



## **SHIRE OF BEVERLEY NOTICE OF MEETING**

Notice is hereby given that the next Ordinary Meeting of Council will be held in the Council Chambers, 136 Vincent Street Beverley, on Tuesday 25 February 2020. If you wish to attend the meeting, please arrive at the Shire Office at 2:50pm to register your attendance.

### **Program**

3.00pm                      Ordinary Meeting

A handwritten signature in black ink, appearing to read "S. Gollan", written over a horizontal line.

Stephen Gollan  
Chief Executive Officer

20 February 2020

### **DISCLAIMER**

*The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Beverley warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Beverley for any act, omission or statement or intimation occurring during a Council meeting.*



**25 February 2020**

**ORDINARY MEETING**

**AGENDA**

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## **1. OPENING**

The Chairperson to declare the meeting open.

## **2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE**

### **2.1 Members Present**

Cr DW Davis	Shire President
Cr CJ Pepper	Deputy President
Cr DL Brown	
Cr P Gogol	
Cr CJ Lawlor	
Cr SW Martin	
Cr TF McLaughlin	
Cr TWT Seed	
Cr DC White	

### **2.2 Staff In Attendance**

Mr SP Gollan	Chief Executive Officer
Mr SP Vincent	Manager of Works
Mr BS de Beer	Manager of Planning and Development Services
Mrs A Lewis	Executive Assistant

### **2.3 Observers And Visitors**

### **2.4 Apologies and Approved Leave of Absence**

Mr SK Marshall	Deputy Chief Executive Officer
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### **2.5 Applications for Leave of Absence**

## **3. DECLARATIONS OF INTEREST**

## **4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **5. PUBLIC QUESTION TIME**

## **6. CONDOLENCES**

The Shire of Beverley flew the flag at half-mast, as a mark of respect to:

COLEMAN	Norma Christina	24 December 2019
FOSTER	Phillip	1 January 2020
PETCHELL	Beryl Dorothy	3 January 2020

## **7. CONFIRMATION OF MINUTES**

### **7.1 Minutes Of The Ordinary Council Meeting Held 17 December 2019**

#### **OFFICER'S RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held Tuesday 17 December 2019 be confirmed.

## **7.2 Minutes Of The Audit and Risk Committee Meeting Held 11 February 2020**

Minutes under separate cover.

Please refer to Agenda Items: 11.7, 11.9, 12.6 and 12.7

### **OFFICER'S RECOMMENDATION**

1. That the Minutes of the Audit and Risk Committee Meeting held Tuesday 11 February 2020 be received.
2. That Council set a date of Wednesday 4 March 2020 to hold the next Audit and Risk Committee Meeting to discuss the outstanding Budget Review item.

**7.3 Minutes Of The Local Emergency Management Committee Meeting Held  
18 February 2020**

Minutes under separate cover.

**OFFICER'S RECOMMENDATION**

That the minutes of the Local Emergency Management Committee Meeting held Tuesday 18 February 2020 be received.



**18 FEBRUARY 2020**

**LOCAL EMERGENCY  
MANAGEMENT COMMITTEE**

**MINUTES**

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## **1. MEETING COMMENCEMENT**

The CEO welcomed Shire President Cr Don Davis as the new Chairperson and declared the meeting opened at 3:30pm.

## **2. ATTENDANCE AND APOLOGIES**

### **Attendance**

Cr Don Davis	Shire President
Mr Stephen Gollan	Chief Executive Officer
Mr Troy Granville	CESM Beverley/York
Mr Drew Richardson	SJA Community Paramedic Central Wheatbelt
Mrs Yvette Grigg	DFES District EM Advisor
Mr Justin Corrigan	DFES AO Lower Wheatbelt
Mr Bill Cleland	Deputy Chief Fire Control Officer
Mr Darrell Hagan	WAPOL Beverley
Ms Jo Spadaccini	Department of Communities – Wheatbelt DESO
Ms Michelle Bauer	Beverley Health Service Manager/DON
Cr Peter Gogol	Councillor Shire of Beverley
Cr Terry McLaughlin	Councillor Shire of Beverley
Ms Ali Lewis	Executive Assistant

### **Apologies**

Mr Ben Ratz	Principal Beverley District High School
Mr Michael Pasotti	DBCA P&WS
Mr Bruce Kilpatrick	Chief Bush Fire Control Officer
Mr Stephen Moore	SJA Beverley
Mr Ken Howell	Beverley Volunteer Fire & Rescue Service

### **Observers**

Nil

## **3. CONFIRMATION OF MINUTES OF MEETING HELD 18 JUNE 2019**

Moved: Stephen Gollan

Seconded: Cr Peter Gogol

That the Minutes of the Local Emergency Management Advisory Committee Meeting held in the Council Chambers on Tuesday 18 June 2019, be confirmed.

**CARRIED**

## **4. MATTERS ARISING FROM PREVIOUS MINUTES**

Nil

## **5. CORRESPONDENCE**

- LEMC Health Check
- LEMA for review

## **6. BUSINESS OF THE MEETING**

- Bush Fire Risk Mitigation Funding – no officer in Northam at the moment. Position being advertised. \$74,000 to spend before 30 June 2020, has been delayed as there is only one accredited contractor in our region. The new funding model can be applied for to use outside of the townsites.
- Companion Animal Evacuation Centres – state plan has been approved. There isn't a local model developed yet but is being worked on. Distinction on "Companion Animal" needs to be clear for the public.

## **7. AGENCY UPDATES**

### **St John Ambulance Beverley**

Drew Richardson – The Soaring Society had an exercise with a simulated plane crash on 11 October 2019 (as stated previously they were unaware of the LEMC and HMA). SJA were able to test their triage plans with the exercise.

Local Dale Bush Fire on 11 December 2019 was good to get early notification and be on standby.

Cr Gogol enquired about the Ambulance service and hospital transfers. Response - If Beverley volunteers unavailable, ambulance crew may come from next town. Two vehicles are available but sometimes two crews are not available. Always looking for volunteers.

### **DFES**

Justin Corrigan – Overview on Goldfields Norseman Fire: Pre-Christmas extended for a period of 4 weeks. A lot of involvement from LG's throughout WA.

13 LGs, 62 volunteers from wheatbelt region. 213 outside our region from 28 other LG's. Supporting agencies included SES and SJA, approximately 52 volunteers. Communication was important about road closures and places to stay. A Community Information Pamphlet was distributed to all surrounding towns on a regular basis.

Dale Bush Fire on the books for six days, effects to community included power outages and fatigue. At any one stage there were 35 appliances on the fire ground.

### **Department of Communities**

Jo Spadaccini – 18 activations in the season so far compared to 7 last season.

Welfare Plans have gone through SEMC, updating contacts hope to receive end of next week.

### **WAPOL Beverley**

Darrell Hagan – nothing to report.

### **Department of Health**

Michelle Bauer - nothing to report.

### **DFES DEMA**

Yvette Grigg – A very busy season, Councils and LEMC members encouraged to review their preparedness plans.

Fatigue management an issue, controllers should use rosters.

EM and Recovery Training in clusters– Dowerin 12 March. Avon to be planned, generally agreed August/September is a good time.



**8. GENERAL BUSINESS**

**Review of LEMA**

Troy has updated the LEMA for WAPOL.

BDHS to be updated

Troy to email out the plan in word format for everyone to review

**Exercise and Training Schedule**

New type of exercise – exercise capabilities ie. What you're not good at.

Recovery is the most common thing that is poorly executed. Details coming.

**9. NEXT MEETING**

Tuesday 12<sup>th</sup> May 2020 at 3.30pm

**10. CLOSURE**

There being no further business the chairperson declared the meeting closed at 4:23pm

## **8. TECHNICAL SERVICES**

Nil

## **9. PLANNING SERVICES**

### **9.1 Proposed Relocated Second-Hand Dwelling & New Outbuilding – 14 Railway Street**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>11 February 2020</b>
<b>APPLICANT:</b>	<b>Robert &amp; Suzanne Wright</b>
<b>FILE REFERENCE:</b>	<b>RAI 51252</b>
<b>AUTHOR:</b>	<b>B.S. de Beer, Manager: Planning &amp; Development Services</b>
<b>ATTACHMENTS:</b>	<b>Locality Map, Site Plan, Building Surveyors Report, BAL Report, Shed Plan and Application Letter (under separate cover)</b>

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#### **SUMMARY**

An application has been received to develop a Relocated Second-Hand Dwelling and a new Outbuilding at 14 (Lot 100) Railway Street, Beverley. It will be recommended the application be approved.

#### **BACKGROUND**

The applicant is proposing to obtain planning approval to relocate and develop a Second-Hand Dwelling and a new Outbuilding at 14 (Lot 100) Railway Street.

The subject property is zoned '*Residential R10/25*' in terms of the Shire of Beverley Local Planning Scheme No. 3 (LPS 3), is 1,313 m<sup>2</sup> in extent, and vacant.

The subject land is affected by Bushfire Prone Vegetation. It is *not* located within the Flood Fringe Area of the Avon River.

#### **COMMENT**

*(Kindly consider this section by referring to the attached Locality Map, and other documentation).*

A Relocated *Second-Hand Dwelling* is a '*D*' use in Zoning Table 3 of LPS 3 in the *Residential Zone*, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

Development of Relocated Second-Hand Dwellings is guided by Council's Local Planning Policy - *Relocated Second-Hand Dwellings & Repurposed Dwellings* (Council's Policy). The objective of the Policy is to ensure that the development of a relocated second-hand dwelling is undertaken to an approved standard which pays regard to local amenity and aesthetics.

To address any possible amenity and aesthetic concerns, should Council resolve approve the application, it will be recommended the dwelling be finished to an acceptable standard as a condition of planning approval. To ensure the dwelling is finished within an acceptable timeframe it will be recommended a bond, in compliance with Council's Policy, is also imposed as a condition of approval.

Council's Policy requires an inspection by the Shire's Building Surveyor of the dwelling prior to relocation into the Shire. The dwelling was inspected *In Situ* and a

favourable report has been received and is included as an attachment to this report, accompanied by photographs of the transportable dwelling.

The subject property is affected by Bushfire Prone Vegetation. As part of the planning application a Bushfire Attack Level (BAL) Assessment was submitted – attached hereto. This shows the site to have a BAL 12.5 rating. Should Council resolve to approve the application building construction adherence to AS3959 for a BAL rating of 12.5 will be recommended as a condition of planning approval.

The proposal complies with the siting and other requirements of LPS 3 and the Residential Design Codes.

The proposed Outbuilding will be constructed of new materials in Colourbond cladding in accordance with Council's Outbuilding Policy. The following departures are however requested from the policy (see enclosed letter):

- Proposed maximum area of outbuilding is 120m<sup>2</sup>. Maximum area as prescribed by Outbuilding Policy is 75m<sup>2</sup>.
- Proposed wall height of 3.64m instead of 3m as prescribed by the Policy;
- Proposed Roof height at the apex of 4.56m instead of 4m as prescribed by the Policy;
- The applicant requests that the Outbuilding be constructed prior to the relocation of the dwelling so as to enable them to have storage space for furniture, etc.

When considering the proposed increased total area and increased wall height and roof height of the Outbuilding beyond the parameters as set by the Outbuilding Policy, Shire planner is of the opinion that the following aspects of the development should be taken into consideration:

- a) The specific siting of the Outbuilding on the property;
- b) The general character of the immediate area;
- c) The size of the subject property.

It is the opinion that the proposed siting of the Outbuilding at the subject property is such that it will not have any negative impact on the amenity of the surrounding area. It is considered that the proposed development will be in pace with the character of the area.

It is also considered a better planning outcome to have sufficient under-roof storage available on a property as opposed to storage of items outside which could potentially negatively affect the amenity of an area.

Given the above site specific considerations and the size of the property it is not anticipated that the granting of Planning Approval for this application will create an undesirable precedent. Furthermore, granting permission to have the construction of the Outbuilding commence before relocation of the dwelling is deemed appropriate and practical under the circumstances.

The proposal complies with other aspects of the outbuilding policy.

The recommended conditions of planning approval are consistent with Council's Policy and are anticipated to address any matters of concern. It will be recommended the application be approved.

### **CONSULTATION**

No consultation was deemed required.

### **STATUTORY ENVIRONMENT**

The proposal is to be considered in terms of the Shire of Beverley's Local Planning Scheme No. 3.

### **FINANCIAL IMPLICATIONS**

There are no financial implications relative to this application.

### **STRATEGIC IMPLICATIONS**

There are no strategic implications relative to this application.

### **POLICY IMPLICATIONS**

The application complies with Council's Policy on *Relocated Second-Hand Dwellings & Repurposed Dwellings*.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council grant Planning Approval for a Relocated Second-hand Dwelling and new Outbuilding at 14 (Lot 100) Railway Street, Beverley subject to the following conditions and advice notes:

#### **Conditions:**

1. 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 the Manager: Planning & Development Services.
2. The building construction standard shall adhere to Australian Standard AS3959 for a determined Bushfire Attack Level of 12.5 (refer to Advice Note 5).
3. Prior to the issue of a Building Permit, a bond of \$5,000 is to be lodged with the Shire of Beverley to ensure all works, including clearing the site of debris, and connecting plumbing and water, are completed to the satisfaction of the Shire Building Surveyor and comply with the relevant provisions of the Building Codes of Australia.
4. All works are to be completed within 12 months from the date of this determination.
5. Prior to occupation, the exterior of the dwelling is to be finished to an acceptable standard which is in harmony with the amenity of the area to the satisfaction of the Shire.

6. The Outbuilding shall not be used for human habitation, commercial or industrial purposes.

**Advice Notes:**

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- Note 4: With regard to Condition 3, in compliance with Council's Relocated Second-Hand Dwellings Policy, the \$5,000 bond is to be lodged with the Shire. Bank or other guarantees are not acceptable.
- Note 5: Australian Standard AS3959 Sections 3 & 5 apply.
- Note 6: If the Outbuilding is to be used for the collection of rainwater for human consumption, all cladding and other material associated with water collection shall comply with Australian Standard 4020 (Products for use in contact with drinking water).
- Note 7: If an applicant is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Robert and Suzanne Wright  
102/2489 South Western Highway  
Serpentine WA 6125

7<sup>th</sup> February, 2020

To Stefan De Beer and the Beverley Shire Council,

As we have discussed with Stefan the purpose of obtaining the approval from the council is so we can relocate our Transportable House from Serpentine Falls Park Home and Tourist Village to the site of Lot 100/14 Railway Street Beverley.

As you will all understand this will be a costly move, at approximately \$25,000.

If you approve this application, we will then make an offer to purchase the block of land.

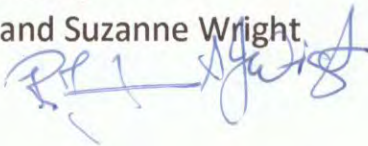
We would also like, if possible, to have permission to build the Shed & Caravan Port as per the drawings first before relocating the house, as we will be only using the shed to store our house furniture and contents along with the materials of the dismantled carport/patio. The reason for this is so the Transportable House can be made ready and transported from Serpentine to Beverley.

