps or sharp objects;~~

~~(ix) cytotoxics, radioactive substances and dangerous chemicals;~~

~~(x) sewage, manure, nightsoil, faeces or urine;~~

~~(xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or~~

~~(xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding, unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;~~

~~(xiii) hazardous products including ammunition and flares;~~

~~(b) at all times keep the receptacle in a clean condition;~~

~~(c) when so directed to do so by an EHO, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle;~~

~~(d) take all reasonable steps to prevent:~~

~~(i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and~~

~~(ii) the emission of offensive and noxious odours from the receptacle; and~~

~~(e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.~~

~~4.2.6 Damage to Receptacles~~

~~A person, other than the Council or its contractor, shall not:~~

~~(a) damage, destroy or interfere with a receptacle; or~~

~~(b) except as permitted by the Council or as authorised by an EHO, remove a receptacle from any premises to which it is attached and by the Council or its contractor.~~

~~4.2.6 Use of Other Containers~~

~~(1) In the case of premises consisting of more than three (3) dwellings and premises used for commercial or industrial purposes or a food premises, the Council may authorize rubbish or refuse to be deposited in containers other than receptacles.~~

~~(2) The owner or occupier of premises liable to be authorized under this section to deposit rubbish or refuse in a container shall:~~

- ~~(a) unless approved by the EHO, not deposit or permit to be deposited in the container anything specified in Section 4.2.4(a) to (iii);~~
- ~~(b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;~~
- ~~(c) whenever directed by an EHO to do so, thoroughly clean, disinfect, deodorise, and apply a neutral succedent to the container;~~
- ~~(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Council;~~
- ~~(e) ensure that the container is not visible from the street but is readily accessible for the purpose of collection; and~~
- ~~(f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.~~

~~(3) An owner or occupier shall:~~

- ~~(a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate on or from the premises;~~
- ~~(b) ensure that each container on the premises:
 - ~~(i) has a close fitting lid;~~
 - ~~(ii) is constructed of non-absorbent and non-corrosive material, and~~
 - ~~(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;~~~~
- ~~(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;~~
- ~~(d) place any rubbish or refuse in, and only in, a container marked for that purpose;~~
- ~~(e) keep the cover on each container except when it is necessary to place something in, or remove something from it, and~~
- ~~(f) ensure that the containers are emptied at least weekly or as directed by an EHO.~~

~~4.2.7 Suitable Enclosure~~

~~(1) An owner or occupier of premises~~

- ~~(a) consisting of more than three (3) dwellings; or~~
- ~~(b) used for commercial or industrial purposes, or a food premises shall if required by the Council provide a suitable enclosure for the storage and cleaning of receptacles on the premises.~~

~~(2) An owner or occupier of premises required to provide a suitable enclosure under this Section shall keep the enclosure thoroughly clean and disinfected.~~

~~(3) For the purposes of this Section, a "suitable enclosure" means an enclosure~~

- ~~(a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Council;~~
- ~~(b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Council;~~
- ~~(c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;~~
- ~~(d) containing a smooth, non-slip and impervious floor:
 - ~~(i) of not less than thickness; and~~~~

- ~~(1) without the approval of the Council; and~~
- ~~(2) which is readily accessible to the public for the removal of the receptacle;~~
- ~~(3) provided with a pump for the removal of liquid from the receptacle; and~~
- ~~(4) provided with a tap connected to a cold water supply of water.~~

~~4.2.9 Disposal of Refuse~~

~~A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site except in accordance with the Council's refuse collection programme.~~

~~4.2.10 Removal of Rubbish from Premises or Receptacle~~

- ~~(1) A person shall not remove any rubbish or refuse from premises unless that person is~~
 - ~~(a) the owner or occupier of the premises;~~
 - ~~(b) authorised to do so by the owner or occupier of the premises; or~~
 - ~~(c) authorised to do so in writing by the Council.~~
- ~~(2) A person shall not, without the approval of the Council or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.~~
- ~~(3) Where the Council provides—~~
 - ~~(a) a collection service for recyclable material, the occupier of premises shall comply with and observe the directions given by the Council in relation to that collection;~~
 - ~~(b) a collection service for bulk material, the occupier of premises shall comply with and observe the directions given by the Council in relation to that collection.~~
- ~~(4) Where additional collection services are provided upon request by the occupier of premises, fees as prescribed by the Council shall be paid.~~

~~4.2.10 Burning Rubbish or Refuse~~

- ~~(1) A person shall not—~~
 - ~~(a) without the approval of the Council; and~~
 - ~~(b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either—~~
 - ~~(i) in any incinerator; or~~
 - ~~(ii) on the ground.~~
- ~~(2) Subject to subsection (3), an approval of the Council is issued subject to the following conditions—~~
 - ~~(a) the material to be burnt—~~
 - ~~(i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and~~
 - ~~(ii) is of such quantity or of such a nature, as to be unsuitable for removal by the Council's refuse collection service;~~
 - ~~(b) there is no other appropriate means of disposal;~~
 - ~~(c) burning shall not take place—~~
 - ~~(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or~~
 - ~~(ii) where there is no current dispersion alert, outside the hours of 10.00am to 6.00pm;~~
 - ~~(d) an incinerator must meet the standards specified by Council; and~~
 - ~~(e) an incinerator unit used for fire must be located—~~
 - ~~(i) at least 2 metres from a fence, building or inflammable matter; and~~
 - ~~(ii) in such a position so as not to create a nuisance or be offensive to other persons.~~
- ~~(3) Subject to any other written law the Council may grant approval to clear, by burning fire breaks or vacant land, grass, hay, undergrowth, herbage and other similar material.~~

~~4.3.1 - Rubbish Removal~~

~~A vehicle used for the transport of rubbish shall~~

- ~~(a) be provided with a compartment or container, all receptacles of which shall be~~
- ~~provided with a cover or coverlet from or made of an approved material and~~
- ~~be provided with a compartment in all circumstances the vehicle is engaged in~~
- ~~transporting rubbish.~~

~~4.3.2 - Method of Removal of Rubbish~~

~~A person engaged in the removal of rubbish from premises shall~~

- ~~(a) remove all rubbish from the receptacles of the owner of the premises and deposit the~~
- ~~rubbish in the portion of the collection vehicle intended to hold the rubbish; and~~
- ~~(b) replace the receptacle in the position it was lifted from.~~

~~4.3.3 - Rubbish Disposal Area~~

~~The Town Council may, in the prescribed area within which the provision of Section 112A of the Act shall~~
~~operate and have effect.~~

Division 3 - Transport of Butchers' Waste

4.3.1 Interpretation

In this Division, unless the context otherwise requires -

"butchers' waste" includes animal skeletons and rib cages from a boning room and the inedible products of an abattoir.

4.3.2 Restriction of Vehicles

A person shall not use, for the transport of butchers' waste -

- (a) a vehicle or container not approved by the council; or
- (b) a vehicle used for the transport of food or drugs; or
- (c) anything intended to be used for the packing or handling of food or drugs

4.3.3 Transport of Butchers' Waste

(1) A person shall not transport butchers' waste otherwise than in -

- (a) A compartment complying with the following specifications --
 - (i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;
 - (ii) all joints to be sealed and made water-tight;
 - (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and
 - (iv) the top to be completely covered by a tarpaulin or other impervious material approved by Council, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
- (b) a sealed container fitted with a lid which can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this Section, are--

- (a) maintained in good order and condition; and
- (b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or maybe offensive due to--

- (a) the sight of animal skeletons, bones, offal or waste matter;
- (b) the odour of putrefaction, offal or waste matter; or
- (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5 - NUISANCES AND GENERAL

Division 1 - Nuisances

5.1.1 Definition

In this Division, unless the context otherwise requires -

"fertiliser" includes manure.

5.1.2 Footpaths etc, to be kept clean

An owner or occupier of premises shall maintain clear of any rubbish, matter or things coming from or belonging to the premises, any footpath, pavement, area or right of way immediately adjacent to the premises, keep any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from refuse and other articles, which are or have been in the possession or control of the owner or occupier, which the owner or occupier has caused or allowed to be on the footpath, pavement, area or right of way.

5.1.3 Escape of Smoke etc.

- (1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit 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) Subsection (1) does not apply to smoke from the chimney of a private dwelling.

5.1.4 Public Vehicles to be kept clean

The owner or person in control of a public vehicle shall -

- (a) maintain the vehicle at all times -
 - (i) in a clean condition; and
 - (ii) free from vectors of disease; and
- (b) whenever directed to do so by an EHO, thoroughly clean and disinfect the vehicle as directed.

5.1.5 Prohibition against Spitting

A person shall not spit -

- (a) on a footpath, street or public place; or
- (b) in a train, bus or other public transport.

5.1.6 Transportation, Use and Storage of Offal, Blood or other Offensive Matter

- (1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.
- (2) No person shall remove any offensive matter unless such offensive matter is carried in sealed containers to prevent the escape of any of the contents thereof, or the emission of any offensive odour therefrom.
- (3) Every person using any sealed containers or vehicle for the removal of offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

5.1.7 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.

5.1.8 Storage and Dispatch of Artificial Fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall -

- (a) keep all artificial fertiliser in a building:
 - (i) of which all internal surfaces are constructed of durable and non-absorbent materials, finished internally with a smooth surface;
 - (ii) that protects it from the absorption of moisture; and
 - (iii) that is adequately ventilated;
- (b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser dispatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

5.1.9 Storage of Fertiliser in a Dwelling House

The owner or occupier of a dwelling house where fertiliser or compost is stored or used shall -

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- (c) store only such amounts of fertiliser or compost -
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by the Council.

5.1.10 Vehicles Used for Transport of Animals and Birds

No person having to control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within a townsite until the vehicle has been thoroughly cleaned.

Division 2 - Keeping of Animals and Birds

5.2.1 Interpretation

In this division, unless the context otherwise requires--

"animal" includes cats, dogs, rabbits and ferrets or the like; and

"bird" includes galahs, parrots, budgerigars, finches, pigeons and doves or the like.

5.2.2 Cleanliness

An owner or occupier of premises in or on which an animal or bird is kept shall-

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
- (b) when so directed by an EHO, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.
- (d) dispose of excrement, filth, food waste or other matter in an approved manner.

5.2.3 Animal Enclosures

- (1) A person shall not keep or cause or permit to be kept any animals or birds in an enclosure which is 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 the EHO, pave, grade and drain the 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 a rabbits are kept shall, ensure that all rabbits are kept in a suitable enclosure that effectively prevents them from escaping.~~

5.2.4 Cats

- (1) Subject to subsection (6), a person shall not, without an exemption in writing from the Council, keep more than 2 cats over the ages of 3 months on premises on any land within the District.
- (2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of subsection (1).
- (3) The Council shall not grant an exemption under this Section unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
- (4) An exemption granted under this Section shall specify—
 - (a) the owner or occupier to whom the exemption applies;
 - (b) the premises to which the exemption applies; and
 - (c) the maximum number of cats which may be kept on the premises.
- (5) A person who is granted an exemption under subsection (3) may be required by Council to—
 - (a) provide for each cat kept at or on the premises, a properly constructed shelter with an enclosure complying with the following—
 - (i) each sheiter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and
 - (ii) the area of the enclosure appurtenant to each shelter shall be not less than 3 times the area of the shelter;
 - (b) ensure every shelter and enclosure is situated at a distance of not less than—
 - (i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;
 - (ii) 10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption;
 - (c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vectors of disease at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.
- (6) A person may keep more the 2 cats on premises used for veterinary purposes or as a pet shop.

5.2.5 Slaughter of Animals

- (1) Subject to subsection (2), a person shall not slaughter any animal within the district.
- (2) Subsection (1) does not apply to
 - (a) euthanasia of animals by veterinarians or other duly authorised persons;
 - (b) slaughter of animals for the purposes of pet meat and game meat operations;
 - (c) slaughter of animals for human consumption in abattoirs approved by the Council; and
 - (d) farming or grazing property occupiers preparing meat for their own consumption.

5.2.6 Disposal of Dead Animals

- (1) 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.
- (2) 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.
- (3) 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.

Division 3 - Keeping of Large Animals

5.3.1 Definition

In this Division, unless the context otherwise requires -

“approved animal” means a horse, cow or large animal the subject of an approval by local government under section 5.3.2;

"cow" includes an ox, calf or bull;

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

"large animal" includes a sheep, goat, alpaca, horse, deer, camel, llama, emu, ostrich, pig, kangaroo, including miniature species of the same animal.

~~Stable means any building in which a horse is stabled or kept and includes any shed, loose box, stall or shelter used for the keeping, stabling, feeding, watering, grooming, sheltering, shoeing or veterinary treatment of horses, and~~

5.3.2 Conditions for keeping of an animal

- (1) An owner or occupier of premises, within a townsite that is not zoned 'Rural Residential, Rural Townsite, Special Rural or Farming' shall not keep a horse, cow or large animal on those premises without approval of the Council.
- (2) An owner or occupier of premises who has an approved animal shall ensure—
 - (a) the premises has an area of not less than 0.2 hectares for the exclusive use of the approved animal; and
 - (b) the approved animal does not approach within 30 metres of a dwelling.

5.3.3 Stables

- (1) The owner or occupier of premises within a townsite, who has an approved animal may provide for its use a stable which shall—
 - (a) not be situated within 30 metres of a house or other premises;
 - (b) have a proper separate stall—
 - (i) for each horse or cow; and
 - (ii) the floor area of which shall be a minimum of 6 square metres;
 - (c) have each wall and roof constructed of an approved impervious material;
 - (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 subsection (3), have a floor, the surface of which shall—
 - (i) be at least 75 millimetre above the surface of the ground;
 - (ii) be constructed of cement, concrete or other similar impervious materials;
 - (iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Council.
- (2) The owner or occupier of any premises on which a stable is located shall—
 - (a) maintain the stable in a clean condition and when so directed by an Environmental Health Officer, clean, wash and disinfect it;
 - (b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
 - (c) when so ordered by an Environmental Health Officer, spray the stable or such parts as maybe directed, with a residual insecticide.
- (3) A stable constructed with a sand floor may be permitted by the Council, subject to the following:
 - (a) the site must be well drained with the highest known water table at least 1.5 metres below the sand floor level, which may be achieved artificially;
 - (b) a 300mm thick bed of crushed limestone shall be layed under the sand of the stable;
 - (c) sand whether natural or imported, must be clean, coarse and free from dust;
 - (d) the stable design must allow for the access of small earth moving machinery such as a skid steer loader into each stall, to maintain the correct floor height;
 - (e) the minimum floor area of each stall shall be not less than 28 square metres and walls shall be not less than 3 metres vertically or 4 metres horizontally;
 - (f) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.

5.3.4 Manure Receptacles

An owner or occupier of premises on which an approved animal is kept shall—

- (a) provide in a position convenient to the stable, a receptacle for manure, constructed of smooth, impervious and durable materials, 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 becoming 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;
- (e) cause all manure produced on the premises to be collected, stored or removed as not to cause a nuisance or present a hazard to health.

Division 4 - Keeping of Poultry and Pigeons

5.4.1 Definition

In this Division, unless the context otherwise requires -

"poultry" includes bantams, ducks and other domestic fowls;

5.4.2 Limitation on Numbers of Poultry and Pigeons

An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of Council on any lot of land.

5.4.3 Conditions for Keeping Poultry in Limited Numbers

A person who keeps poultry or permits poultry to be kept shall ensure that -

- (a) no poultry is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure ~~provided with a floor consisting of concrete, brick paving or any other suitable impervious surface;~~
- (c) the structure is in a yard having an otherwise unobstructed area of at least 30 square metres;
- (d) no poultry is able to approach within 15 metres of a street, other than a right of way unless, in the case of land at the junction of two or more streets, the local government has approved a lesser distance: **and**
- (e) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected or otherwise dealt with in a way as directed by an Environmental Health Officer: **and**
- (f) ~~a structure or enclosure in which poultry is kept is situated no closer than 1.2m to any side or rear property boundary;~~

5.4.4 Roosters, Geese, Turkeys, Peafowl's and Gamebirds

- (1) An occupier of premises within a townsite that is not zoned rural residential, Rural Townsite, Special Rural or Farming, shall not without the written approval of the Council, keep or permit to be kept on those premises, any one or more of the following fowl -
 - (a) a rooster;
 - (b) a goose or gander;
 - (c) a turkey;
 - (d) a peacock or peahen;
 - (e) a gamebird (includes emus and ostriches)

(2) The Council may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep any one or more birds as specified in subsection (1) of this section.

(3) A person who has been granted approval under this Section to keep a bird may keep the bird on the premises only while he is the occupier thereof.

(4) The Council may revoke an approval granted under this Section if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

5.4.5 Pigeons or Doves

A person who keeps, or permits to be kept, pigeons or doves shall ensure that:-

- (a) no pigeon is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

- (c) has a minimum groundwater clearance of 3 metres;
 - (d) drainage diverts all uncontaminated storm water from the general waste stream;
 - (e) has solid and liquid waste disposal arrangements that are not offensive or injurious to health.
- (2) The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust, which may involve—
- (a) reducing stocking rate immediately to a level that does not cause the discharge of dust; or
 - (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
 - (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

Division 6—Piggeries

5.6.1 Definition

In this Division, unless the context otherwise requires—

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

“piggery” in relation of premises shall include any portion of premises to which pigs have access.

5.6.2 Premises to be approved

- (1) No premises shall be used as a piggery unless approved by Council;
- (2) Subject to subsection (3), no premises shall be approved as a piggery 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 distances listed in Table 3; and
- (3) Sites unsuitable to satisfy the separation requirements may be approved at the discretion of Council, if Council is satisfied that approving the piggery will not give rise to a health nuisance.

Table 2 - Required Buffer Distances for Piggeries

Buffer	Distances
Townsite boundaries	5000m
Isolated rural dwellings, dairies & Industries	1000m
Public road and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water courses and water impoundment	300m
Bores, wells or soak wells used for drinking, stock or irrigation	300m
Minor water courses	100m

5.6.3 Site Conditions

The owner or occupier of premises shall take effective measures to prevent the discharge of dust which may involve—

- (a) reducing stock rate immediately to a level that does not cause the discharge of dust; or
- (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
- (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

5.6.4 Prevention of Nuisances

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 listed in Table 3.

Table 3 - Required Buffer Distances for Intensive Piggeries

Townsite boundaries	Isolated rural dwellings,	Public roads, recreation	Neighbouring rural property	Surface water supply	Water courses/rural water	Bores/wells/soaks	Stock Irrigation

		diaries, industries	areas	boundaries	catchments	impoundments	Drinking water supply	Supply
Piggeries & facilities catering for more than 5000 pigs	5000m	300m	200m	50m	Not permitted	300m	300m	100m
500-5000 pigs	3500m	300m	150m	50m	Not permitted	300m	300m	100m
50-500 pigs	2000m	300m	100m	50m	Not permitted	300m	300m	100m
Less than 50 pigs	500m	300m	50m	50m	Not permitted	200m	300m	100m
Land used for disposing of raw wastes or partly treated wastes	1000m	300m	100m	300m	Not permitted	300m	300m	300m
Land used to dispose of effectively treated wastes	200m	50m	20m	20m	Not permitted	100m	100m	100m

PART 6 - PEST CONTROL

Division 1 - Flies

6.1.1 Definition

In this Division, unless the context otherwise requires -

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

6.1.2 Fly breeding matter not to be left on Premises unless Covered or Treated

An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

6.1.3 Measures to be taken by an Occupier

An owner or occupier of premises shall ensure that -

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilizers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets is and properly disposed of without delay.

6.1.4 Officer may give Notice directing measures to be Taken

Where in the opinion of an EHO flies are prevalent or are breeding on any premises, the Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Officer are necessary to -

- (a) control the prevalence;
- (b) effect the eradication; or
- (c) effectively prevent the breeding -

of flies.

6.1.5 Council may Execute Work and Recover Costs

(1) Where -

- (a) a person is required under this Division or directed by a notice given under section 6.1.4, to execute any work; and
- (b) that person fails or neglects to comply with the requirement,

the Council may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these local laws.

- (2) The costs and expenses incurred by the Council in the execution of a power under subsection (1) may be recovered by listing the person as a debtor of Council or alternatively in a court of competent jurisdiction from the person referred to in subsection(1).
- (3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Council under this section, ~~other than compensation or damages for loss or damage suffered because the Council acted negligently or in breach of duty.~~

Division 2 - Mosquitoes

6.2.1 Definition

In this Division, unless the context otherwise requires -

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

6.2.2 Measures to be taken to prevent mosquitoes breeding

(1) 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 of an Environmental Health Officer for the purpose of
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication; or
 - (iii) effectively preventing the breeding of mosquitoes.
- (b) assist the Environmental Health Officer to locate any possible mosquito breeding sites that may be present in, or about the premises.

(2) An owner or 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.

(3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings no larger than 1.2mm covers any educt vent to the system.

(4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

6.2.3 Council may Execute and Recover Costs

(1) Where—

- (a) a person is required under this division or directed by a notice given under Section 6.2.2, to execute any work;

- (b) that person fails or neglects to comply with the requirement, the Council 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 Council in the execution of a power under Section (1) may be recovered in a court of competent jurisdiction from that person.
- (3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in Section (1) in relation to any action taken by the Council.

6.2.4 Measures to be taken by an Owner or Occupier

An owner or occupier of premises

- (a) where there is a fountain, artificial pool, artificial pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall take adequate and reasonable measures to prevent mosquitoes breeding, and
- (b) where there is a water tank, well, cistern, pot or barrel, shall
 - (i) keep it protected with a mosquito proof cover, and
 - (ii) secure all openings other than the delivery exit with wire mesh having openings no larger than 1.2 millimetres.

6.2.5 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.

6.2.6 Removal of Undergrowth or Vegetation

- (1) Where it appears to the EHO that there is on any premises undergrowth or vegetation likely to harbour mosquitoes, the EHO 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.
- (2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the EHO under this section.

6.2.7 Filling in Excavations etc.

Unless written permission to the contrary is obtained from the Council, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface so as not to retain water.

6.2.8 Drains, Channels and Septic Tanks

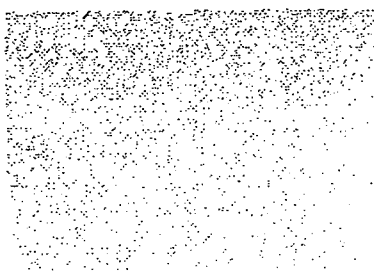
An owner or occupier of land shall -

- (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 directions on the container, into the septic tank system, whenever directed to do so by an EHO; 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.

6.2.9 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 Council, 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;
- (c) if necessary, level the surface of the land or raise the level of the surface in any manner that



~~(c) the water on the land may flow into the drains without obstruction and~~

~~(d) no water shall remain on any portion of the land other than the drains and~~

~~(e) keep all drains in good order and free from obstruction.~~

Division 3 - Rodents

6.3.1 Definition

In this Division, unless the context otherwise requires -

"rodents" means those animals belonging to the order *Rodentia* and includes rats and mice but does not include animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

~~"contemporary rodenticide bait" means the application of Warfarin baits due to resistance and inclusion of Alomadinone or Coumatetralil for use in the Department of Health approved rodenticide.~~

6.3.2 Measures to be taken to eradicate Rodents

- (1) An owner or occupier of premises shall at all times take reasonable and effective measures to eradicate any rodents in or on the premises.
- (2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

6.3.3 Food and Wastes to be kept in rodent proof Receptacles

A person shall not place or cause to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises—

- (a) any food, refuse, or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or
- (b) any food intended for birds or other animals, unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

6.3.4 Restrictions on the Keeping of Rodents

- (1) A person or body which keeps rodents shall—
 - (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
 - (b) if a rodent escapes, forthwith comply with the requirements of Section 6.3.2 and ensure that all reasonable steps are taken to destroy or recapture the rodent.

6.3.5 Food premises, etc. to be cleaned after Use

An owner or occupier of a food premises, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises have been used on that day or, if the use extends after midnight, then immediately after that use.

6.3.6 Restrictions on materials affording harbourage for Rodents

- (1) An owner or occupier of premises shall cause -
 - (a) any part of the premises; or
 - (b) any material, sewer, pipe or other thing in or on the premises,that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.
- (2) An EHO may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

- (3) An owner or occupier shall within the time specified comply with any direction given by an EHO under this section.

Division 4 - Cockroaches

6.4.1 Definition

In this Division, unless the context otherwise requires -

"cockroach" means any of the various orthopterous insects commonly known as cockroaches -

6.4.2 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 Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

Division 5—Argentine Ants

6.5.1 Interpretation

In this Division, unless the context otherwise requires—

"Argentine Ant" means an ant belonging to the species *Irdomyrmex humilis*.

6.5.2 Measures to be taken to keep premises free from Argentine Ants

An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall—

- (a) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;
- (b) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
- (c) whenever required by an EHO—
 - (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
 - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an EHO.

Division 6—European Wasps

6.6.1 Interpretation

In this Division, unless the context otherwise requires—

"European Wasp" means a wasp *Vespula germanica*.

6.6.2 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) follow any direction of an EHO for the purpose of destroying the wasps and their nest; and
- (b) assist an EHO, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7 - Bee keeping

6.7.1 Interpretation

In this Division, unless the context otherwise requires—

"bees" means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.

6.7.2 Restrictions on keeping of Bees in Hives

- (1) No person shall keep or permit the keeping of bees anywhere in the district unless a direction to do so has been given by the Council.

- (2) If, in the opinion of an Environmental Health Officer, the approved bee hives are causing a nuisance, the Council may direct any bees or approved bee hives to be removed.
- (3) A person shall comply with a direction within the time specified.

Division 8 - Arthropod Vectors of Disease

6.8.1 Interpretation

In this Division, unless the context otherwise requires -

"arthropod vectors of disease" includes -

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*); or
- (e) head lice (*Pediculus humanus var. capitis*); and
- (f) any other insect prescribed by Council.