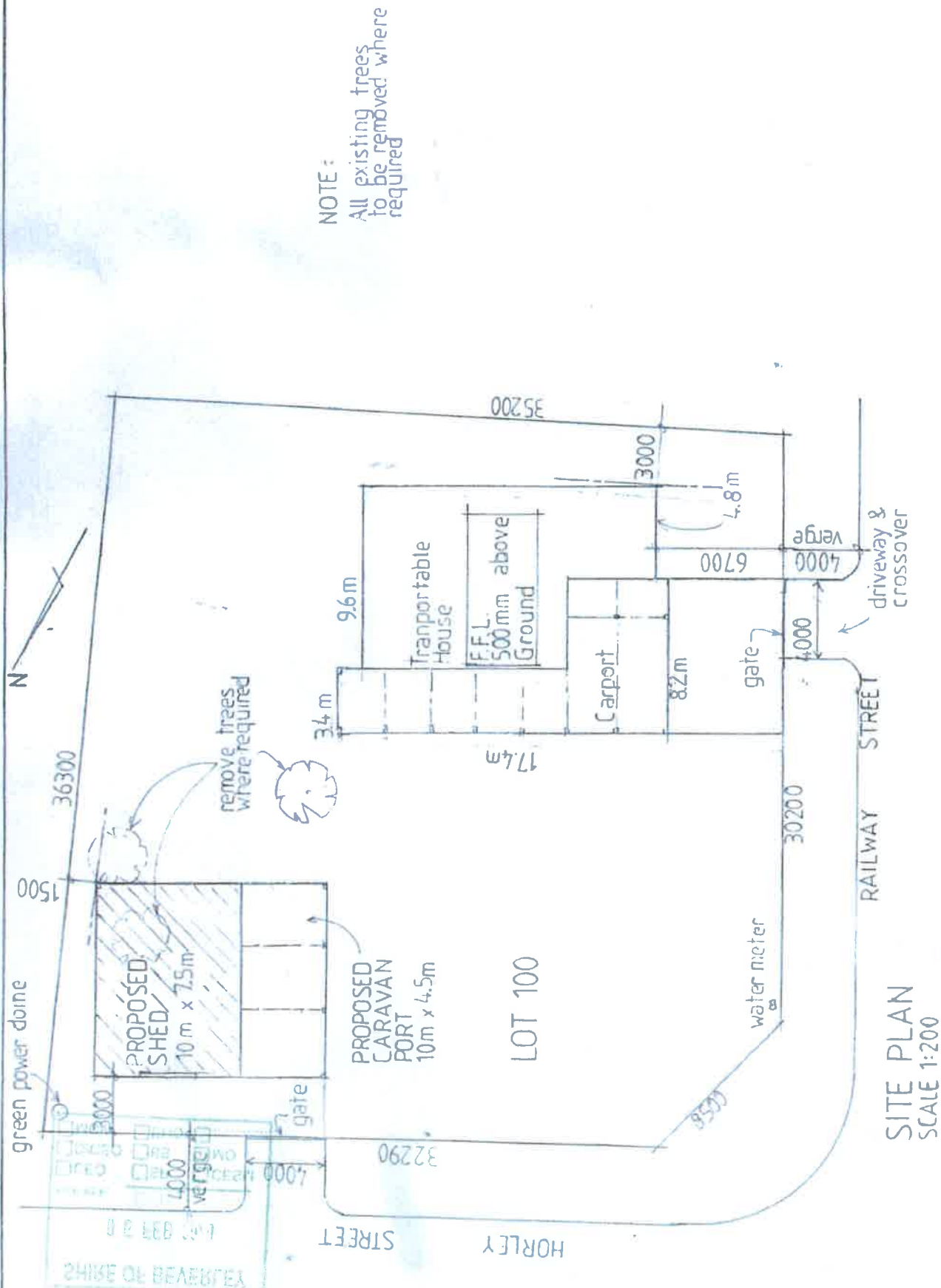
While this is happening, we will be residing with family in Perth until the house is ready. Once the house is in place and ready for moving in, we will then move the furniture and contents into the house and begin to erect the carport/patio, then the shed will be used as a personal workshop and area to house our motorcycle trike.

The sheds height dimensions are required as the height of the caravan including the air-con which is mounted on the vans roof is approximately 3.2m and will need the height clearance to house the caravan.

Yours truly

Bob and Suzanne Wright





NOTE:  
All existing trees  
to be removed where  
required

SITE PLAN  
SCALE 1:200

Drawn by: Rodolfo Navarro	Client: Bob & Suzie Wright	Address: lot 100/No 14 Railway Street, Beverley	Date: 09-12-2019
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# Building Condition Report

## For Relocation of Dwelling



14 Railway St  
Beverley

(Existing Location: 73a/2849 South Western Highway,  
Serpentine)

Tim Jurmann

Senior Building Surveyor

Level 1

## **Contents**

1.0 Introduction

2.0 Building Description & Classification

3.0 Building Condition

4.0 Proposed Uses

5.0 Conclusion

## **1.0 Introduction**

An inspection of the Park Home located at 73a/2489 South Western Highway, Serpentine to be relocated as a Class 1a Dwelling at 14 Railway Street, Beverley was carried out on the 9<sup>th</sup> of February, 2020.

The purpose of the inspection was to review structural and aesthetic condition of the building, to ascertain the suitability of the building to be relocated to its new location.

## **2.0 Building Description & Classification**

The building is currently defined as a “Park Home” under the Caravan Parks and Camping Ground Act 1995.

The Act and subordinate Regulations require that Park Homes essentially comply with the Building Code of Australia, (BCA).

However, there are some minor differences in relation to the fact that they must be movable on its own frame and wheels.

Also some wall construction is not listed under the deemed to satisfy requirements of the BCA.

However, generally the wall construction would be found to meet the Performance Requirements of the BCA.

In this regard the building will be certified by a Private Building Certifier to meet those requirements, as required under the Building Act 2011, and be found to be compliant.

The building will be used as a class 1a Dwelling and was found to be suitable for this purpose.

### 3.0 Building Condition

#### INSPECTION REPORT

**Applicant:** Bob & Suzanne Wright

**Current Address of Buildings:** 73a/2489 South Western Highway, Serpentine

**Inspection Date:** 9<sup>th</sup> of February, 2020

**Summary of Proposal:** It is proposed to relocate one, (1), "Park Home" to convert to a dwelling at 14 Railway Street, Beverley.

**Description of Buildings:** The building is as high quality two, (2), bedroom "Park Home", with a study and an ensuite to the main bedroom.

**Estimated Age of Building:** 2014 date of build.

See the following floor plan layout.



## Walls

Type: Metal and PVC Weatherboard

Condition: Good

Rectification Required: Nil









## Roof

Type: Metal roofing with insulation

Condition: Good

Rectification Required: Nil

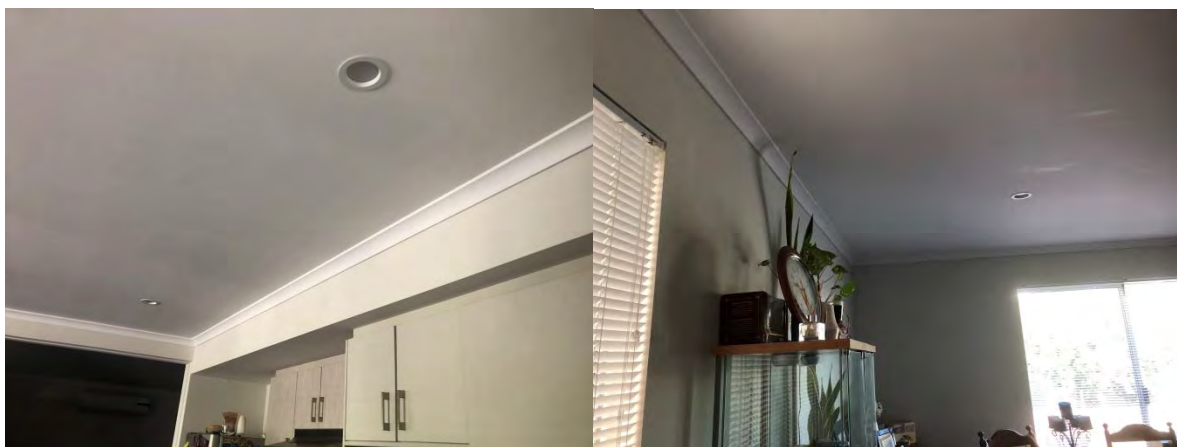


## Floor

Type: Tile/Vinyl/Carpet

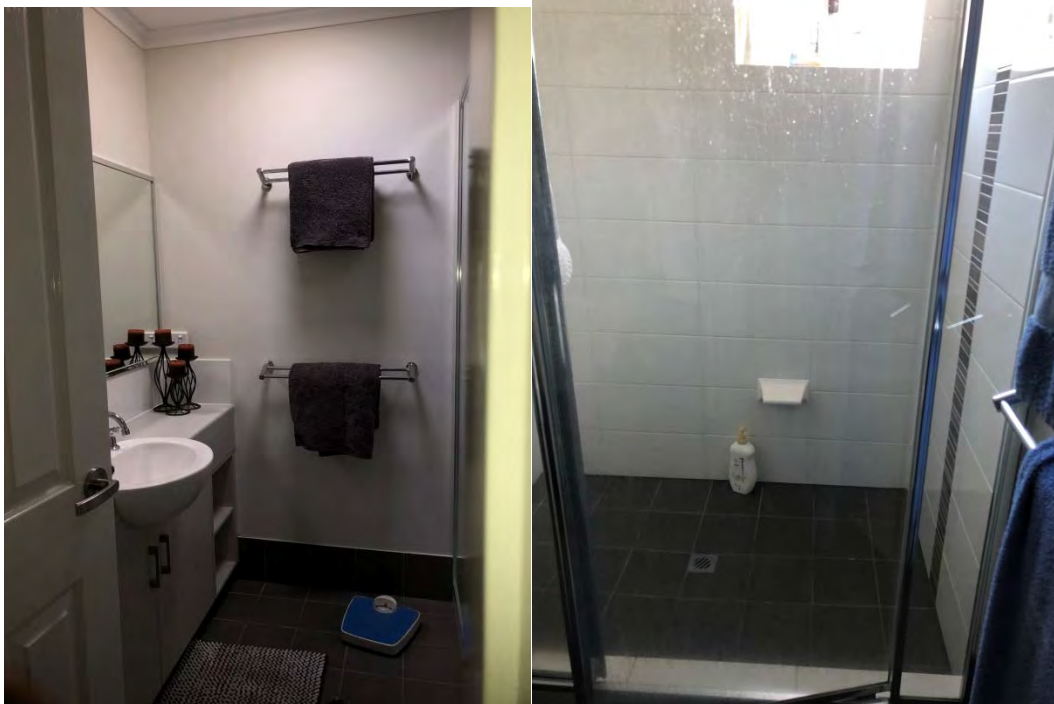
Condition: Good

Rectification Required: Nil



**Interior and Services (Any Relevant Comment)**

Appearance: Good, interior and services all appear in good order and satisfactory.



### **Structure – Sub-Floor**

Type: Steel bearers/joists/beams

Condition: Good

Rectification Required: Nil

### **General Remarks**

Building internally was in good to excellent condition and appears structurally sound.

External cladding is intact and windows and doors are in good working order. No major repairs are required.

### **4.0 Proposed Uses**

It is proposed to use the building as a Class 1a dwelling.

The building is in good to excellent condition and will be suitable for use as a Class 1a dwelling at 14 Railway Street, Beverley, subject to issue of the Certificate of Design Compliance by the Private Building Certifier.

The building will need to be checked for any minor wall lining or floor covering cracking incurred during the building relocation.

The owner has advised any minor cosmetic repairs will be attended to during the installation at the proposed site.

## 5.0 Conclusion

### Recommendation

That the Park Home that is the subject of this inspection report is in good to excellent condition being suitable for relocation to the proposed site at 14 Railway Street, Beverley and can be approved for relocation subject to the following:

1. A Building Permit application being submitted and approved prior to the relocation of any buildings.
2. A Structural Engineer's Certification for the building being submitted with the application for a Building Permit.
3. A Certificate of Design Compliance being issued by the Private Certifier.
4. Installation of any Bushfire requirements outlined in the bushfire report completed by Jeremy Durston, dated the 16<sup>th</sup> of December, 2019 prior to occupation of the building.



11/2/2020

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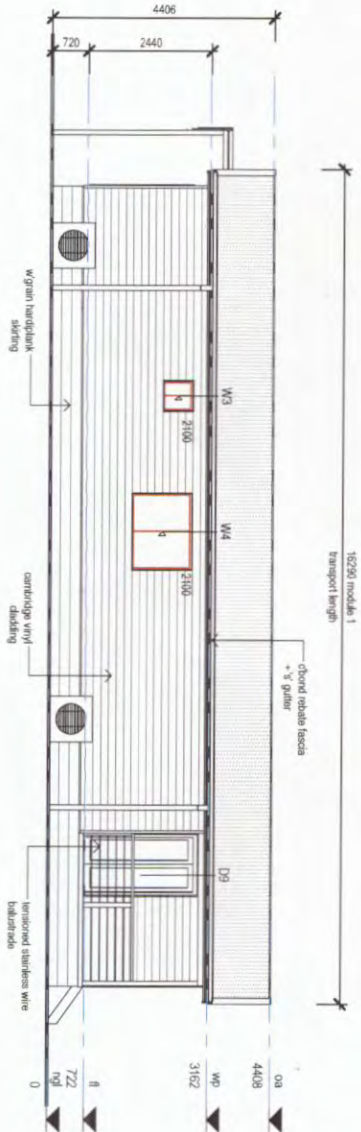
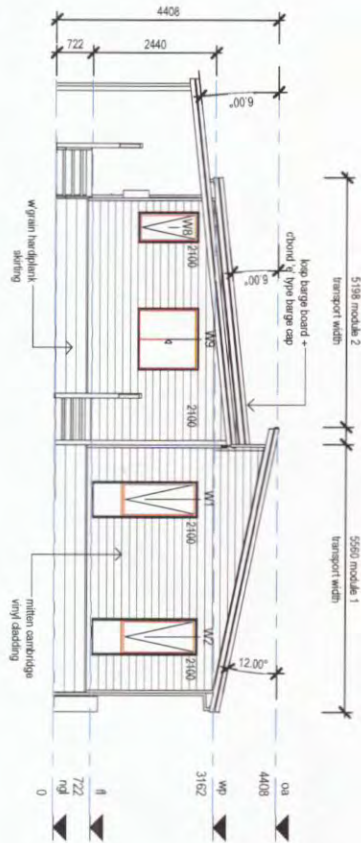
(Tim Jurmann)

Signature of Inspecting Officer

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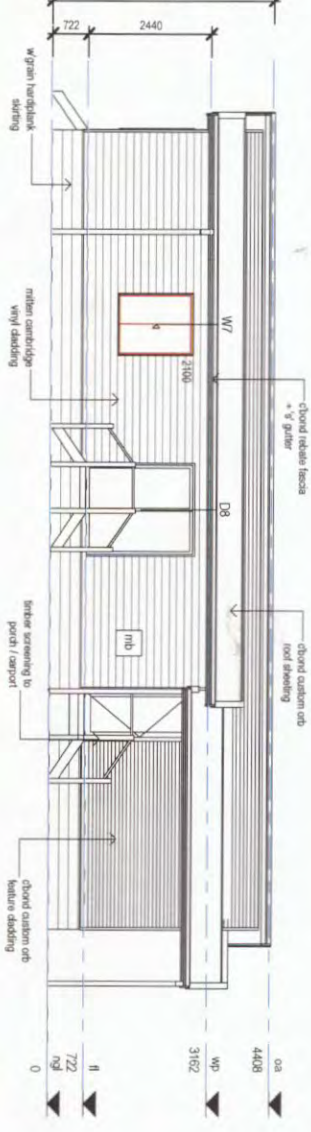
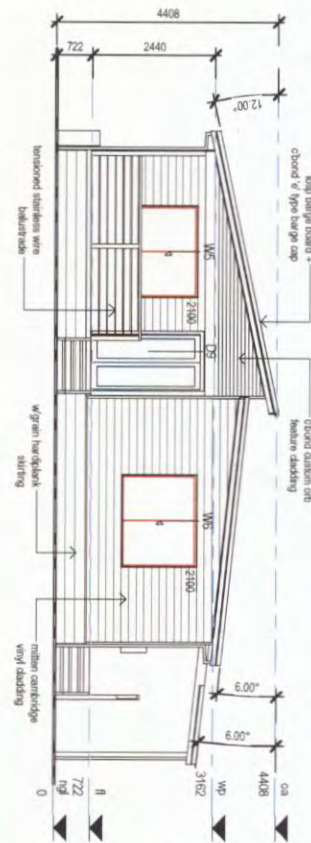
Date





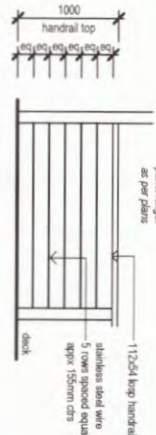
1 elevation 1  
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2 elevation 2  
1 : 100



3 elevation 3  
1 : 100

4 elevation 4  
1 : 100



5 Balustrade detail  
1 : 50

NOTE:  
- ALL DRAWINGS TO BE READ IN CONJUNCTION WITH RELEVANT SPECIFICATIONS AND CONSULTANT DRAWINGS.  
- READ FIGURED DIMENSIONS IN PREFERENCE TO SCALE.  
- CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT AND REPORT ANY DISCREPANCIES TO OFFICE IMMEDIATELY.  
- ALL TIMBER AS PER AUSTRALIAN STANDARD 1684



Ph: (08) 9493 1410  
Fax: (08) 9459 2658  
26 Jade St, Maddington WA 61109  
PO Box 304, Maddington WA 61109  
ABN 74 948 417 175  
Registered Builder No. S792

Client  
**Lakesands Investments**  
Address  
**Site 73A, Serpentine Park Home & Leisure Village**  
**2489 South Western Hwy, Serpentine 6125**

Project  
**Serpentine Park Home & Leisure Village**  
Drawing  
**ELEVATIONS**  
BUILDER: \_\_\_\_\_ CLIENT: \_\_\_\_\_

Drawn	Checked	Scale	Date
BO	AL	As indicated	7/04/2014 1:40:11 PM
Project No.	Drawing No.	Rev.	
<b>K707</b>	<b>A.20</b>	<b>2</b>	
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Drawing			
This drawing is copyright protected & remains the property of Kent Corporation Pty Ltd (A.B.N. 74 948 417 175) and shall not be used for any other purpose than that originally intended.			

# Bushfire Attack Level (BAL) Certificate

Determined in accordance with AS 3959-2018

This Certificate has been issued by a person accredited by Fire Protection Association Australia under the Bushfire Planning and Design (BPAD) Accreditation Scheme. The certificate details the conclusions of the full Bushfire Attack Level Assessment Report (full report) prepared by the Accredited Practitioner.

## Property Details and Description of Works

Address Details	Unit no	Street no 14	Lot no 100	Street name / Plan Reference Railway St		
	Suburb Beverley			State WA	Postcode 6304	
Local government area	Beverley					
Main BCA class of the building	Class 1a	Use(s) of the building		Dwelling.		
Description of the building or works	Relocation of transportable dwelling.					

## Determination of Highest Bushfire Attack Level

AS 3959 Assessment Procedure	Vegetation Classification	Effective Slope	Separation Distance	BAL
Method 1	Class B Woodland	0° (upslope)	56m	BAL – 12.5

## BPAD Accredited Practitioner Details

<b>Name:</b> Jeremy Durston (BPAD36525)	 <p>I hereby declare that I am a BPAD accredited bushfire practitioner. Accreditation No. <u>BPAD36525</u> Signature <u>[Signature]</u> Date <u>16 Dec 2019</u></p>
<b>Company Details:</b> Bushfire West Pty Ltd jeremy@bushfirewest.com.au	
I hereby certify that I have undertaken the assessment of the above site and determined the Bushfire Attack Level stated above in accordance with the requirements of AS 3959-2018.	

Reliance on the assessment and determination of the Bushfire Attack Level contained in this certificate should not extend beyond a period of 12 months from the date of issue of the certificate. If this certificate was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated certificate issued.



# Bushfire Attack Level Assessment Report

Prepared by a BPAD Accredited Practitioner



Attachments for Planning Item 9.1

Fire Protection Association Australia Life Property Environment



## AS 3959 BAL Assessment Report

This report has been prepared by an Accredited BPAD Practitioner using the Simplified Procedure (Method 1) as detailed in Section 2 of AS 3959 – 2018. FPA Australia makes no warranties as to the accuracy of the information provided in the report. All enquiries related to the information and conclusions presented in this report must be made to the BPAD Accredited Practitioner.

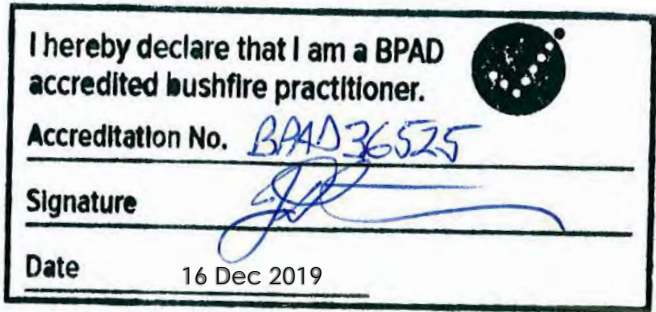
### Property Details and Description of Works

Address Details	Unit no	Street no	Lot no	Street name / Plan Reference		
		14	100	Railway St		
Local government area	Suburb			State		Postcode
	Beverley			WA		6304
Main BCA class of the building	Class 1a			Use(s) of the building		
Description of the building or works	Dwelling.					
	Relocation of transportable dwelling. Shed/caravan port to be separated >6m from dwelling.					

### Report Details

Job Number	Report Version	Assessment Date	Report Date
191110	V1.0	28 November 2019	16 December 2019

### BPAD Accredited Practitioner Details

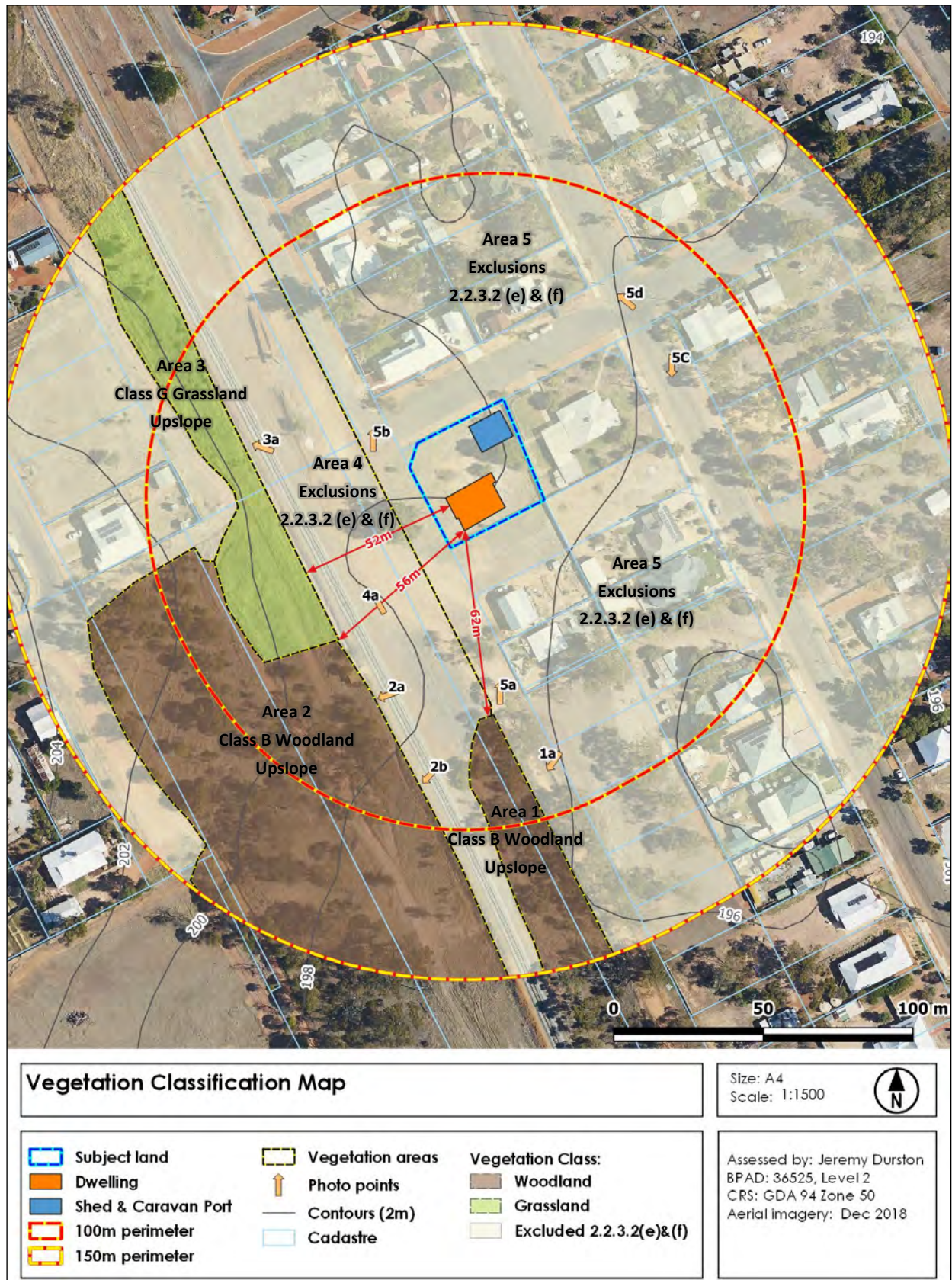
Name Jeremy Durston (BPAD36525)	
Company Details Bushfire West Pty Ltd jeremy@bushfirewest.com.au 0403 328 835	

Reliance on the assessment and determination of the Bushfire Attack Level contained in this report should not extend beyond a period of 12 months from the date of issue of the report. If this report was issued more than 12 months ago, it is recommended that the validity of the determination be confirmed with the Accredited Practitioner and where required an updated report issued.



## Site Assessment


The assessment of the site was undertaken on 28 November 2019 by a BPAD Accredited Practitioner for the purpose of determining the Bushfire Attack Level in accordance with AS 3959 - 2018 Simplified Procedure (Method1).








## Vegetation Classification

All vegetation within 100m of the proposed development was classified in accordance with Clause 2.2.3 of AS 3959-2018. Each distinguishable vegetation plot with the potential to determine the Bushfire Attack Level is identified below.





Area ID:	1	Vegetation Classification or Exclusion Clause:	Class B Woodland
<b>Description / Justification for Classification:</b>			
Trees with canopy cover less than 30% and grass understory.			
<div> <div> DIRECTION 216 deg(T) -32.11186° +116.92845° ACCURACY 5 m DATUM WGS84 </div>  <div> 3 Railway... Beverley 28/11/19, 08:46:56 </div> </div> <p><b>Photo 1a</b></p>			

Area ID:	2	Vegetation Classification or Exclusion Clause:	Class B Woodland
<b>Description / Justification for Classification:</b>			
Trees with canopy cover less than 30% and grass understory.			
<div> <div> DIRECTION 251 deg(T) -32.11194° +116.92811° ACCURACY 5 m DATUM WGS84 </div>  <div> 2 Railway... Beverley 28/11/19, 08:45:20 </div> </div> <p><b>Photo 2a</b></p> <div> <div> DIRECTION 222 deg(T) -32.11194° +116.92811° ACCURACY 5 m DATUM WGS84 </div>  <div> 2 Railway... Beverley 28/11/19, 08:45:23 </div> </div> <p><b>Photo 2b</b></p>			

Area ID:	3	Vegetation Classification or Exclusion Clause:	Class G Grassland
Description / Justification for Classification:			
Area of rail reserve with grass not maintained for low threat.			
			
Photo 3a			

Area ID:	4	Vegetation Classification or Exclusion Clause:	Excludable - 2.2.3.2(e) & (f) - Non Vegetated Areas & Low Threat Vegetation
Description / Justification for Classification:			
Eastern section of rail reserve maintained for low threat.			
<div><div>DIRECTION 319 deg(T)</div><div>-32.11128° +116.92788°</div><div>ACCURACY 5 m DATUM WGS84</div></div>  <div><div>1 Railway...</div><div>Beverley</div><div>28/11/19, 08:41:12</div></div>			
Photo 4a			



Area ID:	5	Vegetation Classification or Exclusion Clause:	Excludable - 2.2.3.2(e) & (f) - Non Vegetated Areas & Low Threat Vegetation
Description / Justification for Classification:			
Balance of assessment area including residential gardens, lawns and road verge managed for low threat, and non-vegetated areas including buildings, paths and road surface.			
<div> <div> DIRECTION 318 deg(T) -32.11165° +116.92821° ACCURACY 10 m DATUM WGS84 </div>  <div> 1 Railway... Beverley 28/11/19, 08:44:09 </div> </div> <p><b>Photo 5a</b></p>		<div> <div> DIRECTION 19 deg(T) -32.11096° +116.92786° ACCURACY 5 m DATUM WGS84 </div>  <div> 7 Railway... Beverley 28/11/19, 09:08:50 </div> </div> <p><b>Photo 5b</b></p>	
<div> <div> DIRECTION 198 deg(T) -32.11078° +116.92904° ACCURACY 5 m DATUM WGS84 </div>  <div> 12 Railway... Beverley 28/11/19, 09:01:20 </div> </div> <p><b>Photo 5c</b></p>		<div> <div> DIRECTION 219 deg(T) -32.11053° +116.92881° ACCURACY 5 m DATUM WGS84 </div>  <div> 12 Railway... Beverley 28/11/19, 09:00:54 </div> </div> <p><b>Photo 5d</b></p>	

**Relevant Fire Danger Index**

The fire danger index for the site has been determined in accordance with Table 2.1 or otherwise determined in accordance with a jurisdictional variation applicable to the site.

**Fire Danger Index**FDI 40 ☐

Table 2.7

FDI 50 ☐

Table 2.6

FDI 80 ☒

Table 2.5

FDI 100 ☐

Table 2.4

**Potential Bushfire Impacts**

The potential bushfire impacts to the development from each of the identified vegetation plots are identified below.