6.8.2 Responsibility of the Owner or Occupier

The owner or occupier of 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 EHO to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7 - INFECTIOUS DISEASES

Division 1 - General Provisions

7.1.1 ~~EHO may visit, inspect and report~~

An EHO -

- (a) ~~may visit and inspect any house, its occupants, fixtures and fittings; and~~
- (b) ~~who has reason to believe that there has been a breach of the Act, any regulation made under the Act or these local laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the Council.~~

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

- (1) The ~~Council or an~~ EHO 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 EHO.
- (2) An owner or occupier shall comply with a notice given under subsection (1).

7.1.2³ EHO may disinfect or disinfest premises

- (1) Where the ~~Council EHO~~ or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the ~~Council EHO~~ or the Medical Officer may direct ~~an EHO~~ a Council 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 EHO~~ a Council officer or other person to carry out the direction given under subsection (1).
- (3) The Council may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner of the premises in or on which the work was carried out.

- (4) The Council shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the Council or any of its staff under this section, ~~other than compensation or damages for loss or damage to the Council or any of its staff caused by negligence or a breach of duty.~~

7.1.4 Insanitary houses, premises and things

- (1) An owner or occupier of any dwelling house or premises shall maintain the dwelling house or premises free from any insanitary condition or thing.
- (2) Where the EHO considers that a dwelling house is insanitary, he/she may, by notice in writing, direct an owner of the dwelling house, within the time and in the manner specified in the notice, to demolish, amend, clean or secure the dwelling house.
- (3) Where an EHO considers that -
- (a) a dwelling house or premises is not being maintained in a sanitary condition; or
 - (b) any thing is insanitary,
- the officer may, by notice in writing, direct, as the case may be -
- (c) the owner or occupier of the dwelling house or premises to amend any insanitary condition; or
 - (d) the owner or occupier of the thing to remove or amend it,
- within the time and in the manner specified in the notice.
- (4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

7.1.5 Medical Officer may Examine Persons

The Medical Officer may enter any house and examine bacteriologically or otherwise any inmate of the house, or any person found thereon at the time, for the purpose of ascertaining whether the inmate or person is suffering from an infectious disease or is a medium for the transmission of an infectious disease, and the person shall submit to an examination and shall permit the medical officer to remove whatever specimens are considered necessary for proper examination.

7.1.6 Medical Officer may authorise disinfecting

- (1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the 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.
- (2) A person shall comply with any direction of the Medical Officer under this section.

7.1.6 Persons in contact with an infectious disease sufferer

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

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

7.1.7 Declaration of infected dwelling house or premises

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

7.1.8 Destruction of infected animals

- (1) The Council, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and shall take such steps as may be necessary 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.
- (2) A person who has in his or her possession or upon premises occupied by him or her, an animal that is the subject of a notice under subsection (1) shall comply with the terms of the notice.

7.1.9 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 subsection (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 premises where death occurred except to a cemetery or morgue.

7.1.10 Council 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 Council may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the Council in the execution of a power under this section may be recovered by listing such a person as a debtor of Council or alternatively in a court of competent jurisdiction from the person referred to in subsection (1)(a).
- (3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1)(a) in relation to any action taken by the Council under this section. ~~other than compensation or damages for loss or damage suffered because the Council acted negligently or in breach of its duty.~~

Division 2 - Disposal of condoms and needles

7.2.1 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 EHO.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

7.2.2 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

8.1.1 Definition

- (1) In this Part, unless the context otherwise requires -

"bed" means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

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

"dormitory" means a room or room utilised for sleeping purposes at a school, club or recreational centre;

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

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

"lodging house" includes a recreational campsite, a serviced apartment, motel, large bed & breakfast establishment and a short-term hostel.

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

"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.

"register of lodgers" means the register kept in accordance with section 157 of the Act and this Part;

"resident" means a person, other than a lodger, who resides in a lodging house;

"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; and

"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;

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

(2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house 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 act so forbidden to be done, as the case may be.

8.1.2 Lodging House not to be kept unless registered

A person shall not keep or cause, suffer or permit to be kept a lodging house unless -

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the Council under section 111;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) either -
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of the EHO, has been appointed by the keeper to have the care and management of the lodging house.

resides or intends to reside continuously in the lodging house whenever there is one or more lodgers in the lodging house.

8.1.3 Application for registration

An application for registration of a lodging house shall be -

- (a) in the form prescribed in Schedule 1;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by -

(i) ~~prescribed in Schedule 12 as fixed~~ to

~~Time by Council under section 34C of the Act; and~~

- (ii) detailed plans and specifications of the lodging house.

8.1.4 Approval of application

The ~~Council~~ may approve, with or without conditions, an application under section 8.1.3 by issuing to the applicant a certificate in the form of Schedule 2.

8.1.5 Renewal of registration

A person who keeps a lodging house that is registered under this Part shall -

- (a) during the month of December in each year apply to the Council for the renewal of the registration of the lodging house; and
- (b) pay the fee ~~prescribed in Schedule 12 or fixed from time to time by Council under section 34C of the Act~~ at the time of making each application for renewal.

8.1.6 Notification upon sale or transfer

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the ~~Council~~ written notice in the form prescribed in Schedule 3 of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

8.1.7 Revocation of registration

- (1) Subject to subsection (3), the Council may, at any time, revoke the registration of a lodging house for any reason that, in the opinion of the Council, justifies the revocation.
- (2) Without limiting the generality of subsection (1), the Council may revoke a registration upon any one or more of the following grounds -
 - (a) that the lodging house has not, to the satisfaction of Council, 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;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration.
 - (c) that the Council, 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 and renovate, the condition of the lodging house is such as to render it, in the opinion of the Council, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this section, the Council shall give notice to the keeper requiring him or her, 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 a lodging house, 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.

Division 2 - Construction and Use Requirements

8.2.1 General Construction Requirements

The general construction requirements of a lodging house shall comply with the Building Code.

8.2.2 Kitchen

A keeper of a lodging house shall provide in that lodging house a kitchen which—

- (a) has adequate—

- (i) ~~food storage facilities and cupboards to prevent contamination of food, or cooking or eating~~
- utensils, by dirt, dust, flies or other vectors of disease of any kind; and
- (ii) refrigerator space for storage of perishable goods;
- (b) may be required by Council to comply with the requirements of the *Health (Food Hygiene) Regulations 1993*.

8.2.3 Dining Room

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

- (a) located in close proximity to, or combined with, the kitchen;
- (b) the floor area of which shall be 0.5 square metres per person or not less than 10 square metres, whichever is the greater; and
- (c) 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.

8.2.4 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
- (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.

8.2.5 Sanitary Conveniences

(1) *For the purposes of this section—*

"communal toilet" means a room which has more than one toilet with each toilet being divided from the other toilets with a cubicle surrounding it, whether or not the walls of that cubicle extend to the floor or the ceiling or both of the room;

"communal bathroom" means a room which has more than one shower or more than one bath or any combination of more than one shower and one bath, whether or not they are divided by cubicles, designed with the intention that the bathroom may be used by more than one person at any particular time;

"individual toilet" means a room that has walls extending from the floor to the ceiling and contains a single toilet;

"individual bathroom" means a room which has only one shower or only one bath or only one shower and only one bath and is designed to be used by only one person at any particular time;

- (2) 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 wash basin and a shower or a bath;

in accordance with the requirements of the Building Code.

A bathroom or toilet that is used as a private bathroom for the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (2).

- (4) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (5) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
- (6) ~~Subject to subsection (8) each communal toilet and communal bathroom shall -~~
- (a) be so situated, separated and screened as to ensure privacy;
 - (b) have a distinct sign displayed in a prominent position denoting the sex for which the communal toilet or communal bathroom is provided; and
 - (d) be provided with adequate electric lighting.

~~(7) Subject to subsection (8) each individual toilet and individual bathroom shall -~~

- ~~(a) be so situated, separated and screened so as to ensure privacy;~~
- ~~(b) be apportioned to each sex;~~
- ~~(c) be fitted with hardware by which the door may be locked from inside the individual toilet or individual bathroom as approved by an EHO; and~~
- ~~(d) be provided with adequate electric lighting.~~

~~(8) Subsections (6)(a)(b)(c) and (7)(a)(b) do not apply to a serviced apartment.~~

8.2.6 Laundry

- (1) A keeper shall -
- (a) subject to subsection (2) -
 - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
 - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry 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 is properly surfaced with an even fall to a floor waste.

(2) The EHO may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section:

'laundry unit' means a group of facilities consisting of:

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and
- (c) either an electric drying cabinet or not less than 30 metres of clothes line, and for which a hot water system is provided that:
 - (d) is capable of delivering 136 litres of water per hour at a temperature of at least 75°C for each washing machine provided with the communal facilities; and
 - (e) has a delivery rate of not less than 18 litres per minute for each washing machine.

8.2.7 Fire Prevention and Control

- (1) A keeper shall—
- (a) in each passage of the lodging house provide an emergency light—
 - (i) in such a position and of such a pattern, as shall be approved by an Environmental Health Officer; and

- (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times;
 - (d) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.
- (2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as advised by the Fire and Emergency Services Authority of Western Australia and approved by the Council.

8.2.8 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.

8.2.9 Fitting of Locks

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

8.2.10 Restriction on use of Rooms for Sleeping

- (1) Subject to subsection (3) and Section 8.3.10, 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, 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 5.5 square metres of clear space for each lodger occupying the room;
 - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;
 - (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
 - (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 Environmental Health Officer.
- (2) For the purpose of this Section, two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

8.2.11 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;
 - (b) 2.5 square metres per person in dormitories utilising bunks.

- (2) The calculation of floor space in subsection (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 subsection (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 metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided 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;
 - (b) mechanical ventilation in lieu of fixed ventilation, subject to the approval of the local government;
- (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;
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access and egress spaces are not obstructed.
- (7) The keeper of any short term hostel or recreational campsite shall:
- (a) arrange at all times 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. The passageway shall be kept clear of obstruction at all times;
 - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper of any short term hostel or recreational campsite shall ensure that:
- (a) materials used in dormitory areas comply with AS 1530.2 - ~~1993~~ and AS/NZS 1530.3 - ~~1999~~ as follows:
 - drapes, curtains, blinds and bed covers - a maximum Flammability Index of 6;
 - upholstery & bedding - a maximum Spread of Flame Index of 6;
 - a maximum Smoke Developed Index of 5;
 - floor coverings - a maximum Spread of Flame Index of 7.
 - a maximum Smoke Developed Index of 5;

Fire retardant coatings used to make a material comply with these indices must be

 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
 - (ii) certified by the manufacturer to retain its fire retardant effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
 - (b) emergency lighting is provided in accordance with the Building Code;

- (c) a lodger or other persons does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite; and
- (d) all mattresses are fitted with a mattress protector.

8.2.12 Furnishing etc. of sleeping apartments

- (1) A keeper shall -
 - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
 - (b) ensure that each bed -
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, two blankets or equivalent; and
 - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall 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.
- (3) The sheets and blankets required to be provided by subsection 1(b)(ii) shall deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.
- (4) In a short term hostel or recreational campsite, the storage facilities require by subsection 1(c) may be located in a separate secure storage room or locker room.

8.2.13 Ventilation

- (1) If, in the opinion of an EHO, 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.
- (2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

8.2.14 Numbers to be placed on Doors

- (1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that -
 - (a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
 - (b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.
- (2) The numbers to be placed on the doors under subsection (1) shall be -
 - (a) not less than 40 millimetres in height;
 - (b) 1.5 metres from the floor; and
 - (c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3 - Management and Care

8.3.1 Keeper or manager to reside in the lodging house

Whenever there is one or more lodgers in a lodging house, a keeper or manager shall -

- (a) reside continuously in the lodging house; and
- (b) not absent himself from such house unless he leaves some reputable person in charge thereof.

8.3.2 Register of lodgers

- (1) A keeper shall keep a register of lodgers in the form of Schedule 4.
- (2) The register of lodgers shall be -
 - (a) kept in the lodging house; and
 - (b) open to inspection at any time on demand by any member of the Police Service or by an EHO.

8.3.3 Keeper report

A keeper shall, whenever required by the EHO, report in the form of Schedule 5, the name of each lodger who lodged in the lodging house during the preceding day or night.

8.3.4 Certificate in respect of sleeping accommodation

- (1) The EHO may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule 6.
- (2) The certificate issued under subsection (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 the EHO, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.
- (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

8.3.5 Duplicate keys and inspection

Each keeper and manager of a lodging house shall -

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

8.3.6 Room occupancy

- (1) A keeper shall not -
 - (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;
 - (b) cause, suffer or permit to be placed or kept in any sleeping apartments -
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding.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) use or cause, suffer or permit to be used for sleeping purposes a room that -
 - (i) has not been certified for that purpose; and
 - (ii) the EHO or the Medical Officer has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this section, two children under 10 years of age shall be counted as one lodger.

8.3.7 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 subsection (1), the keeper shall -
 - (a) inspect each room the 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 or her, shall maintain the room in a clean condition.

8.3.8 Cleaning and maintenance requirements

- (1) In this section -

"bed linen" includes sheets, pillow cases, mattress protectors and mattress covers.

- (2) A keeper of a lodging house 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 toilet seats;
- (b) maintain in a clean condition and in good working order -
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- (d) whenever there is one or more lodgers in a lodging house ensure that the laundry floor is cleaned daily;
- (e) ensure that -
 - (i) all bed linen, towels, and house linen in use are 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 that 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, house linen and floor coverings are kept clean, in good repair and free from vectors of disease;
 - (v) when any vectors of disease are found in a bed, furniture, floor covering, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room that is not free from vectors of disease is not used as a sleeping apartment;
- (f) when so directed by the EHO, 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 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 the Council or an EHO.

8.3.9 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, obnoxious or offensive;
- (c) use a bath or wash hand 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 and 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 bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to section 139 -
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (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, that is infested with 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.

8.3.10 Approval for storage of food

- (1) An EHO may -
 - (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
 - (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.
- (2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9 - OFFENSIVE TRADES

Division 1 - General

9.1.1 Interpretation

In this Part, unless the context otherwise requires -

"occupier" in relation to premises includes the person registered as the occupier of the premises in the Certificate of Registration;

"offensive trade" means any one or more of the trades, businesses or occupations usually carried on, in or connected with, the following works or establishments -

- (a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments;
- (b) laundries, dry cleaning premises and dye works;

- (c) any trade as defined by section 186 of the Act;
- (d) any other trade that, unless preventative measures are adopted, may become a nuisance to the health of inhabitants of the district.

"premises" includes houses.

9.1.2 Consent to Establish an Offensive Trade

A person seeking the consent of the Council under section 187 of the Act to establish an offensive trade shall make application in the form prescribed in Schedule 9 and in accordance with the Councils ~~Local~~ **Local** Planning Scheme.

9.1.3 False Statement

A person who makes a false statement in an application under section 9.1.2 shall be guilty of an offence.

9.1.4 Registration of Premises

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

- (a) in the form of Schedule 10;
- (b) accompanied by the fee prescribed in *the Offensive Trades (Fees) Regulations 1976*; and
- (c) lodged with the CEO.

9.1.5 Certificate of Registration

Upon the registration of premises for the carrying on of an offensive trade, the EHO shall issue to the applicant a certificate in the form of Schedule 11 ~~and list relevant conditions.~~

9.1.6 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.

9.1.7 Alterations to Premises

While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

~~9.1.8 Occupier Includes Employee~~

~~Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he were the occupier.~~

Division 2 - General Duties of an Occupier

9.2.1 Definition

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

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

9.2.2 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;

Comment [DLC1]: Provisions relating to this section were repealed by the Minister for Health Government Gazette 6/10/2009.

- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, 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.

9.2.3 Rats and other vectors of disease

The occupier shall -

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

9.2.4 Sanitary Conveniences and Wash Basins

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

9.2.5 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 EHO.

9.2.6 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 business or from any material, residue or other substance which may be kept or stored upon the premises.

9.2.7 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 air-tight 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 and at such other intervals as may be approved or directed; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient ~~and approved~~ disinfectant.

9.2.8 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 smell or otherwise and so as to prevent the creation of a nuisance.

9.2.9 Specified Offensive Trades

- (1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with the following works or premises -
 - (a) fish processing premises, curing premises, and shellfish and crustacean processing establishments; and
 - (c) laundries, dry cleaning premises and dye works.
- (2) Where premises are used for or in relation to a specified offensive trade, the occupier shall -
 - (a) cause the floor of the premises to -
 - (i) be properly drained and paved with impervious materials;
 - (ii) have a smooth surface; and

- (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.
- (c) cause all liquid refuse to be -
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as the EHO may from time to time direct.

9.2.10 Directions

- (1) The EHO may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
- (2) The occupier shall comply with any directions given under this section.

9.2.11 Other Duties of Occupier

- (1) In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on by him.
- (2) ~~While any premises remain registered under this Division, a person shall not, without the written permission of the EHO, make or permit any change or alteration whatsoever to the premises internally.~~

Division 3 - Fish Premises

9.3.1 Interpretation

In this Division, unless the context otherwise requires—

“fish premises” may include a fish processing establishment, fish curing establishment and a shellfish and crustacean establishment;

9.3.2 Duties of an Occupier

The occupier of a Fish premises shall—

- (a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
- (b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
- (c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

9.3.3 Disposal of Waste

The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

- (a) placed in the receptacles referred to in 9.2.7 and disposed of in accordance with that Section; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.3.4 Fish Containers

The occupier of a fish premises shall not allow any container used for the transport of fish to—

- (a) remain on the premises longer than is necessary for it to be emptied; or

- (b) be kept so as to cause a nuisance or to attract flies.

Division 4—Laundries, Dry Cleaning Establishments and Dye Works

9.4.1 Definition

In this Division, unless the context otherwise requires—

“dry cleaning establishment”—

- (i) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (ii) 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 there from into a public sewer;

“exempt Laundromat” means a premises in which—

- (i) 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;
- (ii) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

(iii) provision is made for the discharge of all liquid waste there from into a public sewer.

“Laundromat” means a public place with coin 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.

9.4.2 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 an EHO who may at any time by written notice withdraw such permission.

9.4.3 Reception Room

- (1) The occupier of a laundry, dry cleaning establishment or dye works shall—
 - (a) provided 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 EHO to be thoroughly disinfected to the satisfaction of the officer.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

9.4.4 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 or crevices;
- (b) the floor to be impervious, constructed of concrete 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 or be deposited on it.

9.4.5 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.

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.

9.4.7 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 EHO for that purpose.

9.4.8 Trolleys

The occupier of a laundry or 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.

9.4.9 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.

PART 10 - OFFENCES AND PENALTIES

10.1.1 Penalties

- (1) A person who contravenes a provision of these local laws commits an offence.
- (2) A person who commits an offence under subsection (1) is liable to -
 - (a) a penalty which is not more than \$1000 and not less than -
 - (i) in the case of a first such offence, \$100;
 - (ii) in the case of a second such offence, \$200; and
 - (iii) in the case of a third or subsequent such offence, \$500; and
 - (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50 for each day during which the offence continues.

Schedule 1
Shire of Beverley
Health Act 1911
APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer

Shire of **(none)**

I/We,

(Full Name of Applicant/s)

of

(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at

as a lodging house to be classified as -

- a lodging house;
- a short term hostel; or
- serviced apartments

(Specify which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of storeys:

Rooms for private use

	Number	Area
Laundries/toilets/bathrooms
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify)

Rooms for lodgers

	Number	Area
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify)

Sanitary Conveniences for male lodgers

- Toilets
- Urinals
- Baths
- Showers
- Wash hand basins

Sanitary Conveniences for female lodgers

- Toilets
- Baths
- Showers
- Wash hand basins

Laundry Facilities

- Washtroughs
- Washing machines
- Drying cabinets or clothes lines

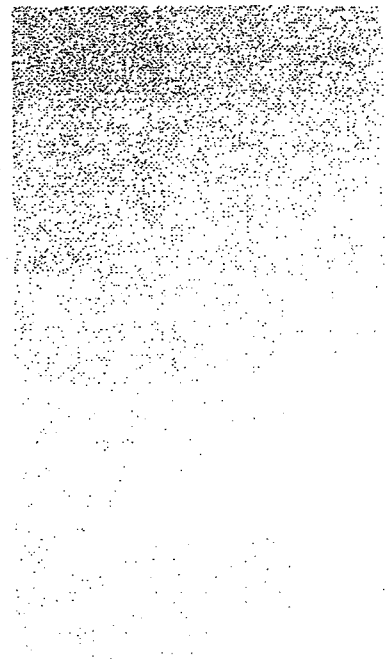
Additional Details

- (a) Lodgers' meals will be provided by the manager/keeper/lodgers.
- (b) The keeper will/will not reside continuously on the premises.
- (c) Name and occupation of proposed manager if keeper resides elsewhere
- (d) There will be family members residing on the premises with the keeper/manager.

Application fee of \$..... is attached.

.....
(Signature of Applicant/Director)

.....(Date)



Schedule 2
Shire of Beverley
Health Act 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at

are registered as a Lodging House and classified as:

- a lodging house
- a short term hostel
- serviced apartments
- a recreational campsite

until 30 June, on the following conditions:

1. that, whose name is entered on the register of keepers of the Shire of **[name]**, continues to be the keeper of the lodging house;
2. that, appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping apartments for lodgers is - and
5. that the maximum number of lodgers accommodated on the premises shall not exceed

This Certificate of Registration is issued subject to the *Health Act* and Health local law of the Shire of Beverley and is not transferable.

Dated

.....
Chief Executive Officer
Shire of Beverley

Fee received: \$.....

Schedule 3
Shire of Beverley
Health Act 1911
NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer
 Shire of ~~[name]~~

I/We.
 (Full Name of Applicant/s)

of
 (Residential Address of Applicant/s)

am/are the new owner/s of premises situated at

which are registered in the name of

for the carrying on of the lodging house business.

.....
 (Signature of Applicant/Director)

(Date)

Schedule 4
Shire of Beverley
Health Act 1911
(Section 157)
REGISTER OF LODGERS

Location of Lodging House:

Date of Arrival	Name	Previous Address	Signature	Room No.	Date of Departure
.....
.....
.....
.....

Schedule 5
Shire of Beverley
Health Act 1911
LIST OF LODGERS

The Chief Executive Officer
Shire of Beverley

The following is the name of every person who resided in the lodging house at

.....
on the day of

(Signed)
(Keeper)

Date:

Schedule 6

Shire of Beverley
Health Act 1911
CERTIFICATE OF SLEEPING ACCOMMODATION

To:
(Name of Keeper)

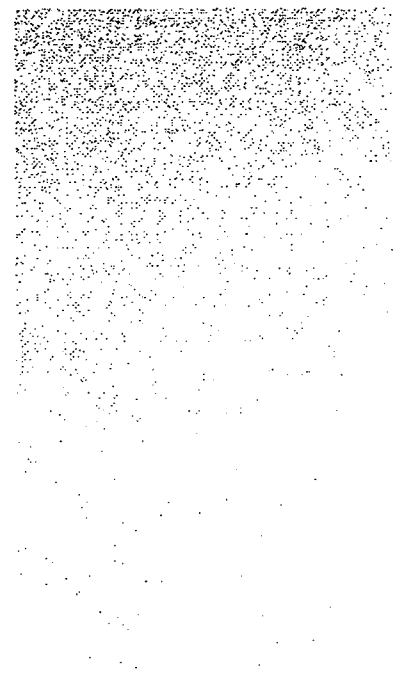
of
(Address of Keeper)

For the registered lodging house situated at:

ROOM NUMBER:	MAXIMUM OCCUPANCY
.....
.....
.....
.....
.....

Date:

.....
Environmental Health Officer



**Schedule 7
Shire of Beverley
Health Act 1911**

APPLICATION FOR LICENSING OF A MORGUE

To: Chief Executive Officer
Shire of *[name]*

I
(full name in block letters)

of
.....
(full residential address)

apply to license the premises listed below as a Morgue

Address of premises:

Name of premises

Dated this day of

Application fee of \$..... is attached.

.....
(Signature of Applicant/Director)

**Schedule 8
Shire of Beverley
Health Act 1911**

CERTIFICATE OF LICENSING OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the day of

Address of premises:

Name of premises

Dated this day of

.....
Environmental Health Officer
Shire of Beverley

(Section 9.1.2)

**Schedule 9
Shire of Beverley
Health Act 1911
APPLICATION FOR CONSENT TO ESTABLISH
AN OFFENSIVE TRADE**

To: Chief Executive Officer
Shire of **[name]**

I/We,
(Full Name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being
.....
(Description of Offensive Trade)

in or upon
(Location of the Dwelling House or Premises)

Notice of my/our intention to make this application was advertised in
.....
(Name of Newspaper)

on
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

.....
(Signature of Applicant/Director)

(Date)

Schedule 10
Shire of Beverley
Health Act 1911
APPLICATION FOR REGISTRATION OF PREMISES
FOR OFFENSIVE TRADE

To: Chief Executive Officer
Shire of **[name]**

I/We,
(Full Name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

apply for registration, for the year ended

of
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely
.....
.....

(Description of Offensive Trade)

under the business name of

The prescribed registration fee of \$ is attached.

.....
(Signature of Applicant/Director)

(Date)

Schedule 11
Shire of Beverley
Health Act 1911
CERTIFICATE OF REGISTRATION OF PREMISES FOR
OFFENSIVE TRADE

This is to certify that the premises situated at

of which

is the occupier, are registered for the carrying on of the trade of

Trade Name

This registration expires on the

Dated this day of

.....
Environmental Health Officer
Shire of Beverley

Passed at a meeting of the Council of the Shire of Beverley held on 22 December 2000

The Common Seal of the
Shire of **[name]** was affixed in
the presence of

.....
Shire President

.....
Chief Executive Officer

on this 25th day of January 2001.

Consented to

Executive Director
Public Health

dated this day of

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**BYLAWS RELATING TO TRADING IN
PUBLIC PLACES**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8-years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BYLAWS RELATING TO TRADING IN PUBLIC PLACES

This local law was adopted on 3rd September 1987 and gazetted on 5th February 1988, with the primary objective of providing rules and guidelines for the trading and selling of wares and goods within the townsite of Beverley.