**Table 1: BAL Analysis**

Plot	Vegetation Classification	Effective Slope	Separation (m)	BAL
1	Class B Woodland	Upslope	62m	BAL – 12.5
2	Class B Woodland	Upslope	56m	BAL – 12.5
3	Class G Grassland	Upslope	52m	BAL – LOW
4	Excludable – Clause 2.2.3.2(e) & (f)	n/a	23m	BAL – LOW
4	Excludable – Clause 2.2.3.2(e) & (f)	n/a	23m	BAL – LOW

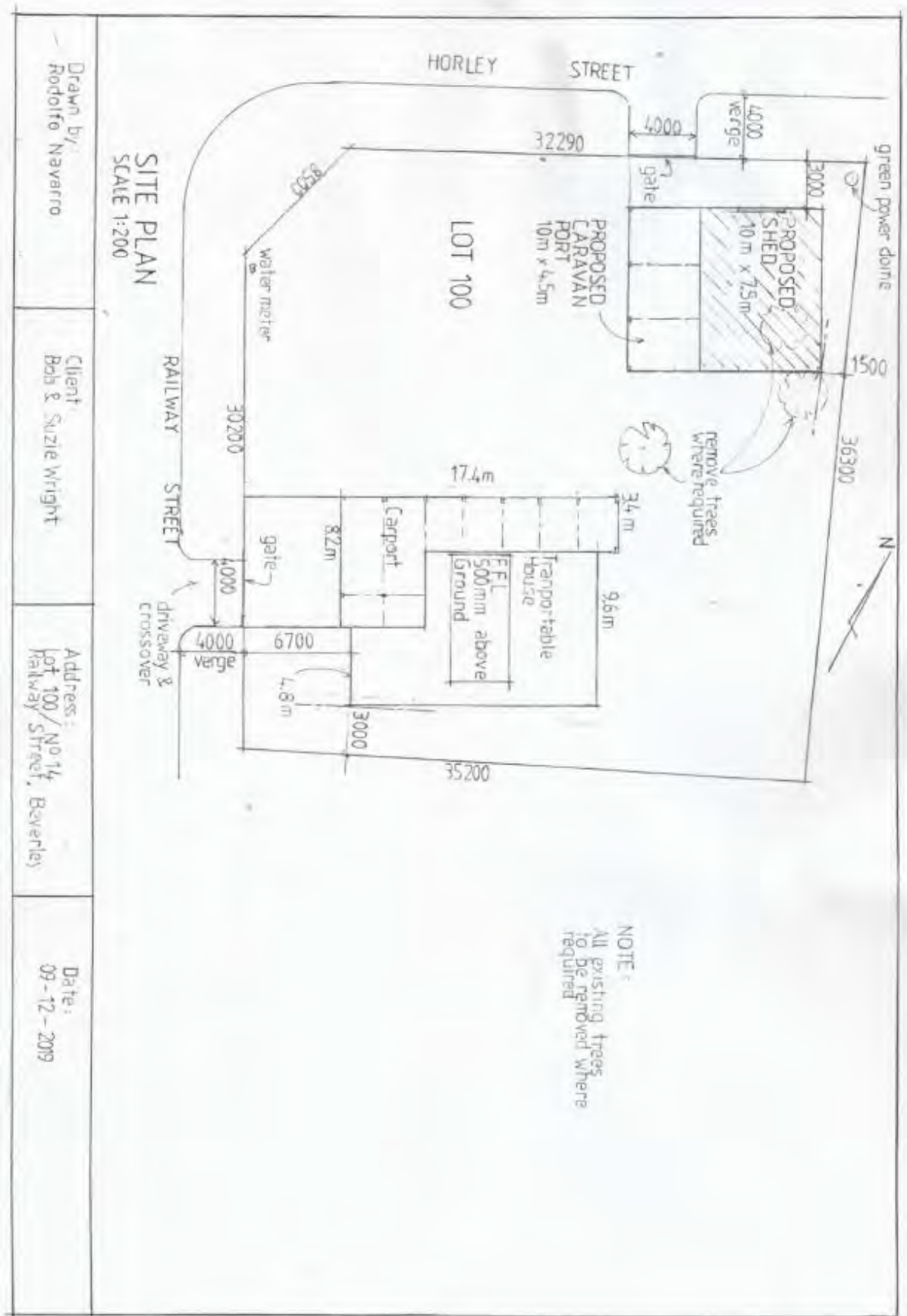
**Determined Bushfire Attack Level (BAL)**

The Determined Bushfire Attack Level (highest BAL) for the development has been determined in accordance with clause 2.2.6 of AS 3959-2018 using the above analysis.

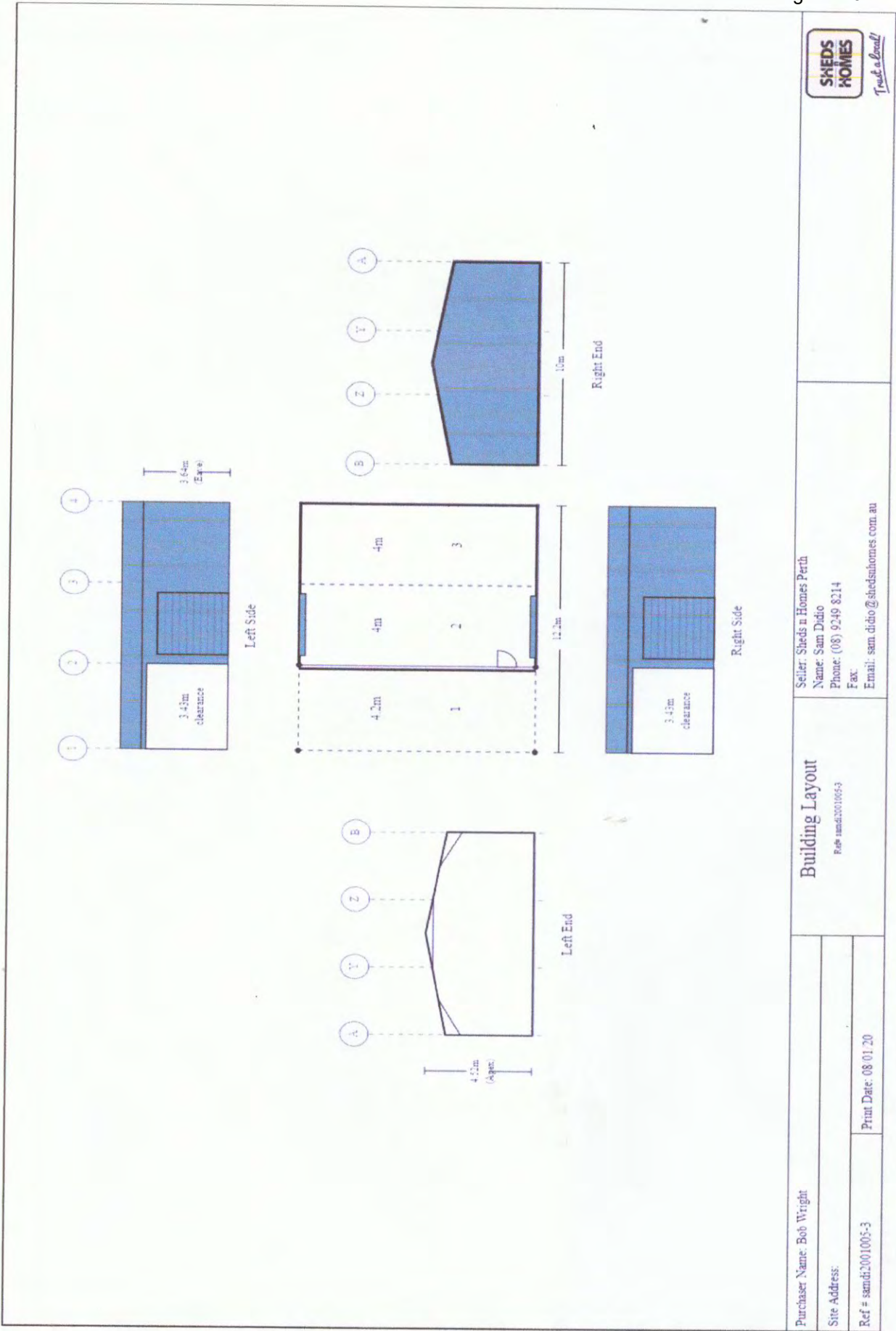
**Determined Bushfire Attack Level****BAL – 12.5****Adjacent Structures on the Subject Allotment (Shed with Caravan Port)**

AS3959-2018 clause 3.2.3(a) exempts any garage, carport or similar roofed structure from conforming with the bushfire construction requirements, provided the structure is separated by a distance of at least 6m from the subject building.

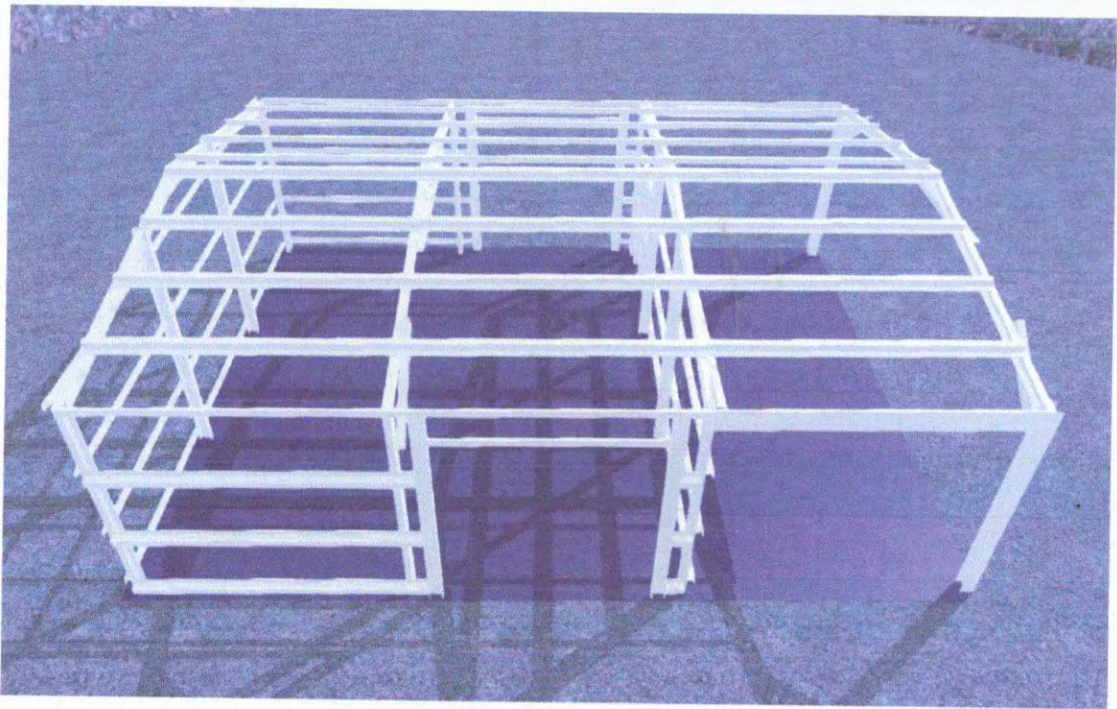
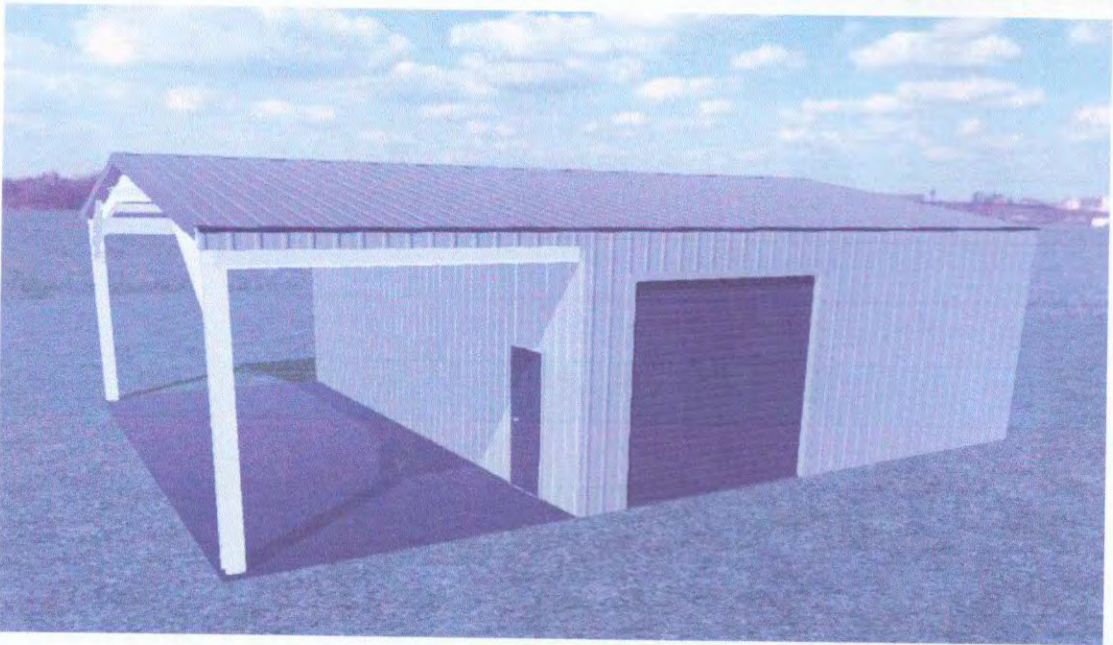
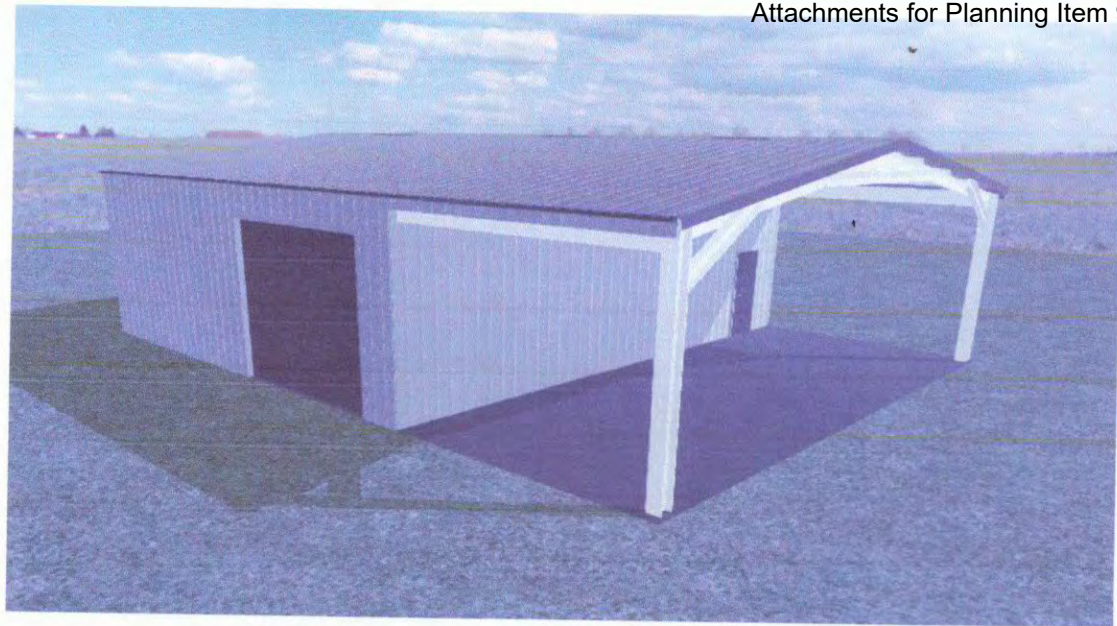
## Appendix 1: Development Plans relied on to determine the bushfire attack level