It is proposed that this local law be repealed, as it is obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

LOCAL LAWS RELATING TO STANDING ORDERS

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. LOCAL LAWS RELATING TO STANDING ORDERS

This by-law was adopted on 19th August 1997, and gazetted on 28th November 1997, with the primary objective of providing rules and guidelines on the conduct of meeting procedures for Council and Committee meetings.

It is proposed that this by-law be repealed.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

BYLAWS RELATING TO FENCING

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BYLAWS RELATING TO FENCING

This local law was adopted on 17th August 1995 and gazetted on 24th November 1995, with the primary objective of providing rules and guidelines as to the design and construction requirements for fencing of lots within the district.

It is proposed that this local law be repealed.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

BYLAWS RELATING TO DOGS

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BYLAWS RELATING TO DOGS

This local law was adopted on 13th December 1984 and gazetted on 30th August 1985, with the primary objective of controlling dogs within the local government district specifically:

- Limiting the number of dogs that may be kept; and
- Identifying areas suitable for the exercising of dogs;
- Conditions under which kennel establishments will be approved; and
- The regulation of dogs in public places

It is proposed that this local law be repealed, as it is obsolete, and a more contemporary local law be introduced.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**BY-LAWS RELATING TO
CLEARING AND REMOVAL OF
TREES, SCRUB, REFUSE, RUBBISH, LITTER
AND DISUSED MATERIALS.**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BY-LAWS RELATING TO DEPOSITING AND REMOVAL OF REFUSE, RUBBISH, LITTER AND DISUSED MATERIALS

This by-law was adopted on 3 October 1967 with the primary objective of regulating the disposal of glass, metal, refuse and litter on Council controlled land and private land so that it did not adversely affect the value of adjoining property or the health, comfort or convenience of the residents.

Sections 23 and 24 of the Litter Act provide similar measures of regulation in relation to littering and the dumping of refuse. The Council has the ability to appoint authorised officers under this Act, by gazettal, which allows them to enforce the provisions under the Act. It is also noted that the penalties under the Litter Act are more substantial (\$1,000) than those under the by-law (\$100).

In addition to the above, section 3.25 and Schedule 3.1 of the Local Government Act 1995 provide for the Council to:

'serve a notice on the owner, and unless Schedule 3.1 indicates otherwise, to the occupier of land requiring the person to do anything specified in the notice that is prescribed in Schedule 3.1, Division 1'

This includes:

- (a) Land that is unsightly is enclosed, to the satisfaction of the local government.

"unsightly", in relation to land, means having an appearance that, because of the way in which the land is used, does not conform with the general appearance of other land in the locality.

- (b) overgrown vegetation, rubbish, or disused material, as specified, is removed from land that the local government considers to be untidy.

"disused material" includes disused motor vehicles, old motor vehicle bodies, and old machinery.

It is proposed that this by-law be repealed

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

BYLAWS RELATING TO THE MANAGEMENT, USE AND LETTING OF BEVERLEY TOWN HALL AND BUILDINGS

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BYLAWS RELATING TO THE MANAGEMENT, USE AND LETTING OF THE BEVERLEY TOWN HALL AND BUILDINGS

This local law was adopted on 20th November 1969, gazetted on 9th February 1970, and amended on 31 October 1975 and 22 June 1979, with the primary objective of providing rules and guidelines for the management, use and letting of the Beverley Town Hall and Buildings.

It is proposed that this local law be repealed as it is obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**BY-LAWS RELATING TO
BEVERLEY PIONEER MEMORIAL POOL.**

1. INTRODUCTION

~~Sections 3-5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.~~

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BY-LAWS RELATING TO BEVERLEY PIONEER MEMORIAL POOL

This by-law was adopted on 19th November 1981, and gazetted on 2nd April 1982, with the primary objective of providing rules and guidelines on the admission to and management of the Beverley Pioneer Memorial Swimming Pool.

It is proposed that this by-law be repealed and replaced with the model Local Government Property Local Law.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**BYLAWS RELATING TO THE CONTROL OF
VEHICLES DRIVEN ON LAND WHICH IS VESTED IN
OR UNDER THE CARE, CONTROL OR
MANAGEMENT OF THE SHIRE OF BEVERLEY**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BYLAWS RELATING TO THE CONTROL OF VEHICLES DRIVEN ON LAND WHICH IS VESTED IN OR UNDER THE CARE, CONTROL OR MANAGEMENT OF THE SHIRE OF BEVERLEY

This local law was adopted on 20th April 1972 and gazetted on 23rd August 1972, with the primary objective of providing rules and guidelines as to where vehicles may be driven on Council controlled land and at what speeds.

It is proposed that this local law be repealed as it is obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

LOCAL GOVERNMENT MODEL BYLAWS (PETROL PUMPS) No 10.

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. LOCAL GOVERNMENT MODEL BYLAW (PETROL PUMPS) No 10.

This local law was adopted on 19th April 1963 and gazetted on 18th July 1963, with the primary objective of providing rules and guidelines for the location, maintenance and licensing of petrol pumps.

It is proposed that this local law be repealed as it is obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**BY-LAWS RELATING TO
HAWKERS AND STALLS.**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BY-LAWS RELATING TO HAWKERS AND STALLS

This by-law was adopted on 15th January 1958, and gazetted on 2nd April 1958, with the primary objective of controlling and managing Hawkers and Stalls within the District.

It is proposed that this by-law be repealed due to it being obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**LOCAL GOVERNMENT MODEL BYLAWS
RELATING TO
EXTRACTIVE INDUSTRY No 9.**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. LOCAL GOVERNMENT MODEL BYLAWS RELATING TO EXTRACTIVE INDUSTRY No 9.

This local law was adopted on 20th September 1963 and gazetted on 16th December 1963, with the primary objective of providing rules and guidelines for the operation of an extractive industry on private land.

It is proposed that this local law be repealed as it is obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**LOCAL GOVERNMENT MODEL BYLAW (OLD
REFRIGERATORS AND CABINETS) No. 8**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. LOCAL GOVERNMENT MODEL BYLAW (OLD REFRIGERATORS AND CABINETS) No. 8

This by-law was adopted on 20th September 1963, and gazetted on 16th December 1963, with the primary objective of requiring the removal of doors, lids, locks and hinge from old refrigerators and cabinets for safety purposes.

It is proposed that this by-law be repealed due to it being obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**DRAFT MODEL BYLAWS NO 7 RELATING TO
REMOVAL AND DISPOSAL OF OBSTRUCTING
ANIMALS OR VEHICLES**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. DRAFT MODEL BYLAWS No. 7 RELATING TO REMOVAL AND DISPOSAL OF OBSTRUCTING ANIMALS OR VEHICLES

This local law was adopted on 14th December 1967 and gazetted on 26th February 1967, with the primary objective of providing rules and guidelines for the removal of obstructing animals and vehicles from public places and thoroughfares.

It is proposed that this local law be repealed as it is obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6403

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

LOCAL GOVERNMENT MODEL BYLAW (PREVENTION OF DAMAGE TO STREETS) No. 1

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. BY-LAWS RELATING TO HAWKERS AND STALLS

This by-law was adopted on 20th September 1963, and gazetted on 16th December 1963, with the primary objective of providing rules and guidelines for the closure of roads and the management of the closure process to prevent damage.

It is proposed that this by-law be repealed due to it being obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

SHIRE OF BEVERLEY

DISCUSSION PAPER

ON

**LOCAL GOVERNMENT MODEL BYLAWS (STREET
LAWNS AND GARDENS) No. 11.**

1. INTRODUCTION

Sections 3.5 of the Local Government Act 1995 provides the power for local governments to make local laws and prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient for it to perform any of its functions.

2. STATUTORY REVIEW OF LOCAL LAWS

Section 3.16 of the Local Government Act 1995 requires local governments to review their local laws within 8 years of commencement of the local law, or the date a report of a review of the local law was accepted by the local government.

3. LOCAL GOVERNMENT MODEL BYLAWS (STREET LAWNS AND GARDENS) No. 11

This by-law was adopted on 19th April 1963, and gazetted on 18th July 1963, with the primary objective of providing rules and guidelines in the planting of lawns and gardens in streets and thoroughfares within the District.

It is proposed that this by-law be repealed due to it being obsolete.

4. SUBMISSIONS

Interested persons are invited to make a submission on the review of this local law, which are to be submitted by 4:00pm on 6th January 2010 to:

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

**Business Plan
2009 - 2013**

**Local Government System Inc
of South Australia (LGS)**

RATEL

WARE

clusive

ustralian

g and Sales

Proposal

South Australian Government, Regional
Councils and Local Government Association (SAGLGA)

EXECUTIVE SUMMARY

The South East Avon Voluntary Regional Organisation of Councils (SEAVROC), comprising the Shires of Beverley, Brookton, Cunderdin, Quairading and York, have investigated a proposal to enter into an agreement with Local Government System Inc (LGS) of South Australia, to give Member Local Governments exclusive marketing and sales rights in Western Australia for the integrated local government software owned by the Association, with the view of establishing a common operating platform for delivery of services and the establishment of an income stream.

The parties to date have agreed to the following terms and conditions:

Terms of Agreement

The following terms have been negotiated with LGS:

1. SEAVROC Member Local Governments

Subject to SEAVROC Member Local Governments making a once only capital contribution of \$30,000, that will secure the following:

- (a) Exclusive West Australian marketing and sales rights
- (b) LGS to make the LGE Windows software West Australian compliant.
- (c) The purchase price of the software be \$34,000 per Member Local Government.
- (d) Subject to (c) above, LGS will pay to the Host Local Government \$4,000 for each sale made.
- (e) The offer to purchase made in (c) and (d) above, is open to August 2010, a commitment is only required.
- (f) Subject to (e) above, a Member Local Government which commits has two (2) years to pay.
- (g) The current text LGS system is supplied free of charge.
- (h) The LGS annual support charges are currently set at:

-	Level 1	\$16,875.00 plus GST for	Up to 1,200 Electors
-	Level 2	\$21,250.00 plus GST for	1,200 – 3,000 Electors
-	Level 3	\$25,312.50 plus GST for	3,000 – 5,000 Electors
-	Level 4	\$29,687.50 plus GST for	Over 5,000 electors

2. Future Sales Made in Western Australia

- (a) Current purchase price is set at \$40,000 per Local Government, of which SEAVROC Member Local Governments will receive a 20% commission, or \$8,000 per sale.
- (b) For the commission derived, SEAVROC Member Local Governments are to:
 - Meet all promotional costs.
 - Be a point of contact for local governments in Western Australia.
- (c) The LGS Annual Charges are:

Level	No of Electors	Annual Charge \$
1	Up to 1,200	19,406.00
2	1,200 – 3,000	24,437.00
3	3,000 – 5,000	29,108.00
4	Over 5,000	34,140.00

SEAVROC Member Local Governments will receive a 20% commission of the above fees.

- (d) LGS to be responsible for all contract arrangements, implementation and support.
- (e) The terms of agreement to be renegotiated on a two (2) yearly basis.

The LGS integrated software encompasses the following:

Software Modules

LGS consists of specialised local government application programs, integrated with financial applications compliant with accounting standards. The system comprises the following modules:

- Accounts Payable
- Animal Register (Dogs)
- Bank Reconciliation
- Building/Planning
- Complaints
- Computer Functions/Receipting
- Accounts Receivable
- Asset Register and Management
- Budgets
- Cash/Non Cash Tracking
- Embedded Cost Ledger
- Financial Reporting

- Forecasting
- General Ledger
- Pavement Management System
- Plant/Fleet
- Password Maintenance
- Schedule Reporting
- System Security
- Full Cost Attribution
- Outlook Integration
- Payroll
- Rates/Property
- Report Generator
- Records Management

The once off capital contribution of \$30,000 is to be funded from a grant approved from the Royalties for Regions – Wheatbelt Regional Grants Scheme.

Each Member Local Government is to give consideration to participating in the initiative and undertake community consultation pursuant to the requirements of Section 3.59 of the Local Government Act 1995.

Subject to the consultation, it is intended to enter into a Deed of Agreement with LGS.

The initiative between the parties will create a unique business opportunity whereby the SEAVROC participating Member Local Governments will derive:

- Exclusive marketing and sales rights of the products in Western Australia.
- The use of the software.
- Delivery of an income stream through sales and annual support fees, estimated at \$7,700 to \$10,074 over the life of the Plan.

LGS will increase its market share and derive additional income through sales and annual system support fees.

PURPOSE OF THIS PLAN

The Local Government Act 1995, and accompanying legislation, places great emphasis upon the accountability of local government.

In the area of the provision of services and facilities, the Councils of the local governments is to satisfy itself that the services and facilities it provides integrate and coordinate with any provided by governments or public bodies; avoid unnecessary duplication with those provided by governments, any other body or person, be they public or private; and are managed efficiently and effectively.

This Plan is designed to ensure the Councils of the Local Governments of the Shires of Beverley, Brookton, Cunderdin, Quairading and York - otherwise known as the South East Avon Voluntary Regional Organisation of Councils (SEAVROC), can address themselves to these matters.

When setting fees and charges for the provision of services, the Councils must be satisfied that the fees and charges proposed meet the requirements set out in the Local Government Act 1995 and other legislation.

This Plan addresses these matters.

In some instances involving entering into defined undertakings or transactions, a local government is required to provide an overall assessment of the services and facilities it may provide and undertake cause and effects analyses of its proposals.

Whilst the proposal presented does not require this scrutiny, the Plan does address the issues outlined in the Act, as it is good business practice to do so.

PROPOSAL

This Plan incorporates the following:

- The South East Avon Voluntary Regional Organisation of Councils (SEAVROC), Member Local Governments, comprising the Shires of Beverley, Brookton, Cunderdin, Quairading and York, enter into an arrangement with Local Government System Inc of South Australia (LGS), to give the Member Local Governments exclusive marketing and sales rights in Western Australia for the Integrated Local Government Software, owned by the Association, with the view of establishing a common platform for delivery of services and creating a business opportunity to develop an income stream.

BACKGROUND

History

The Shires of Beverley, Brookton, Cunderdin, Quairading and York, have entered into an arrangement with each other for mutual benefit through the formation of SEAVROC.

SEAVROC is assisting these Local Governments to identify common needs, undertake investigation, and progress initiatives. The five Member Councils recognise that they all can benefit from the strategic and holistic approach to sharing. This initiative will promote the partnership and create a business opportunity from which the Local Governments can all benefit.

In December 2008, SEAVROC on behalf of its Member Local Governments, contacted Local Government System Inc (LGS), an incorporated association of South Australian Local Governments, comprising of:

- Clare and Gilbert Valleys Council;
- District Council of Elliston;
- Flinders Ranges Council;
- Regional Council of Goyder;
- District Council of Karoonda-East Murray;
- District Council of Kimba;
- District Council of Loxton Walkerie;
- District Council of Mount Remarkable;
- Naracoorte-Lucindale Council;
- District Council of Orronoro Carrieton;
- District Council of Peterborough;
- District Council of Streaky Bay; and
- Wudinna District Council;

with the objective of controlling their Information Technology direction in relation to its rating module. LGS responded that it is willing to supply the text based module free of charge. Further enquiries revealed that LGS is willing to supply all of the text based modules relating to its financial and Local Government Software free of charge. Based on the offer made by LGS, the Executive Committee authorised the Executive Officer to further investigate the offer made by LGS.

In February 2009, representatives from the Shires of Beverley, Cunderdin and York travelled to South Australia to evaluate the software.

In May 2009, a funding application was submitted to the Wheatbelt Development Commission for \$130,000, for the purpose of funding the redevelopment of the LGS software in a Microsoft net environment on a stable SQL database. In June 2009, the grant of \$30,000 was approved for the project under the Royalties for Regions – Wheatbelt Regional Grants Scheme. The Host Local Government for this project was the Shire of Cunderdin. A draft Memorandum of Understanding (MOU) was forwarded to LGS for consideration and in July 2009, the Executive Committee of SEAVROC authorised the signing of the MOU with LGS.

Memorandum of Understanding

The MOU agreed between the parties is detailed below:

MEMORANDUM OF UNDERSTANDING

BETWEEN

**SOUTH EAST AVON VOLUNTARY REGIONAL
ORGANISATION OF COUNCILS
(SEAVROC)**

**(SHIRES OF BEVERLEY, BROOKTON, CUNDERDIN,
QUAIRADING AND YORK)**

AND

LG SYSTEM INCORPORATED

Parties

The parties to this Memorandum of Understanding ("Agreement") are the Member Local Governments of the South East Avon Voluntary Regional Organisation of Councils (SEAVROC), being the:

Shire of Beverley;
Shire of Brookton;
Shire of Cunderdin;
Shire of Quairading;
Shire of York;

and the LG System Incorporated.

Objectives and Purpose

The parties recognise the need to work in concert, with mutual respect to explore the business opportunities in relation to Information Technology (IT) Services. Both parties will benefit from this association through the promotion of the Local Government Software products. In relation to SEAVROC Local Governments in obtaining exclusive marketing rights of the products, in its use and in deriving an income stream through the sales and annual system support fees in Western Australia. LGS will increase its market share and derive additional income through sales and annual system support fees.

Principles

To advance the purpose of this Memorandum, the parties agree to enter into negotiations on the following:

- An amount to be advanced by the SEAVROC Member Local Governments to LGS to assist in funding the development of the software in a Microsoft Net environment on a stable SQL database.
- SEAVROC Member Local Governments be provided with all LGS software products in return for the Capital Contribution.
- Exclusive marketing rights, share of sales income and annual system support fees in Western Australia.
- The determination of annual system support fees.
- Software support.
- Installation of software.
- Access to network infrastructure.

Implementation

The implementation of this Memorandum over the next six months will be administered jointly and coordinated by the Executive Officers of each party.

Media and Public Announcements

All media and public announcements that refer to either party shall be referred to the other party for comment before release.

Joint media and public announcements are encouraged.

Administrative Arrangements

This Memorandum may be amended and extended by mutual agreement in writing between the parties.

This Memorandum takes effect from the date on which it is signed for a period of six months, and may be extended if both parties agree.

The contact persons in respect of this Agreement shall be the Chairman of SEAVROC and Chairman of LG System respectively.

.....
Signed:

Chairman
South East Avon Voluntary Regional
Organisation of Councils

.....
Signed:

Chairman
LG System Incorporated

KEY VALUES

Clients

All participating Local Governments are committed to ensuring that the LGS Integrated Software will meet all the legislative requirements, as well as the needs of the individual users of the software in Western Australia.

Service

The partnership between the participating SEAVROC Member Local Governments and LGS are committed to creating and providing software that will continue to meet the demands now and into the future. They will ensure that the software is supported and minimise disruption to users.

Key Players

Participating SEAVROC Member Local Governments
Host Local Government
Executive Officer SEAVROC
Local Government Officers

ANALYSIS OF PROPOSAL

Planned Services

The objectives and purpose of the MOU is that the parties explore the business opportunities in relation to Information Technology Services through the promotion of the software products.

The benefits of the partnership for the SEAVROC Member Local Governments is that it will obtain exclusive marketing rights, the use of the software, and establish an income stream through the capital cost and annual support fees for sales of the software in Western Australia.

Terms of Agreement

The following terms have been negotiated with LGS:

1. SEAVROC Member Local Governments

Subject to SEAVROC Member Local Governments making a once only capital contribution of \$30,000, the will secure the following:

- (a) Exclusive West Australian marketing and sales rights.
- (b) LGS to make the LGE Windows software West Australian compliant.
- (c) The purchase price of the software be \$34,000 per Member Local Government.
- (d) Subject to (c) above, LGS will pay to the Host Local Government \$4,000 for each sale made.
- (e) The offer to purchase made in (c) and (d) above, is open to August 2010, a commitment is only required.
- (f) Subject to (e) above, a Member Local Government which commits has two (2) years to pay.
- (g) The current text LGS system is supplied free of charge.
- (h) The LGS annual support charges are currently set at:

-	Level 1	\$16,875.00 plus GST for	Up to 1,200 Electors
-	Level 2	\$21,250.00 plus GST for	1,200 – 3,000 Electors
-	Level 3	\$25,625.00 plus GST for	3,000 – 5,000 Electors
-	Level 4	\$30,000.00 plus GST for	Over 5,000 electors

2. Future Sales Made in Western Australia

- (a) Current purchase price is set at \$40,000 per Local Government, of which SEAVROC Member Local Governments will receive a 20% commission, or \$8,000 per sale.
- (b) For the commission derived, SEAVROC Member Local Governments are to:
 - Meet all promotional costs.
 - Be a point of contact for local governments in Western Australia.
- (c) The LGS Annual Charges are:

Level	No of Electors	Annual Charge \$
1	Up to 1,200	19,406.00
2	1,200 – 3,000	24,437.00
3	3,000 – 5,000	29,108.00
4	Over 5,000	34,240.00

SEAVROC Member Local Governments will receive a 15% commission of the above fees.

- (d) LGS to be responsible for all contract arrangements, implementation and support.
- (e) The terms of agreement to be renegotiated on a two (2) yearly basis.

Local Government System Inc (LGS)

LGS is controlled and managed by a group consisting of six representatives from user local governments, and members are elected each year to control and support the Association and the software it owns.

The Management Committee is responsible to:

- Achieve and implement the purpose and objectives of the Group.
- Ensure the Group remains financially viable.
- Prepare rules which will govern the entitlements and obligations of the Members.
- Establish any advisory committee as deemed necessary.
- Consider reports from any such advisory committee constituted by the Group.

The Management Committee will also review all software requests, contact with software developers, provide user understanding in relation to requests made and schedule and prioritise the necessary actions.

LGS has a full time Chief Executive Officer, three full time program developers and Documentation and Training Officer.

The goals of LGS are to continue to:

- Be open software.
- Be demand driven, responding to the needs of the local government industry and in particular, the users of LGS who own the software.
- Cope with the full range of sizes required across local governments and ensure that performance is kept high at all levels.
- Be developed in state of the art language that provides an efficient solution creation environment and a sophisticated but simple and consistent user interface
- Provide direct integration with client tools, eg word processing and spreadsheets

Software Modules

LGS consists of specialised local government application programs, integrated with financial applications compliant with accounting standards. The system comprises the following modules:

- | | |
|--------------------------------|---------------------------------|
| • Accounts Payable | • Accounts Receivable |
| • Animal Register (Dogs) | • Asset Register and Management |
| • Bank Reconciliation | • Budgets |
| • Building/Planning | • Cash/Non Cash Tracking |
| • Complaints | • Embedded Cost Ledger |
| • Counter Functions/Receipting | • Custom Reporting |
| • Forecasting | • Full Cost Attribution |
| • General Ledger | • Outlook Integration |
| • Pavement Management System | • Payroll |

- Plant/Fleet
- Password Maintenance
- Schedule Reporting
- System Security
- Rates/Property
- Report Generator
- Records Management

Features

Multi User

All information can be accessed by more than one person at once. LGS will allow anyone access to any records at any time through any process (subject to security).

Multi Tasking

LGS allows you tasks to be suspended, start something new, and return to the original process. Part way through receipting one can create a new record, return to the receipting and keep going, without losing one's place in the receipting. LGS works in a way that it is able to cope with more than one thing at a time.

Security

LGS software requires any person to verify their use of the computer by entering an operator code and password. This then provides for access to various parts of the system, depending upon the rights of that operator code. The security is controlled by a senior operator.

Hot Menus

LGS programs are selected from simple and uncluttered menus. LGS menus can be altered by the senior operator (and others given access), and one can add a special menu per user to provide instant access to the program that each person often uses.

Test Data

Test data files are provided and can allow users to train and learn processes without interruption to live data.

Software Updates

LGS will undertake changes to the software resulting from legislative requirements. LGS has a lifetime warranty, and all anomalies are promptly corrected.

Funding

The once only capital contribution of \$30,000 is to be funded from funds to be derived from the Royalties for Regions – Wheatbelt Regional Grants Scheme. In June 2009, the Minister for Regional Development informed the Host Local Government, the Shire of Cunderdin, that a \$30,000 grant was approved for the Local Government System Integrated Software Project.

Deed of Agreement

Should SEAVROC Member Local Governments agree to participate in the project, it is intent that the arrangements detailed in this Business Plan be subject of a formal agreement with LGS.

LGS has also indicated that the Association wishes to enter into a formal arrangement.

Software Implementation

On 1 July 2009, the Shire of Cunderdin went live with the LGS text system. All the financial modules have been implemented.

STAFFING

The project will be administered by the Host Council, the Shire of Cunderdin, with assistance from the Executive Officer of SEAVROC.

Other participating Member Local Government staff will be engaged as necessary in the implementation of LGS software in their Council.

MARKETING

Research Conducted

In compiling this Plan, the following research was conducted.

1. Representatives from three Member Local Governments, being the Shires of Beverley, Cunderdin and York, travelled to South Australia for a live demonstration of the LGS software, and information gathering.
2. A Memorandum of Understanding has been agreed upon by the Member Local Governments of SEAVROC and LGS.
3. Negotiations between the parties has resulted in agreement being reached in relation to a capital contribution, exclusive marketing rights, once only capital cost of the software, annual support fees, commission payable applicable to SEAVROC participating Member Local Governments, and other West Australian local governments who may purchase the software in the future.
4. The Shire of Cunderdin implementing the LGS software and going live in July 2009.
5. The SEAVROC Member Local Governments via the Host Council, the Shire of Cunderdin, were successful in obtaining a grant of \$30,000 for the project from the Wheatbelt Development Commission.

Analysis

An analysis of the research reveals that the agreement reached to date with LGS, the developers and owners of the integrated software systems, specifically designed for local governments will create a unique business opportunity for both parties.

Both parties see the benefit of this association through the promotion of the software.