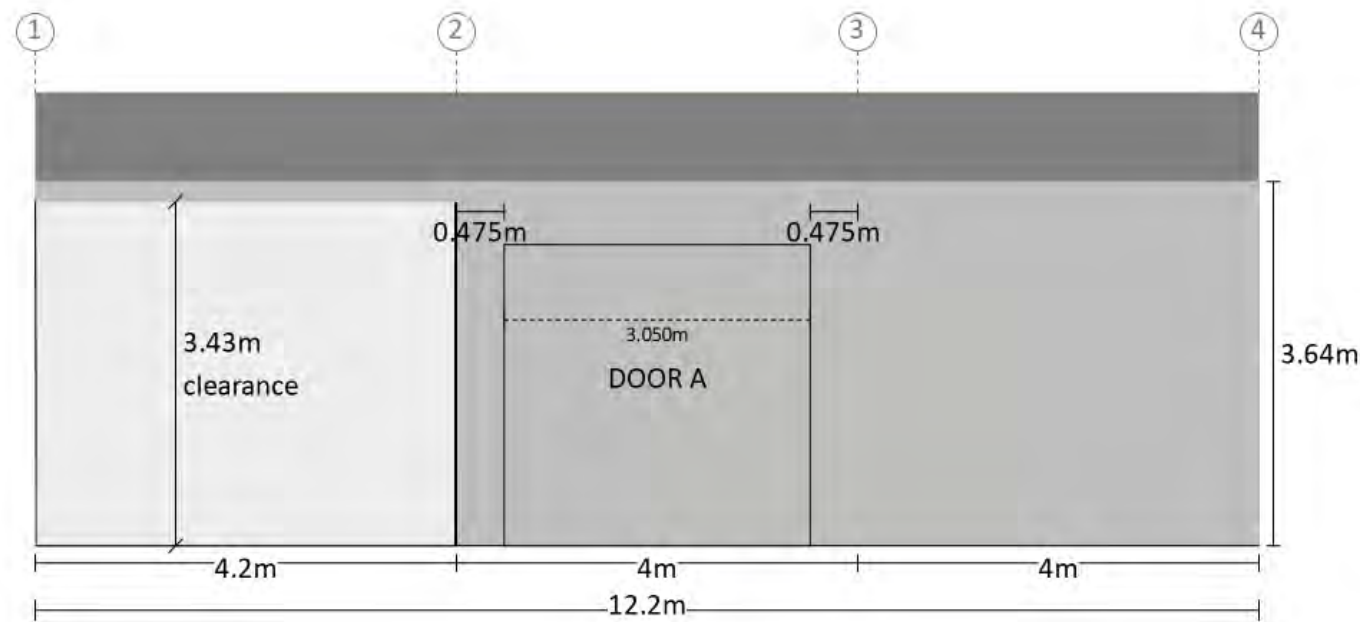






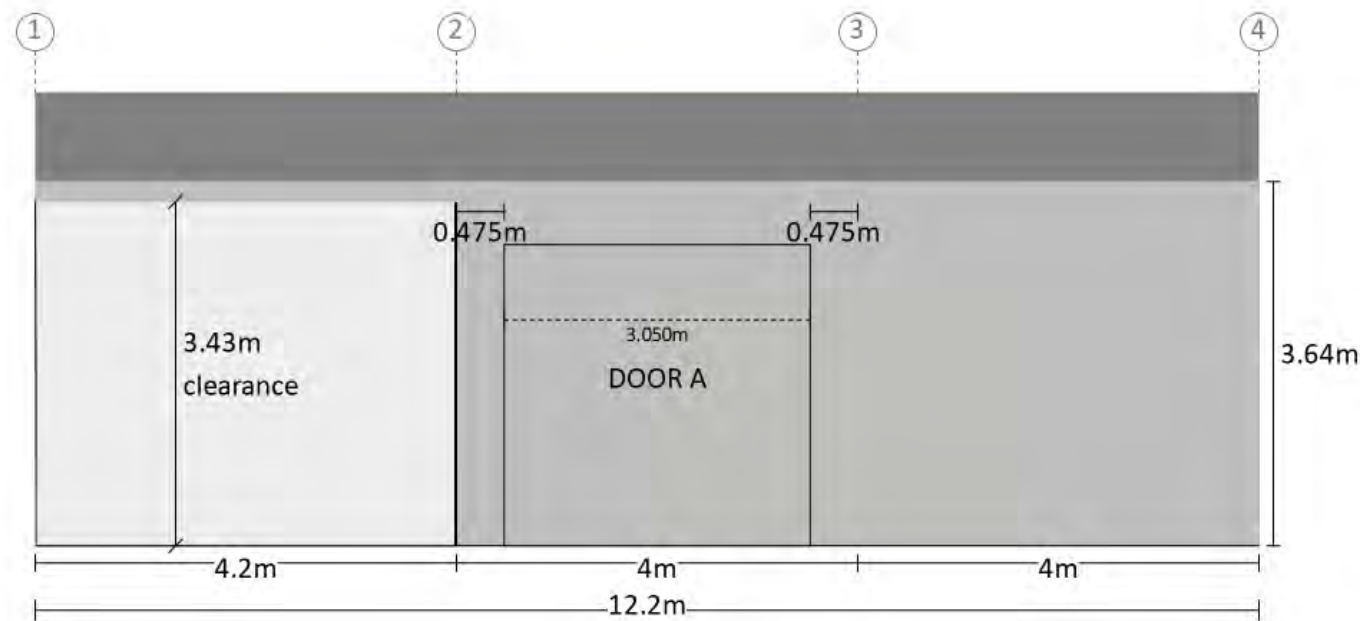
This setout is provided as a guide only. It is the responsibility of the concreter/erector to confirm that all dimensions are correct.

Left Side



Measurements are from the outside of end girts (end bays) and/or centre of columns (mid bays) to inside of component opening size.

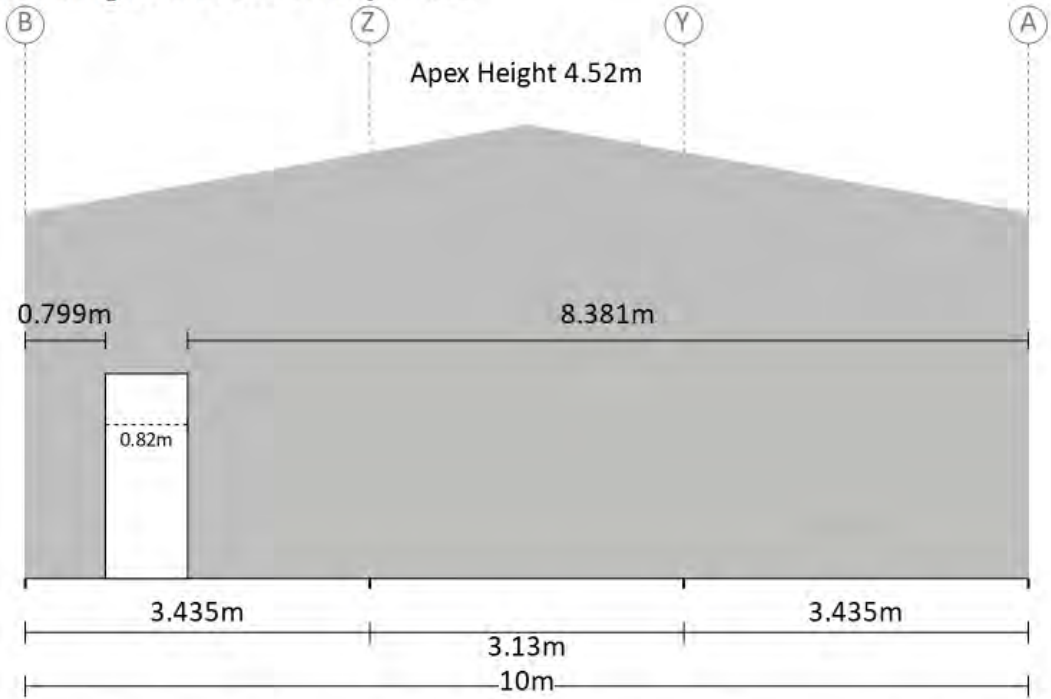
Right Side



Measurements are from the outside of end girts (end bays) and/or centre of columns (mid bays) to inside of component opening size.

Purchaser Name: Bob Wright		<div>Component Position</div> <div>Not to Scale</div> <div>Page 1 of 2</div> <div>© Copyright Steelx IP Pty Ltd</div>	<div>Seller: Sheds n Homes Perth</div> <div>Name: Sam Didio</div> <div>Phone: (08) 9249 8214</div> <div>Fax:</div> <div>Email: sam.didio@shedsnhomes.com.au</div>
Site Address: 14 Railway St BEVERLEY WA 6304 Australia			
Drawing # samdi2001005-3	Print Date: 08/01/20		

Bay Dividing Wall Between Bays 1 & 2



Measurements are from the outside of side girts to the inside of component opening size.

Purchaser Name: Bob Wright		<div>Component Position</div> <div>Not to Scale</div> <div>Page 2 of 2</div> <div>© Copyright Steelx IP Pty Ltd</div>	<div>Seller: Sheds n Homes Perth</div> <div>Name: Sam Didio</div> <div>Phone: (08) 9249 8214</div> <div>Fax</div> <div>Email: sam.didio@shedsnhomes.com.au</div>
Site Address: 14 Railway St BEVERLEY WA 6304 Australia			
Drawing # samdi2001005-3	Print Date: 08/01/20		

## **9.2 Development Application: Animal Husbandry – Intensive (Poultry Farm – Egg Production) – 121, Lot 1000 Mann Road, Beverley**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>13 February 2020</b>
<b>APPLICANT:</b>	<b>Kelly Mann – on behalf of The Barracks Pastoral Company</b>
<b>FILE REFERENCE:</b>	<b>MAN 51329</b>
<b>AUTHOR:</b>	<b>B.S. de Beer, Manager: Planning &amp; Development Services</b>
<b>ATTACHMENTS:</b>	<b>Locality Map and Development Application (under separate cover)</b>

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### **SUMMARY**

An application has been submitted by Kelly Mann on behalf of The Barracks Pastoral Company to establish a poultry farm for egg production on 121 (Lot 100) Mann Road, Beverley. The application will be recommended for approval.

### **BACKGROUND**

The applicant proposes to diversify their existing broad acre farming operations on the subject lot to include pastured free-range hens producing eggs.

#### Application Site Details

The subject site, 121 (Lot 1000) Mann Road, is 750 Hectares in extent, Zoned 'Rural' in terms of the Shire of Beverley Local Planning Scheme No 3 (LPS 3), and contains existing farming related infrastructure, homestead and outbuildings.

The proposed development site for the egg production venture is contained within a demarcated area within the above lot.

#### Proposal

The applicant submits the intention is to initially establish four mobile homes (coops) that house up to 600 hens each. The coops will be moved around the property through a structured timeline. This will be expanded to up to 4,000 hens, which is the subject of this Development Application.

The applicant submits that the coops include a state-of-the-art laying system to keep the eggs clean to avoid having to wash them. The coops will be moved weekly so the hens have access to fresh pasture. The hens live in small flocks in the mobile shed giving them room to move and forage. The intention is to keep the stocking rate to no more than 50 hens per hectare.

Applicant submits that pastured eggs are different to normal free range fixed shed systems. The proposed coops are low density mobile outdoor pastured systems that have minimal odour impact due to the low stocking densities in small flocks and outdoor nature of the production system. Moving the coops weekly reduces the risk of disease, odour and water contamination.

Please refer to the attached Development Application documentation for a full description of the proposal.

## COMMENT

The subject site is zoned 'Rural' under the Shire of Beverley Local Planning Scheme No. 3 (LPS 3), with all surrounding land similarly zoned.

The proposed Land Use is considered to fit the definition of 'Animal Husbandry – Intensive' in terms of Table – 3 Zoning Table of LPS 3.

LPS 3 defines 'Animal Husbandry – Intensive' as follows:

*means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.*

In LPS 3 Table – 3 Zoning Table 'Animal Husbandry – Intensive' is identified as an 'A' use in the 'Rural' zone. An 'A' use means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

**Section 67** of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) lists a number of matters which the local government must have due regard to when determining an application for development approval. Below is a discussion of the matters which are deemed to be relevant to the application at hand, with Author's comments:

### Section 67(a) of the Regulations:

*'The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme Area':*

Part 3 of LPS 3 establishes the objectives of the 'Rural' zone, with the following objectives considered relevant to this application:

- *To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.*
- *To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and water course systems from damage.*

It is submitted that the proposed land use will align with these objectives of LPS 3 as it is considered an intensive agricultural pursuit that, if well managed, will strengthen the regional agri-economic base and is therefore deemed entirely compatible with the objectives of the 'Rural' zone.

### Section 67(m) of the Regulations:

*'the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.'*

As mentioned above it is the opinion of Author that the proposed use will be compatible with the objectives of the 'Rural' zone. Being located within a broad acre farming setting it is considered to be entirely compatible with the existing surrounding agricultural land uses.

Section 67(n) of the Regulations:

*'the amenity of the locality including the following –*

- (i) environmental impacts of the development;*
- (ii) the character of the locality;*
- (iii) social impacts of the development.'*

Applicant submitted a comprehensive application that address a number of issues including environmental impacts and proposed mitigation measures. Shire Planner is satisfied that all relevant matters have been satisfactorily addressed. Should Council resolve to approve the application, it will be recommended that adherence to a revised Management Plan, to be submitted, be made a condition of planning approval.

Section 67(o) of the Regulations:

*'the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource.'*

The submitted Nutrient Management Plan includes a statement pertaining to maintenance of ground cover and the proposed monitoring thereof. The subject site is not located within a *Public Drinking Water Source Protection Area* pursuant to Clause 46 of LPS 3. The applicant nevertheless proposes to have grazing areas sufficiently set back from waterways and performing water quality monitoring.

Should Council resolve to approve the application, it will be recommended that adherence to a revised Management Plan, including a Nutrient Management Plan & Waste Management Plan be made a condition of planning approval.

Section 67(s) of the Regulations:

*'the adequacy of -*

- (i) the proposed means of access to and egress from the site; and*
- (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.'*

&

Section 67(t) of the Regulations:

*'the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.'*

The means of access to and from the subject site is via Mann Road. A marginal increase in Agricultural related traffic will result on this section of road as a result of this operation. As a result of the size of the subject lot (750 Ha), no adverse impacts are anticipated with loading, unloading, manoeuvring or parking in this regard.

Section 67(y) of the Regulations:

*‘any submissions received on the application.’*

The application was duly advertised to landowners considered to be affected by the proposal, as well as selected Government Departments. More details on the contents of the submissions are discussed below.

**Advertising**

In compliance with Clause 64 of the Deemed Provisions the application was advertised. Please refer to the Schedule of Submissions on the following pages 14 – 25.

	Respondent	Summary of Submission	Applicant's comments	Planner's comments
1	Michael Steele Lot 109 Little Hill Road	No objection to proposal.	Noted.	Noted.
2	Evert Grul 911 York-Williams Road	No objection to proposal.	Noted.	Noted.
3	Zoe Wilkinson 36 Little Hill Road	No objection to proposal.	Noted.	Noted.
4	Andrew Holmes Lot 1005 York- Williams Road	No objection to proposal.	Noted.	Noted.
5	Joanne Davis Lot 845 Lennard Road	No objection to proposal.  Comment on proposal: Just a note regarding the maps. They still show lot 188 as being part of the property where egg production will take place. This property is owned now by another party. This is important as lot 188 has a benefit on our land. Whereas the Mann property does not. We would not like to see traffic increase due to this project. Otherwise wish them all the best of luck.	Noted.	Noted.  Respondent misinterpreted the submission and maps. It is not the intention of the applicant to develop on the mentioned lot 188. Proposed development will be contained within the boundaries of 121 (lot 1000) Mann Road only, as shown in blue on pages 5, 6, 9 & 10 of the Development Application Documentation.
6	Jamie Seed Lot 1 on plan D020697	No objection to proposal.  I support the venture, good for the area. Also it will keep all the foxes busy.	Noted.	Noted.
7	Department of Primary Industries and	The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposed pastured egg farming development at the abovementioned	Noted.	Noted.