In relation to SEAVROC participating Member Local Governments, these benefits are:

- Exclusive marketing and sales rights of the products in Western Australia.
- The use of the software.
- Delivery of an income stream through sales and annual support fees.

LGS will increase its market share and derive additional income through sales and annual system support fees.

The Shire of Cunderdin has gone live with the software on 1 July 2009, with other SEAVROC Member Local Governments, expected to follow when the software redevelopment in the Microsoft Net Environment on a stable SQL database is expected to be completed in early 2010.

The partnership with LGS will not only bring financial benefits, but it will also provide an opportunity to develop a common operating platform, things like IT, chart of accounts, rates, etc.

SEAVROC Member Local Governments have been successful in obtaining a grant of \$30,000 from the Wheatbelt Development Commission to progress the initiative to enable the Member Councils to better use and access the technology and to benefit from the investment opportunities.

Community Consultation

In order to ensure the community as a whole is fully informed on the proposed initiative, SEAVROC Member Local Governments have agreed to prepare a Business Plan in accordance with Section 3.59 of the Local Government Act 1995, and the Local Government (Functions and General) Regulations 1996.

Section 3.59 provides that each participating SEAVROC Member Local Government is to ensure that:

- The Plan is available for viewing. It is recommended that copies be made available at the Administration Centres, libraries and on individual Council websites
- Statewide public notice of the Plan will be given in accordance with Section 1.8 of the Local Government Act.
- The community be invited to make submissions for a period of not less than 6 weeks.
- Each participating Member Local Government is to give consideration to submission received and may decide to proceed with the undertaking as proposed, or one which is not significantly different from what has been proposed.

Target Clientele

The target clientele of the LGS integrated software will be as follows:

- SEAVROC Member Local Governments.
- Local governments throughout Western Australia.
- Other government authorities and agencies using similar financial software.

Promotion and Advertising

- **Brochures.**
- **Newspapers.**
- **Local government publications.**
- **Local government website.**
- **Displays and demonstrations.**
- **Signage.**

FINANCIAL ANALYSIS

Assumptions

This Plan is predicated on a number of assumptions, and it is important to note these assumptions when reading the financial forecasts detailed below. The estimates of income and expenditure are based on 2009/2010 dollar values. The projected income estimates have been calculated on the agreement reached with LGS to date, and are detailed in the Plan, that there are currently 139 local governments in Western Australia, and at best three SEAVROC Member Local Governments will purchase the integrated software in the short term.

Financial Forecasts

The following statements provide an overview of the financial forecast for the four year period of the Plan.

	2009/2010	2010/2011	2011/2012	2012/2013
	\$	\$	\$	\$
CAPITAL				
Revenue				
- Grant Wheatbelt Development Commission	30,000			
Total Revenue	30,000			
Expenditure				
- Capital Contribution LGS	30,000			
Total Expenditure	30,000			
OPERATING INCOME AND EXPENDITURE				
Revenue				
- Commission New Sales	0	12,000	8,000	8,000
- Commission Annual Support Fees New Sales	0	0	3,187	6,374
Total	0	12,000	11,187	14,374
Expenditure				
- Advertising and Promotion	0	3,000	3,000	3,000
- Travel and Accommodation	0	1,000	1,000	1,000
- Stationery, Printing and Postage	0	300	300	300
Total	0	4,300	4,300	4,300
Net Surplus	0	7,700	6,887	10,074

Assumptions

1. Commencement Date – 1 January 2011.
2. Sales based on three SEAVROC Member Local Governments purchasing system in the initial year.
3. Additional sales per year – one.

Fee Structure

The fee structure is set by LGS, and participating SEAVROC Member Local Governments are to receive the following commission.

LGS Fee Structure

- Once Only Capital Cost
 - SEAVROC Member Local Governments \$34,000
 - Other \$40,000
- Annual Support Fees

Annual Support Fees are based on the number of rate assessments of a local government, namely:

Level	No:of Electors	SEAVROC Member Local Governments \$ (plus GST)	Other \$
	Up to 1,200	16,875.00	19,406.00
1	1,200 – 3,000	21,250.00	24,437.00
3	3,000 – 5,000	25,312.50	29,108.00
4	Over 5,000	29,687.50	34,140.00

SEAVROC participating Local Governments to receive:

- 20% commission of the once only capital cost for other local governments.
- \$4,000 commission for SEAVROC participating local governments.
- 15% commission of the annual support fees for other local governments.
- Nil % commission of the annual support fees for SEAVROC participating Member Local Governments.

COST AND BENEFITS

Costs

The inclusions of all costs reveal that the initiative will generate a surplus to participating Member Local Government of approximately \$7,700 to \$10,074 per year over the life of the Plan. The capital cost of entering into the venture will be met from the \$30,000 grant approved for the project by the Wheatbelt Development Commission.

Benefits

The participating Local Governments are able to generate a positive financial return and be involved in a business opportunity that allows them to utilise a unique and tailor made software that will meet the legislative requirements in Western Australia.

Evaluation

The objective is that participating Local Governments will have an involvement in development of the LGS software while taking advantage of a business opportunity to have exclusive marketing and sales rights in Western Australia, and providing an alternative income stream for the Local Governments.

ISSUES

The Local Government Act indicates those matters that Councils should concern themselves about in relation to services and facilities.

This section answers the questions raised.

Operations

- **Do the services and facilities integrate and coordinate with those provided by governments or public bodies?**

The government encourages the use of information technology in the delivery of services. An opportunity exists whereby a Member Local Government is not only a user, but can control the ongoing development of the software.

- **Do the services and facilities duplicate to an inappropriate extent, with those provided by governments, any body or person whether public or private?**

The service does duplicate to some extent with those provided by the private sector. LGS is controlled and managed by thirteen (13) South Australian local governments whose goal is to respond to the needs of the industry and in particular, the users of LGS who own the product.

How can the Councils themselves be satisfied that the services and facilities are managed efficiently and effectively?

The service will be managed by the Host Local Government and the Executive Officer of SEAVROC, who have the ability, experience and professionalism to manage the project.

Causes and Effects

- **What is the expected effect of the proposals on the provision of services and facilities provided by the participating Member Local Governments?**

The proposal will not only bring financial benefits, but will provide the basis for a common operating platform. By embracing standardised methods across Shires, this will bring about a great support network and better efficiencies.

- **What is the expected effect of the proposal on other persons providing services and facilities in the Shires?**

The private sector Shires does not provide this type of service.

- **What is the expected financial effect on the Shires?**

The proposal is expected to provide an income stream for the Shires, with no set up costs to be contributed by the Shires from their own resources.

- **What is the expected effect of the proposal in relation to the Plan for the Future?**

The initiative will be incorporated in the Plan for the Future of each participating Shire.

- **Have the Shires the ability to manage the service and facilities?**

The participating Shires and the Executive Officer of SEAVROC have the ability and expertise to manage the project.

Assessment

This Plan demonstrates that the proposed initiative is a viable business activity for the participating Member Local Governments. Member Shires will have the opportunity to use an integrated software system which is currently being redeveloped in the Microsoft Net environment on a stable SQL database specifically designed for local government.

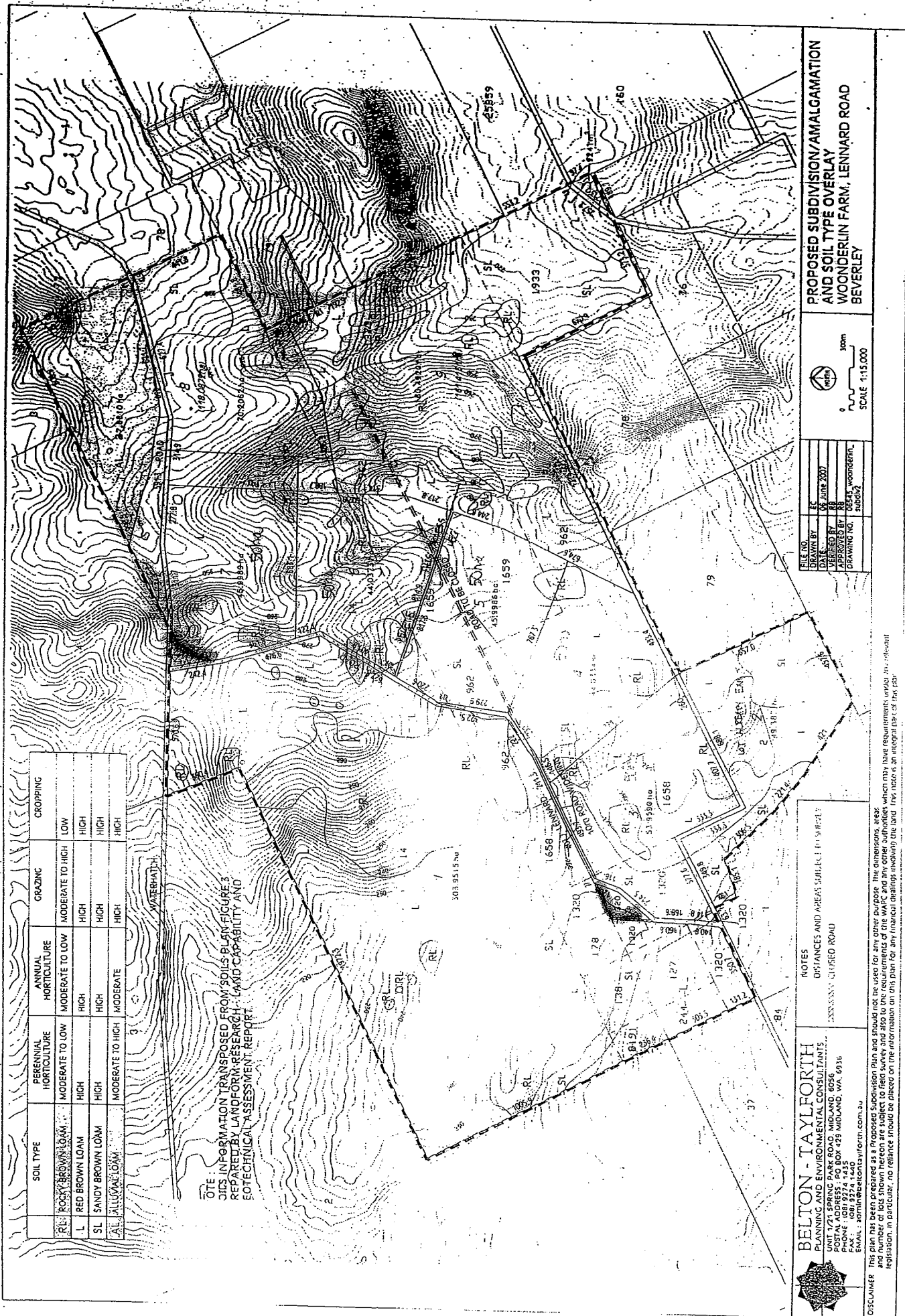
PERFORMANCE MEASURES

The successful achievements of the aspirations contained with any Plan, is dependent upon ensuring that the operations and development phases are accomplished. The following "indicators" have been set to test whether or not these critical factors are achieved.

- Formal adoption of the Business Plan by participating SEAVROC Member Local Governments by March 2010.
- Signing of Participants Agreement between SEAVROC Member Local Governments by April 2010.
- Entering into a formal Deed of Agreement with LGS by May 2010.
- Commence marketing of LGS Integrated Software in Western Australia by July 2010.

ATTACHMENTS

- Letter from the Minister for Regional Development.
- PowerPoint presentation LGS.
- LGS Software Licence Agreement.
- LGS Software Support Agreement.
- LGS Audited Financial Statements 2007/2008.



SOIL TYPE	PERENNIAL HORTICULTURE	ANNUAL HORTICULTURE	GRAZING	CROPPING
RL ROCKY BROWN LOAM	MODERATE TO LOW	MODERATE TO HIGH	MODERATE TO HIGH	LOW
L RED BROWN LOAM	HIGH	HIGH	HIGH	HIGH
SL SANDY BROWN LOAM	HIGH	HIGH	HIGH	HIGH
AL ALLUVIAL LOAM	MODERATE TO HIGH	MODERATE	HIGH	HIGH

NOTE: SOILS INFORMATION TRANSFERRED FROM SOILS PLAN FIGURE 3 PREPARED BY LANDFORM RESEARCH: LAND CAPABILITY AND EROSIONAL ASSESSMENT REPORT.

PROPOSED SUBDIVISION/AMALGAMATION AND SOIL TYPE OVERLAY WOONERLIN FARM, LENNARD ROAD BEVERLEY

SCALE 1:15,000

FILE NO.	EC
DRAWN BY	06 JUNE 2007
DATE	
DESIGNED BY	
CHECKED BY	
DRAWING NO.	05245 WOONERLIN SUBD.V2

BELTON - TAYLFORTH
 PLANNING AND ENVIRONMENTAL CONSULTANTS
 UNIT 7/1 SPRING BARK ROAD
 POSTAL ADDRESS: PO BOX 929 MIDLAND, WA 6936
 PHONE: 081 9274 1435
 EMAIL: admin@belton-taylforth.com.au

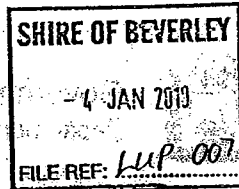
NOTES
 DISTANCES AND AREAS SHOWN IN PARENTHESES
 DISTANCE: CLOSED ROAD

DISCLAIMER: This plan has been prepared as a proposed subdivision plan and should not be used for any other purpose. The dimensions, areas and number of lots shown hereon are subject to final survey and any other conditions which may be required by the relevant legislation. In particular, no reliance should be placed on the information on this plan for any purpose other than that for which it was prepared.