	Respondent	Summary of Submission	Applicant's comments	Planner's comments
	Regional Development (DPIRD)	<p>location, but would like to make the following comments for consideration:</p> <ul style="list-style-type: none"> <li>- The applicant stated that at no stage will the chickens be at a stocking rate that exceeds 50 chickens/ha. This is achievable as the paddocks identified for the chickens are large enough to ensure that the stocking rate will be below the 50 chickens/ha target.</li> <li>- The applicant prepared a Nutrient Management Plan (NMP) that addressed the following elements: <ul style="list-style-type: none"> <li>• Maintenance of 50% ground cover</li> <li>• Mobile infrastructure relocation (weekly) and manure management</li> <li>• No return period of at least 3 months and associated pasture management</li> <li>• Disposal of dead birds</li> <li>• Soil test records and farm management details. Soils will be tested every two years.</li> </ul> </li> <li>- DPIRD assessed the NMP and found that it does address all aspects of the proposed operation.</li> <li>- The current soil nutrient levels of the identified paddocks are high and it is therefore important to do the regular soil tests as set out in the NMP to ensure there is no further increase in nutrients. DPIRD expects that no additional fertiliser will be required in the paddocks identified for the pastured chicken operation.</li> <li>- The 50m setback of grazing areas from waterways should be adhered to at all times.</li> </ul>		Should Council resolve to approve the application, it will be recommended that appropriately framed Conditions of Planning Approval be imposed to address all matters of concern as highlighted by DPIRD.



	Respondent	Summary of Submission	Applicant's comments	Planner's comments
8	Paul & Annette Broun 871 (Lot 25) Waterhatch Road	<p>Comment on proposal. Prepared in consultation with Robert Atkins B.Sc. (Hons), former Director Environmental Regulation.</p> <p>Barracks Farm (Lot 1000) shares a boundary with the southern edge of our property Waterhatch. Waterhatch is located immediately downstream from Barracks Farm. The primary concern regarding the proposal is the protection of the water quality of the Dale River. The Dale River, including the residual pools over summer, is the only source of water for stock in the paddocks at the south-east of Waterhatch with previous water boring indicating the groundwater is too salty. Any threat to water quality of the Dale River and the resulting loss of this amenity will impact directly the viability of grazing stock in these southern paddocks and therefore the value and profitability of our farming enterprise.</p> <p>It is considered that the buffers between the proposed intensive farming system and the Dale River and tributary intermittent creeks are inadequate and do not meet approved guidelines and policies.</p> <p>Table 1, p15 (Environmental Code of Practice (2004)) specifies that water course buffers should be maintained at a minimum of 200m as opposed to the 50m outlined in the proposal.</p> <p>The following policies and guidelines have been applied to the assessment of the proposal.</p> <ul style="list-style-type: none"> <li>• State Planning Policy 2.5 Rural Planning;</li> <li>• Poultry Farms – Fact Sheet; WA Planning Commission;</li> </ul>	<p>Thank you for providing feedback from Paul &amp; Annette Broun in regards to our Development Application – Animal Husbandry. We have been able to clarify further information in regards to the Development Application requirements with both the Department of Water and Environmental Regulation (DWER) and Department of Primary Industries and Regional Development, Sustainability and Biosecurity Department to update our Management Plan to address the concerns raised.</p> <p>All buffer zone requirements as outlined in our discussions with the Department of Water and Environmental Regulations have been updated and will be adhered to at all times and are indicated on the Updated Property Map:</p> <ul style="list-style-type: none"> <li>•Wells &amp; Bores: 100m buffer</li> <li>•Tributaries: 100m buffer</li> <li>•Dale River: 200m buffer</li> <li>•Dams: No DWER requirement but our internal management will be 50m buffer with a vermin exclusion fence around them</li> <li>•Dwellings: 300m buffer</li> <li>•Burial Pits: 50m buffer to waterways and 100m buffer from water supply bores with a vermin exclusion fence around them.</li> </ul>	<p>Noted.</p> <p>Should Council resolve to approve the application, it will be recommended that appropriately framed Conditions of Planning Approval be imposed to address all matters of concern as highlighted by the respondent including the requirement to submit an updated Management Plan indicating the new buffers from water courses, etc.</p>

	Respondent	Summary of Submission	Applicant's comments	Planner's comments
		<ul style="list-style-type: none"> <li>Environmental Code of Practice for Poultry Farms in Western Australia (2004);</li> </ul> <p>The proposal states that the waterways buffer is 50m. The Environmental Code of Practice for Poultry Farms in Western Australia (2004) recommends 50m for poultry sheds where all manure is contained and managed offsite or within sealed areas to prevent leaching, however, this is not an appropriate buffer for free to range enterprises where a 200m vegetated buffer is recommended between the end of the roaming area to any wetland or waterway. When manure is deposited directly onto soil, nutrients not absorbed by vegetation will run off or leach into groundwater, wetlands or waterways.</p> <p>The property plan (page 30 of the application) indicates both a 50m and 200m buffer along the Dale River and despite acknowledgement of the latter distance to the river, it is planned that only a 50m buffer will be observed for free to range roaming purposes. Additionally, only 50m buffers along the two other waterways flowing through the coop area into the Dale River have been identified. The proposed buffer zones appear to only consider the distance from the centre of the waterway and not the edge of the natural riparian zone as is defined in the Code of Practice.</p> <p>The proposal states that "Conservation riparian buffer zones are planted alongside water courses". Riparian vegetation must include a perennial herb and shrub layer. The Dale River generally has very little riparian herb and shrub layer beneath the outlying trees and contains mostly annual grasses as shown in Figure 1. This is a concern because particularly during episodic storm events, runoff and eroded</p>	<p>We wrote our Water Management Plan (below) in 2018 with the purpose to provide us with a formal document to assist our farming business with planning, developing, distributing and managing the optimum use of water resources on our property. We view and utilise this Water Management Plan as a means to provide information about our current water uses and plan for our future water efficiency</p>	


	Respondent	Summary of Submission	Applicant's comments	Planner's comments
		<p>soil, including any chicken manure on the soil surface, will flow towards the Dale River with the surrounding riparian zone doing little to stop the flow of waste nutrients. Figure 2 depicts the runoff of loose soil particles and organic materials that occurred at Waterhatch during one such storm event in 2011. This represents a significant risk to the water quality of the Dale River and residual summer pools as the increased disposition of nutrient rich chicken manure can foul the water and trigger algal blooms. Additionally, the proposal does not define a procedure for management or composition of the 50m buffers outlining how they will be utilised in order to prevent nutrient and waste run off.</p>	<p>improvements, sustainability and goals to strive towards. Increasing riparian vegetation is a plan that we are working towards on our property.</p> <p>Due to our commitment to the environment and future sustainability on all areas of our property we have engaged with Wheatbelt NRM on two projects at the moment in regards to managing our waterways and improving soil health.</p> <p>Project 1 In 2019 we were one of eight farms in WA selected for the Wheatbelt NRMs Optimising fodder options in mixed farming project. This is a four-year project to demonstrate how ground cover options can be maximised for soil health and productivity gains. We have started the consultation process to develop plan which seeks to increase ground cover over the summer period where feed gaps occur. Using forage shrubs, summer cropping and pasture options to maintain ground cover is an important intervention to minimise erosion and increase soil carbon and overall soil health. Anameka Fodder Shrubs have been purchased for planting in July 2020 with initial site selection options looking around the two tributaries in the centre of the Property Lot as there is currently minimal to no vegetation in those areas.</p> <p>Project 2 Supporting and protecting the Dale River Waterways. Last year Wheatbelt NRM visited</p>	


	Respondent	Summary of Submission	Applicant's comments	Planner's comments
			<p>our property to inspect the Dale River and Talbot Brook waterway. They have gauged community interest in undertaking management activities, which will help protect the waterway for future generations. The aim of the identified activities is on minimising the flow of sedimentation and nutrient loads downstream. The assessment process, by nature, provides the opportunity to identify the current condition of the waterway, threats and the associated management actions that they may benefit from. Wheatbelt NRM in this project will provide support to manage the waterway and can include some of the below management options:</p> <ul style="list-style-type: none"> <li>•A Plan to help guide management of our waterway – map and associated overview of activities</li> <li>•Provision of seedlings for infill planting</li> <li>•Support to help manage feral animals – rabbits, foxes &amp; cats</li> <li>•Artificial habitat structures for native wildlife (i.e. bat boxes or insect hotels)</li> </ul> <p>Working on these projects with Wheatbelt NRM will allow us access to their resources and the wealth of knowledge of staff to assist with ongoing management and assessment of our Pastured Egg Project on our property and ensuring sustainability for the future. Being proactive with the management and assessment of all soil and water health is our</p>	

	Respondent	Summary of Submission	Applicant's comments	Planner's comments
			<p>whole property priority and having engaged with Wheatbelt NRM.</p> <p>Protecting our waterways and soil health now and into the future is our primary focus in every practice we do within our property. Our own livestock (sheep) utilise the Dale River for drinking, so maintaining the water quality is paramount at all times. We strive in everything we do on our property to make sure all environmental and sustainable practices are adopted.</p> <p style="text-align: center;"><u>Water Management Plan</u> <u>THE BARRACKS PASTORAL CO</u></p> <p>Definition – Is the planning, developing, distributing and managing the optimum use of water resources. A good Management of water resources will help farmers to cut costs while maintaining or improving the productivity of the land and reduce the risk of pollution.</p> <p>Water sourcing – Water is gathered into rain water tanks off of the roofs of sheds and housing. This water is then used in the spray application on the farm. This eliminates the need to draw the water from the table allowing for the accumulation and deposition of rainwater for reuse. The harvested water can be used for drinking as well if the storage is a tank that can be accessed and cleaned when needed.</p> <p>Water usage – Water is used in a responsible manner and not wasted. Water is stored in separate tanks around the property. A good management of water resources will help to cut costs while maintaining or improving the productivity of the land and reduce the risk of pollution.</p> <p>Awareness of the farms characteristics (including surroundings water courses. The level of water stress, availability and quality of water resources, soil type) will then be the basis of the selection for the best location for crop production.</p> <p>Rotational cropping will also assist in the management of the water usage.</p> <p>Chemical applications use water harvested from rain water tanks, no drawing from the water table or town supply is used.</p> <p>Due to the salinity of water throughout the crop/wheat belt growing region, No irrigation is used for crops.</p> <p>Riparian vegetation – Conservation riparian buffer zones are planted alongside watercourses. There is frequent extension of existing buffers to gain more efficiency in intercepting overland flow and reducing the transport of nutrients, pesticides and agrochemicals. Farming on the contour creates small ridges that slow runoff water. Rotational grazing is practiced to allow for revegetation, assisting in the filtering of runoff water.</p>	



	Respondent	Summary of Submission	Applicant's comments	Planner's comments
		<p>The proposal states that because of the mobility of the coop sheds there will be no build-up of manure waste. A calculation using the assumptions of 4000 chickens producing 400g of dry manure/chicken/week (pg 59, Environmental Code of Practice, 2004) over a non-growing season November to mid-April, equates to the production of approximately 37 tonnes of chicken manure. During these summer months it is unlikely that much of the manure will be utilised by vegetation or the soil due to the high heat, low rainfall conditions, averaging around 80mm of rain over 15.7 rainfall events during the five-and-a-half-month period (Bureau of Meteorology). Therefore, despite the coop sheds being moved regularly there is still the potential for a substantial quantity of high nutrient manure, loosely deposited onto dry, grazed terrain, to be washed into the Dale River in the event of a storm.</p>	<p>The data mentioned of 400g of dry manure/chicken/week is tabled on layer shed-barn/free to range litter, there is no data provided specifically to pastured raised chickens. In Australia free range egg producers can run a maximum of 10,000 hens per hectare of land in order to be accredited as "free range", that is the equivalent of one hen per square metre. This Development Application is for 50 hens per hectare. Running 50 hens per hectare allows manure quantities to be diluted over a large area and by the coops being mobile, the manure is not concentrated in a small confined space.</p> <p>With the revised buffer zones to water ways, new site locations, updated management practices in relation to washdown, soil testing regimes, two ongoing projects with Wheatbelt NRM, maintenance of ground cover, no return periods of 3 months and our nutrient management plan through the Decipher program we believe the potential for a substantial quantity of high nutrient manure to be washed into the Dale River in the event of a storm is minimal.</p> <p>This has been updated on advice from the Department of Water and Environmental</p>	

	Respondent	Summary of Submission	Applicant's comments	Planner's comments
		<p>There is also concern over the mortality management policy outlined in the proposal. The open incineration of deceased birds in pits during the summer months poses a substantial risk of starting a bushfire and is a contradiction to the Shire of Beverley 'Prohibited Burning Period' (which is generally from 1 November to mid-February and is often extended due to circumstances).</p> <p>In conclusion we would like to summarise that our primary concern as to the proposal is the protection of the water quality of the Dale River for stock water in the southern paddocks of Waterhatch as it is imperative for the viability of the farm. Therefore, it is respectfully requested that the recommendation of a 200m buffer as outlined above be implemented to all water courses and that the free to range roaming areas be located outside these buffers. Beyond this we have no objection to the diversification by Barracks Farm to free to range egg production.</p>  <p>Figure 1: Example of Dale River riparian zone December 2019, similar to the site of roaming area; no perennial understory</p>	<p>Regulation (DWER) and Department of Primary Industries and Regional Development, Sustainability and Biosecurity Department.</p> <p>The waste disposal on site for any chook mortalities (shown on Property Map) will be done through the use of burial pits. These pits meet the Department of Water and Environmental Regulation of a minimum buffer zones of 50m to waterways and 100m from water supply bores. As part of the Environmental Code of Practice for Poultry Farms in Western Australia if groundwater was to be encountered during the construction of burial pits, they would not be used and a 3m buffer distance would be observed. The Department of Primary Industries and Regional Development (DPIRD), Sustainability and Biosecurity Department recommendations will be followed with burial pits made at 1.5m deep with lime sand and straw at the bottom before covering over with soil. The addition of organic matter speeds up the decomposition process. The soil in this area identified has clay subsoil which is most suitable for burial pits and sits higher in the topography which are the DPIRD recommendations. Burial pits will also be GPS recorded on our maps and in our farm management record system. The burial pits will also be fenced off with vermin exclusion fencing.</p>	

	Respondent	Summary of Submission	Applicant's comments	Planner's comments
		 <p>Figure 2: Wash from a high rainfall event May 2011, Waterhatch</p>	<p>We hope that seeing the updates made within the Application and Management Plan in particular the revised buffer zones will alleviate concerns of the non-protection of water quality of the Dale River for stock water. Protecting our waterways and soil health now and into the future is our primary focus in every practice we do within our property. Our own livestock (sheep) utilise the Dale River for drinking, so maintaining the water quality is paramount.</p> <p>We have been farming neighbours with Paul &amp; Annette with a great relationship for a long time. We appreciate the time and effort they have gone to in providing a response to our Development Application and would be more than happy to catch up with them in person to go through details of the proposal at any time if they would like to.</p>	

Respondent	Summary of Submission	Applicant's Comments	Planners Comments
Department of Water & Environmental Regulation (DWER)	<p>Thank you for providing the development application for the Department of Water and Environmental Regulation (Department) to consider. The Department has identified that the proposed poultry farm (egg production) will impact on water resource values and management. The Department therefore objects to the proposal in its current form.</p> <p>Departmental mapping shows that the Dale River and several drains and tributaries run through the proposed poultry farm area. The Dale River is a significant waterway that drains into the Avon River. Based on the limited information provided the Department is unable to determine the impact that this proposal may have on waterways.</p> <p><u>Waterways</u></p> <p>The Department has determined that the information supplied is lacking critical information and would request the following be addressed:</p> <ul style="list-style-type: none"> <li>~ Proposed site location appears to be located within waterway buffer zones.</li> <li>~ Precise mapping for exact shed locations.</li> <li>~ Information regarding how poultry will be kept from entering buffer zones.</li> </ul> <p>The Department acknowledges that the tributaries/drains running east/west through the proposed site are ephemeral, however they flow directly to the Dale River which confluences with the Avon River. As a result it is import to ensure that setbacks for sheds and grazing areas are kept at a minimum 200m from waterways as per <i>the Environmental Code of Practice for Poultry Farms</i> in Western Australia (Page 44), particularly for the northern drain as it has no vegetation along the flow path.</p>	<p>I have been able to follow this up further with direct discussions on the phone and through email with the Department of Primary Industries and Biosecurity Department to update our Management Plan to address the concerns raised.</p> <p>With the revised buffer zones to water ways, new site locations, updated management practices in relation to washdown, soil testing regimes, two ongoing projects with Wheatbelt NRM, maintenance of ground cover, no return periods of 3 months and our nutrient management plan through the Decipher program we believe the potential for a substantial quantity of high nutrient manure to be washed into the Dale River in the event of a storm is minimal.</p>	<p>The submission is noted.</p> <p>The following email was received from the Department of Water &amp; Environmental Regulation on 13 February 2020:</p> <p><i>'We have received the updated information regarding the poultry farm at 121 Mann Road. The Department is satisfied that the additional information provided has addressed our concerns.</i></p> <p><i>'Please let us know if you would like us to formally assess the application again with the new information or if you are satisfied that we are happy with the changes made to the management plan.</i></p> <p><i>'Feel free to contact me if you have any questions or queries regarding this.</i></p> <p><i>'Corey Boivin Natural Resource Management Officer Planning Advice Section.'</i></p> <p>Should Council resolve to approve the application, it will be recommended that appropriately framed Conditions of Planning Approval be imposed to address all matters of concern as highlighted by the Department of Water</p>

	<p><u>Code of Practice</u></p> <p>It appears that the application has not considered the <i>Environmental Code of Practice for Poultry Farms in Western Australia</i> (Code of Practice). While the Department does not regulate the operation of poultry farms, it notes that various aspects of the proposed operation are not in line with the Code of Practice;</p> <p>~ The proposed management of dead chickens, i.e. the burying and incinerating. The code of practices states carcasses should be removed to approved landfill, rendering plant or incineration plant, depending on the location of the operation (page 29). The Department could consider the burying of carcasses however incinerating on site is not supported. Further information would also need to be provided on these procedures and the location of the proposed burial pits.</p> <p>~ No information is provided as to where the carcasses will be stored, i.e. will they be stored on a hardstand, bunded area before they are buried? Will containers of carcasses for removal to landfill be stored close to the property entrance so pick up vehicles do not need to enter the property (Page 29)?</p> <p>~ The applicant has not supplied information regarding wash down water. Code of Practices states any wash down occurring near significant waterways (Dale River) should be directed to a sump or depression vegetated with biofilter grasses (Page 27).</p> <p>The Department would request more information regarding the above points be supplied to adequately address the Code of Practice and potential environmental impacts before approval is considered.</p>	<p>This has been updated on advice from the Department of Water and Environmental Regulation (DWER) and Department of Primary Industries and Regional Development, Sustainability and Biosecurity Department.</p> <p>The waste disposal on site for any chook mortalities (shown on Property Map) will be done through the use of burial pits. These pits meet the Department of Water and Environmental Regulation of a minimum buffer zones of 50m to waterways and 100m from water supply bores. As part of the Environmental Code of Practice for Poultry Farms in Western Australia if groundwater was to be encountered during the construction of burial pits, they would not be used and a 3m buffer distance would be observed. The Department of Primary Industries and Regional Development (DPIRD), Sustainability and Biosecurity Department recommendations will be followed with burial pits made at 1.5m deep with lime sand and straw at the bottom before covering over with soil. The addition of organic matter speeds up the decomposition process. The soil in this area identified has clay subsoil which is most suitable for burial pits and sits higher in the topography which are the DPIRD recommendations. Burial pits will also be GPS recorded on our maps and in our farm management record system. The burial pits will also be fenced off with vermin exclusion fencing.</p>	<p>and Environmental Regulation including the requirement to submit an updated Management Plan indicating the new buffers from water courses, mortality management protocols, etc.</p>
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## **STATUTORY ENVIRONMENT**

Shire of Beverley Local Planning Scheme No. 3.

## **FINANCIAL IMPLICATIONS**

There are no financial implications relative to this application.

## **STRATEGIC IMPLICATIONS**

The application is deemed to align with the Shire's Local Planning Strategy.

Strategic Community Plan

Goal 5 – Existing business can grow in Beverley and new businesses are attracted.

## **POLICY IMPLICATIONS**

There are no policy implications relative to this application.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council resolve to grant planning approval for Animal Husbandry – Intensive (Poultry Farm – Egg Production) on 121 (Lot 1000) Mann Road, Beverley, subject to the following conditions and advice notes:

### **Conditions:**

1. 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.
2. Prior to commencement of operations, a revised Management Plan with updated mapping and operational areas shall be submitted to the satisfaction of the Shire.
3. The operation of the facility must adhere to the approved Management Plan at all times (inclusive of the Water Management Plan, Waste Management Plan, Complaints Handling Procedure, Nutrient Management Plan, Mortality Management and Animal Welfare), to the satisfaction of the Shire.
4. No more than 4,000 poultry may be kept on the site at any one time. All poultry must be kept within the defined areas as shown on the endorsed plan.
5. The stocking rate shall not exceed 50 hens per hectare.
6. On request, the operator of the facility shall submit the following reports to the Shire:  
Ground Cover Report – Frequency: Annually  
Soil Sample Report – Frequency: Every two years

### **Advice Notes:**

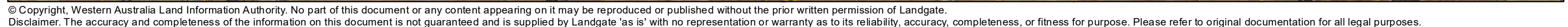
- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in

the approval after the date of determination, the approval will lapse and be of no further effect.

- Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note 3: Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
- Note 4: The applicant is advised a building permit is required prior to commencement of any building works, where applicable.
- Note 5: The applicant is advised that the facility must be managed in accordance with the approved plans so that the amenity of the area is not detrimentally affected, through the:
- Processes carried out on the land;
  - Transportation of livestock, materials, goods or commodities to or from the land;
  - The emission of odour, dust, noise, artificial light, wastewater or waste products; or
  - The presence of vermin.
- Note 6: The applicant is advised that if the Shire determines that the amenity of the existing nearby residents is adversely affected by the emission of an unreasonable level of odour, dust or noise from the site, the operator could be requested to immediately and to the satisfaction of the Shire take action to prevent those emissions, which may include adjusting stocking density, greater separation distances between the poultry and residents, or any other actions reasonably required to rectify the unreasonable emissions.
- Note 7: The applicant is advised that the waste produced from the use must not discharge beyond the boundaries of the subject land or directly into waterways.
- Note 8: If an applicant is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.



## Attachments for Planning Item 9.2







## **APPLICATION FOR DEVELOPMENT APPROVAL**

## Project Description

The Barracks Pastoral Co is a family owned broad acre farming business in Beverley producing grain, sheep for meat and wool and in 2019/20 is looking to diversify into Pastured free-range hens producing eggs.

This diversification will be through the purchase of an existing business and assets consisting of four mobile homes that house up to 600 hens each. The existing business is Manavi Farm Pastured Eggs located on a broadacre farm in Watheroo. There will be a structured timeline of moving the coops and hens with initially one coop being transported to Beverley with new hens arriving directly on farm in Beverley and the remaining three coops and existing hens after that. Manavi Farm owners Lindsay & Robyn Cousins have made a commitment to support the relocation of their hens and provide ongoing support and technical expertise to The Barracks Pastoral Co in this venture during the handover period and into the future to ensure the success of the new business in Beverley.

The coops include a state-of-the-art laying system to keep the eggs clean to avoid having to wash them, the coops are moved weekly so the hens have access to fresh pasture. Their diet consists not only of insects, worms and grubs but is also supplemented with a non GMP high quality pallet mix to ensure the hens have a balanced diet. The hens live in small flocks in the mobile shed giving them plenty of room to move and forage and stocking rate is never more than 50 hens per hectare.

Pastured eggs are very different to normal free range fixed shed systems. These coops are low density mobile outdoor pastured systems that have minimal odour impact due to the low stocking densities in small flocks and outdoor nature of the production system. Moving the coops weekly avoids the risk of disease, odour and water contamination.

Existing egg market outlets are established currently in Perth. The close proximity of Beverley to the Perth market is a big advantage in an increasing consumer market wanting to buy pastured eggs and the whole paddock to plate experience.



Photos Courtesy of Manavi Farm Pastured Eggs



## Land Area

Title: 1403, Folio:602

Title Size: 750ha

Proposed Site Paddock: 98.9ha. Hectare calculations for the site selection (98.9ha) takes into consideration that no chooks will be run in the 50-metre buffer area (shown on Property Map Page 30)

## Vehicles

All vehicles to be used in this project are all existing within our farming business. The majority of traffic is light vehicle movement with the specific vehicles to be used in the paddock for the operation including; 4WD ute, car, tractor/telehandler for moving the sheds and filling up feed and truck for water delivery.

Frequency: Ute/Car: to site once to twice per day for egg collection and checking hens' water and feed

Tractor: Every 2 weeks to move sheds

Loader/Truck: Weekly for feed and water

Trail feeder holding 1 tonne grain/pellets for topping up feeders: Weekly

## Maximum number of poultry to be held at any time

This application is for up to 4000 hens. The initial operation will have 4 sheds (2400 chooks, 600 hens per shed). The application is for up to 4000 hens to allow for future expansion if applicable. Chooks are not stocked any higher than 50 hens per hectare.

Property Information

Excerpt below from Landgate Property Interest Report for 121 Mann Road, Beverley WA 6304

1. Property information

3



Image captured

121 Mann Road, Beverley 6304

Year built	N/A
Building area	N/A
Type of property	N/A
Property use	Farming
Wall/Roof type	N/A
Local Government Authority	Beverley
Zoning	N/A
Land area	7508505 m²
Land ID	Lot 1000 On Deposited Plan 51903
Certificate of title number	2649/52
Number of interests that impact this property	19