Government of Western Australia
Department of Regional Development and Lands

State Land Services



Your ref:
Our ref: 01108-1905-04RO. Job 094037
Enquiries: Greg Martiensen
Ph: (08) 9347 5053 Fax: (08) 9347 5002
Email: greg.martiensen@lands.rdl.wa.gov.au

29 December, 2009

Chief Executive Officer
Shire of Beverley
PO Box 20
BEVERLEY WA 6304

Re: Unallocated Crown Land in Beverley.

The following Crown lots in Beverley are being considered for release or disposal for the purposes described below.

The Shire's comments on the following items are invited.

For most of the items, the Native Title future act process will need to be employed.

The lands are marked on enclosed sketches.

1. Lot 53 and 56, Railway Street. Proposal: Residential with sewer, however no constructed road frontage. For transfer over next three years depending on native title negotiations. Upon clearance of Native Title, the lots could be made available in 'as is' condition for transfer to third party.

2. Lots 372, 374, Railway Street, Lot 373 Forrest Street. No action at present. The lots are at rear of the commercial area, and are generally below road level. Unless there is an application from an adjoining owner, the lots are to remain unallocated Crown land.

3. Lot 356 Bartram Street. Proposal: Residential with sewer and gravel road, however will likely require fill to get above 100 year flood level. Could be considered for transfer over the next three years depending on Native Title negotiations. Upon clearance of Native Title, Lot 356 could be made available for transfer to a third party in an 'as is' condition.

4. Lot 349, Bartram Street. Proposal: Sale via conditional purchase lease for residential. Sewered lot on a bitumen road. Some fill will be required to build above the 100 year flood level. Conversion to freehold after construction of a residence by lessee.

4937gm01

Address: PO Box 1575, Midland, Western Australia
Tel: (08) 9347 5000 http://lands.rdl.wa.gov.au ABN 28 607



5. Lots and 2 Bartram Street, and un-numbered UCL on both sides of Avon River. Proposal to be reserved for drainage or recreation. Land is flood-prone. To be reserved with management order to Shire.

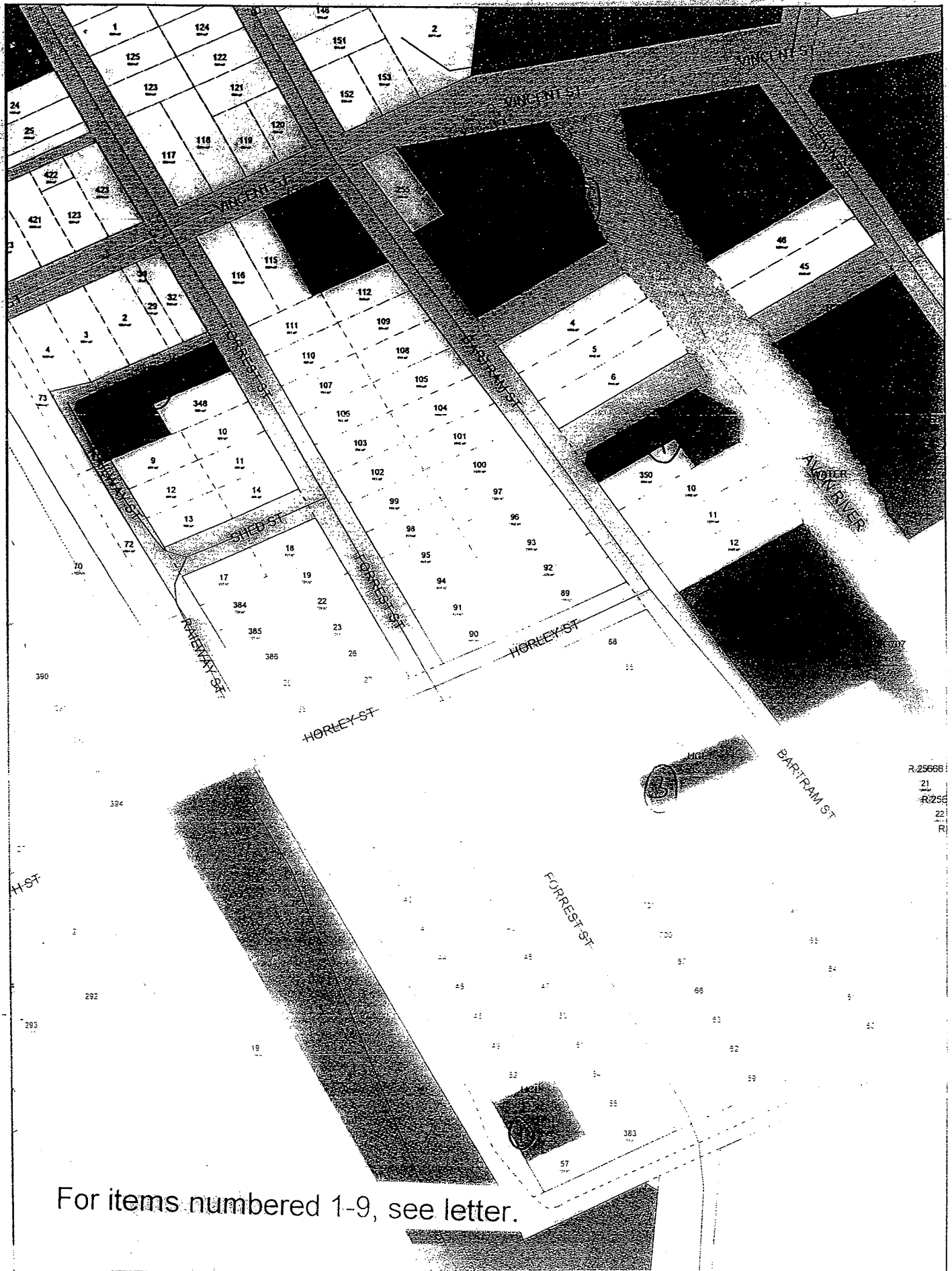
6. Lot 357, Monger Street. Sale via conditional purchase lease for residential. Sewered lot on a bitumen road with all services. Conversion to freehold after construction of a residence.

7. Lots 422, 423, 424, Hope Street. No action at this time. Lots are out of the way, and would need road construction and some services. Remain as UCL until demand rises in years ahead.

8. Lot 316, Lukin Street. Proposal: requires considerable fill to reach road level. Not economical to develop now, but has potential. Lot will be subject to native title future act processes now with other lots, with intent of sale by conditional purchase lease for residential purposes.

9. Lot 155, Dempster Street. Proposal Lot to be reserved for 'Protection of Natural Landscape' under management of the Shire.

Greg Martiensen
Assistant State Land Officer
State Lands Wheatbelt
Lands Division



For items numbered 1-9, see letter.

Scale : 1:2500 (Geographical)
 MGA : SW=493053.2E,6446951.1N Zone 50 / NE
 Lat/Long : 116°55'34.907", -32°06'49.579" / 116°55'34.907", -32°06'49.579"

Zone 50
 H 263mm by W 202mm

Printed : 13:04
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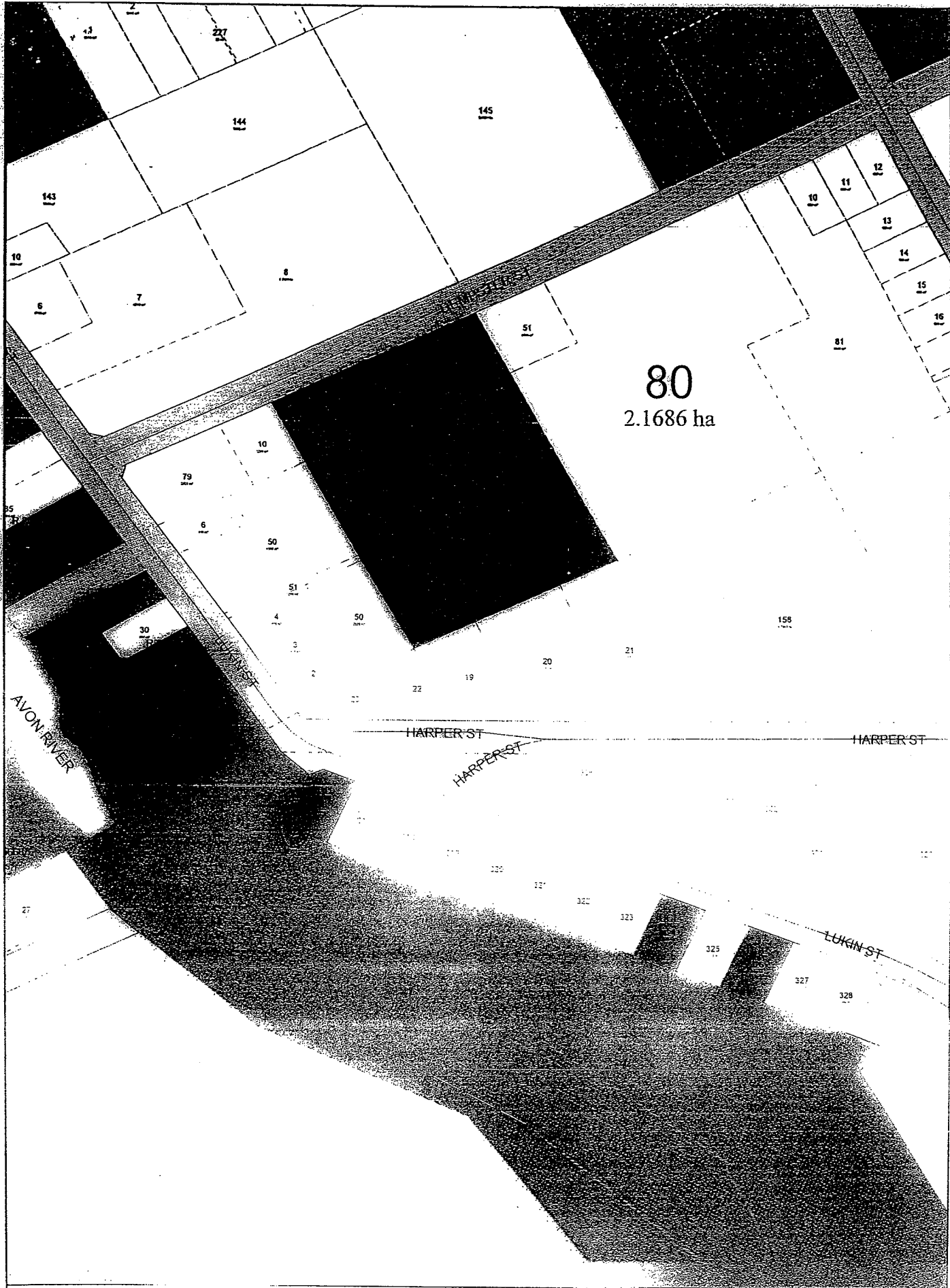
Scale: 1:2500 (Geographical)
 GDA: SW=492454.5E,6447499.1N Zone 50 / 2011
 Proj: long: 116°55'12.076", -32°06'31.767" / 116°55'12.076", -32°06'31.767"

Zone 50
 H 263mm by W 202mm

Printed: 12:58 Tue 20/09/2011
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Scale : 1:2500 (G...)
 MGA : SW=493585.5...
 Lat/Long : 116°35'55.21...

50 / NE=494088.6E,6447700.8N Zone 50
 116°36'14.434", -32°06'25.249" H 263mm by W 202mm

13:00 Tue 29/Dec/2009
 System Australian Land Information Authority 2009

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

**MINUTES OF THE INDEPENDENT LIVING UNITS PROJECT
TEAM MEETING
HELD IN THE COUNCIL CHAMBERS
ON 18 JANUARY 2010 COMMENCING AT 9.10am**

ATTENDANCE AND APOLOGIES

Cr JD Alexander	Chairman
Cr DJ Ridgway	Shire President
Cr LC Shaw	Deputy Shire President
Cr KM Murray	
Cr BM Foster	
Cr C Egberts	
Mr KL Byers	Chief Executive Officer

APOLOGIES

Nil

GENERAL BUSINESS

REPAYMENT OF ENTRY CONTRIBUTION

Advice was received from MCLEODS that an Entry Contribution must be repaid within 7 days of a new resident taking occupation or if this does not happen, within 45 days of the outgoing resident ceasing to occupy the unit.

REFURBISHMENT OF UNITS

Moved Cr Egberts

Seconded Cr Foster

That it be recommended to Council that clauses 9.7 (b) - (f) be deleted from the proposed lease agreement for the Independent Living Units with the intention of Council being responsible for refurbishment of the units upon them being vacated

CARRIED 6/0

CLOSURE

There being no further business the Chairman closed the meeting at 10:25am.