Perth CBD  
92.9km



Beach  
N/A



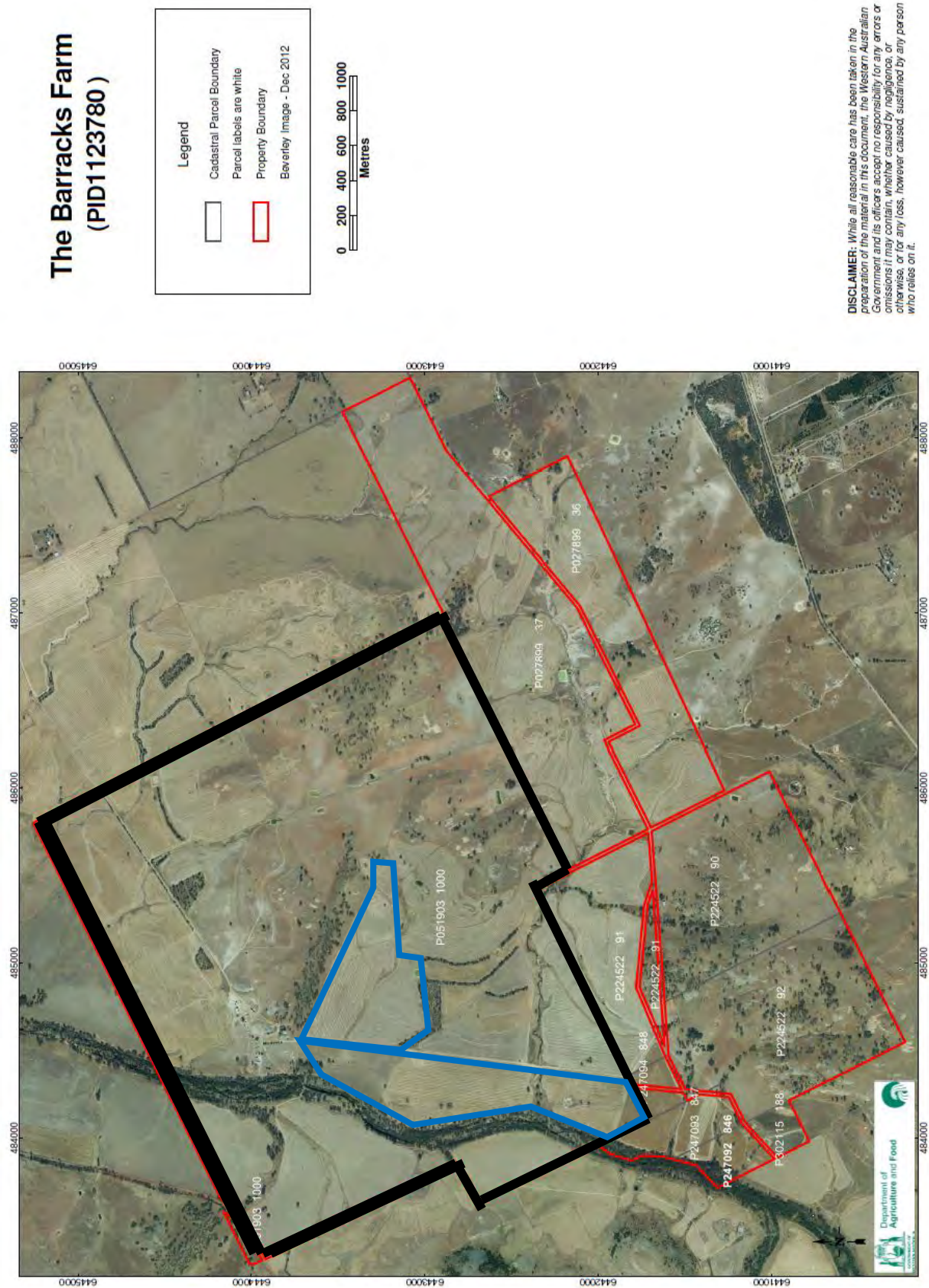
Primary School  
7.9km



Secondary School  
7.9km

# The Barracks Farm Map

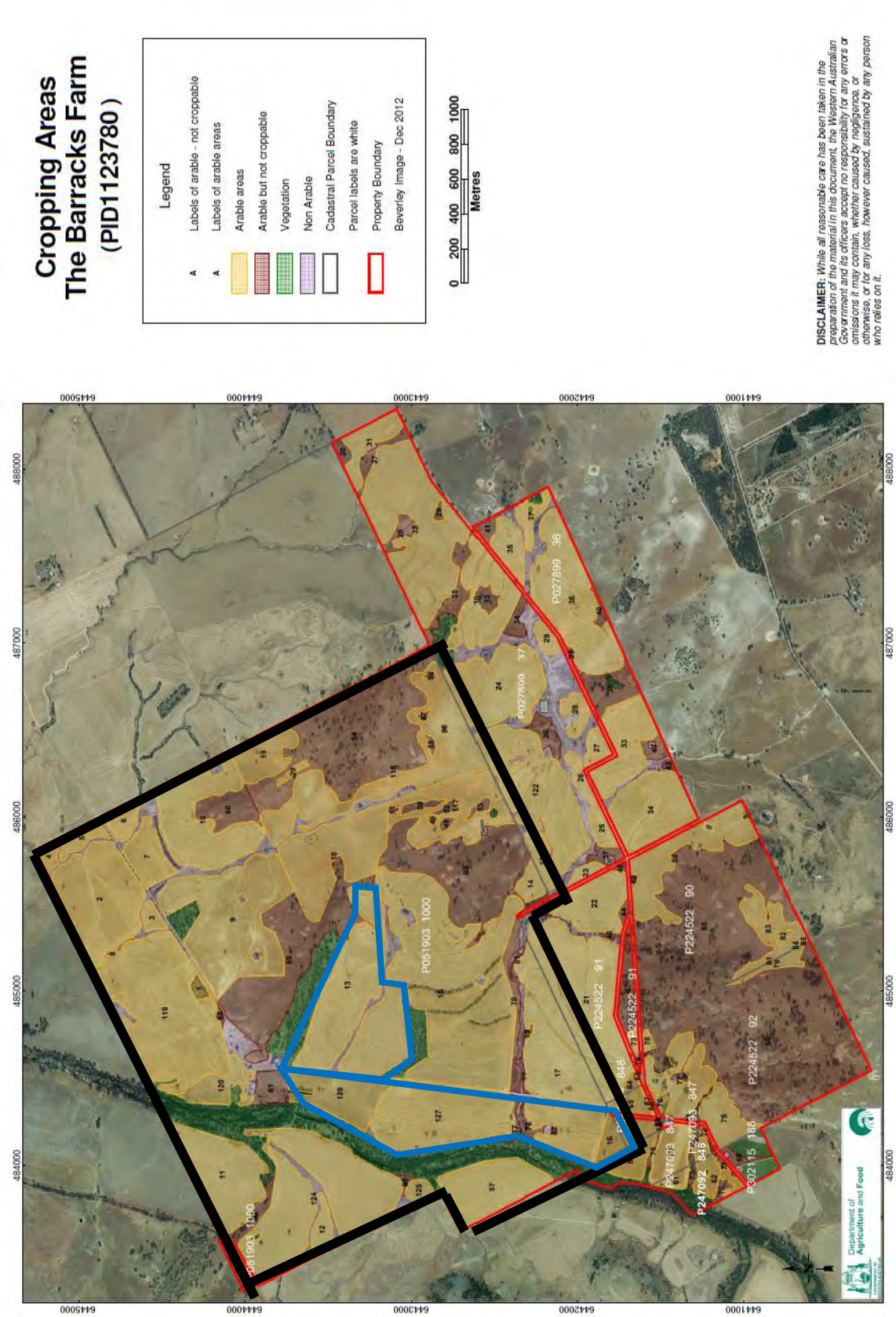
Black outlined area below indicates the 750ha title. Site area indicated in blue.





# The Barracks Farm Map

Indicates arable, vegetation and non-arable property areas. Black outlined area below indicates the 750ha title. Site area indicated in blue.



## Property Plan

Address:	121 Mann Road, Beverley WA 6304
Certificate of Title:	1403, Folio: 602
Nearest Street Intersection:	Mann Road & Waterhatch Road, Beverley
Site access:	Mann Road
Parking/Loading Areas:	In the site paddock or at the Workshop (refer site map on Page 8 & 9)
Setbacks from boundaries:	Refer to map for details. All firebreaks are in accordance with Shire of Beverley regulations and maintained annually
Groundwater depth:	4 metres
Aesthetic Aspects:	The proposed site is well presented and has screenage with trees and shrubs that lessen the visual, dust and odour impacts which are minimal anyway in this low-density mobile system (as opposed to free range systems)
Shed dimensions:	4 x 40ft sea containers  Each shed contains 2 x 800lt water storage units  The sheds are designed for easy cleaning and water for cooling and drinking does not wet the poultry litter or manure
Location of existing facilities	(refer Site Map on Page 8 & 9)

## Property Map

### Vegetation

York gum, white gum & Jam trees

### Bores:

One (shown on Property Map on Page 30)

### Wells

Two (shown on Property Map on Page 30)

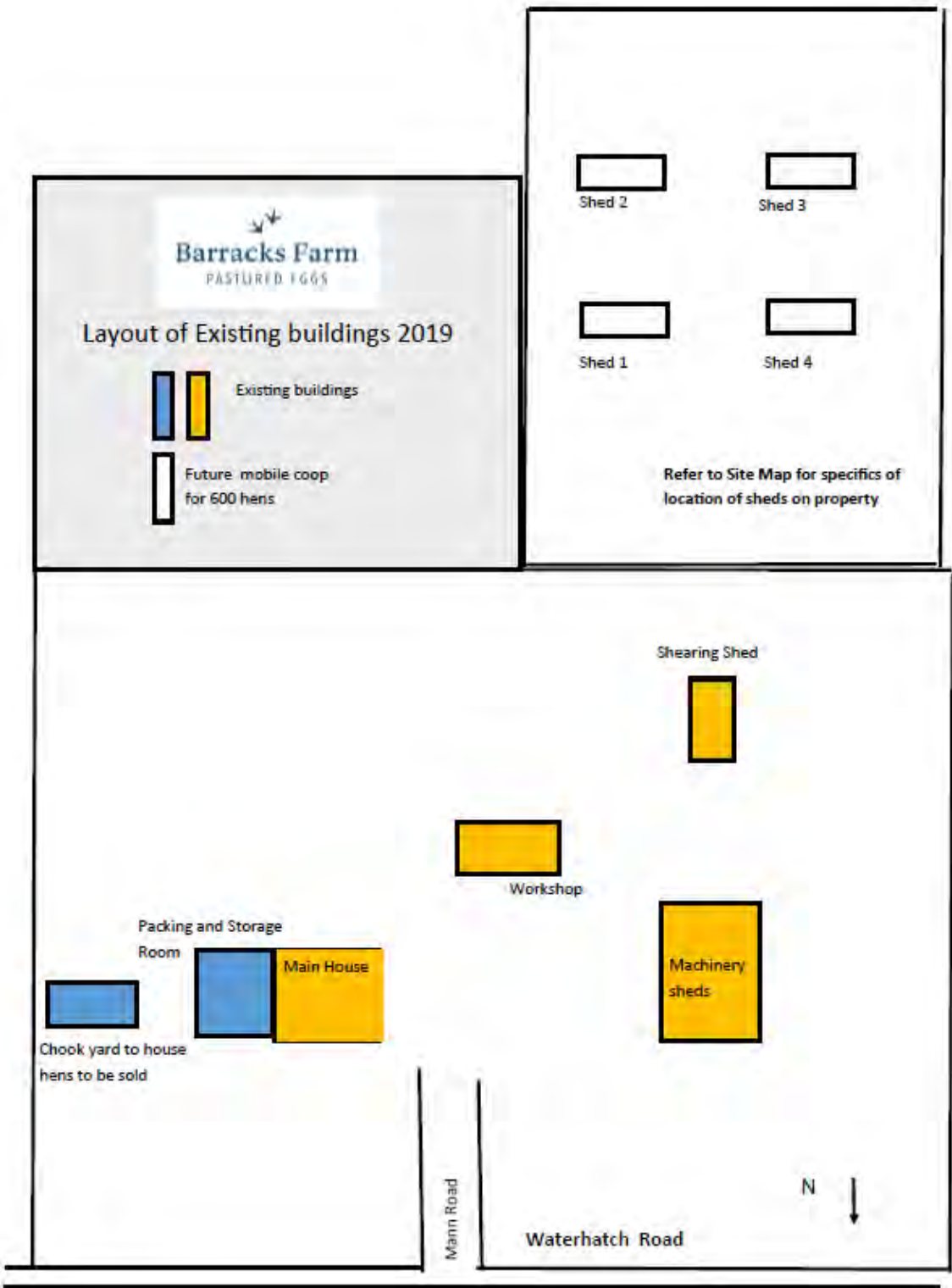
### Drains

Gully Lines (shown on Property Map on Page 30)

### Watercourses within 500 metres of the sheds

Dale River (shown on Property Map on Page 30)

Schematic Site Layout Map – not to scale  
Existing & Proposed buildings indicated





## Site Map 98.9ha

The below map shows the 98.9ha proposed site for the running of the coops. This has been completed using the Landgate Mapview Plus website. Hectare calculations for the site selection (98.9ha) takes into consideration that no chooks will be run in the 50-metre buffer area.

### Area 1: 58.8ha



### Area 2: 40.1ha



The below map shows the whole land title map (750ha). Site areas indicated in blue.



## Description of Land

Land Form: Dominated by Jelcobine York (JcYO) subsystem; with significant areas of the Avon Flats (AfAV) subsystem and minor areas of the Jelcobine Hamersley (JcHM) subsystem also present. The JcYO subsystem comprises soils derived from freshly exposed rock typified by the red soils of the Avon Valley but also indicates areas of similar, but often greyer and lighter textured soils to the east of the valley. The AfAV subsystem consists of alluvial terraces and floodplains that occur adjacent to the Avon, lower Mortlock and lower Dale rivers; while the JcHM subsystem consists of narrow, minor drainage lines that occur predominantly within the York unit and lead down to major drainage systems such as Avon and Dale rivers.

Site area indicated in blue.

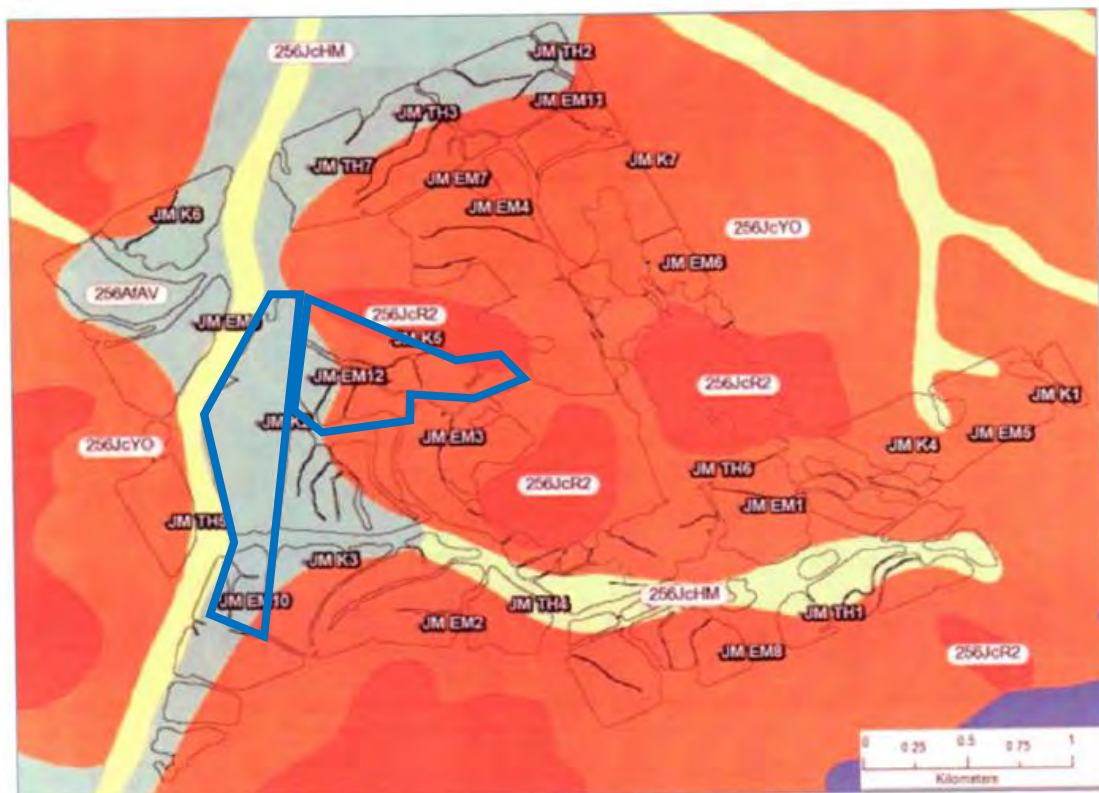


Figure 1.2 Soil Landscapes of The Barracks (after Lantzke and Fulton, 1993)

Soil Types: Sandy / Medium / Clay Loams

Contours: Shown on Property Map on Page 30

Groundwater depth, quality & flow direction



## On-site Details

### Water Management Plan

Our farming business operates with the below Water Management Plan.

#### Water Management Plan

#### THE BARRACKS PASTORAL CO

**Definition** – Is the planning, developing, distributing and managing the optimum use of water resources. A good Management of water resources will help farmers to cut costs while maintaining or improving the productivity of the land and reduce the risk of pollution.

**Water sourcing** – Water is gathered into rain water tanks off of the roofs of sheds and housing. This water is then used in the spray application on the farm. This eliminates the need to draw the water from the table allowing for the accumulation and deposition of rainwater for reuse. The harvested water can be used for drinking as well if the storage is a tank that can be accessed and cleaned when needed.

**Water usage** – Water is used in a responsible manner and not wasted. Water is stored in separate tanks around the property. A good management of water resources will help to cut costs while maintaining or improving the productivity of the land and reduce the risk of pollution.

Awareness of the farms characteristics (including surroundings water courses. The level of water stress, availability and quality of water resources, soil type) will then be the basis of the selection for the best location for crop production.

Rotational cropping will also assist in the management of the water usage.

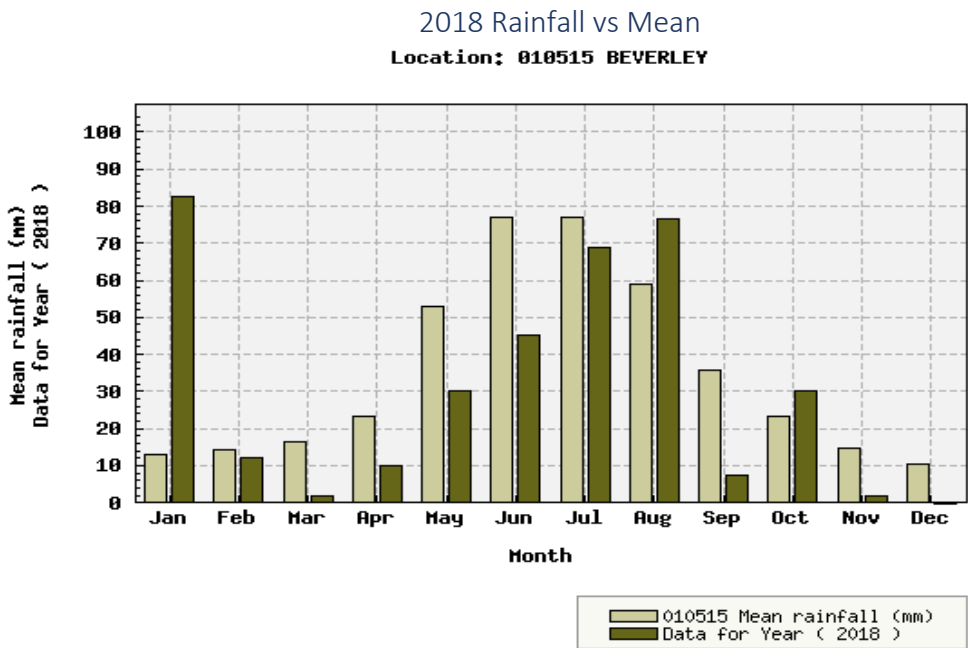
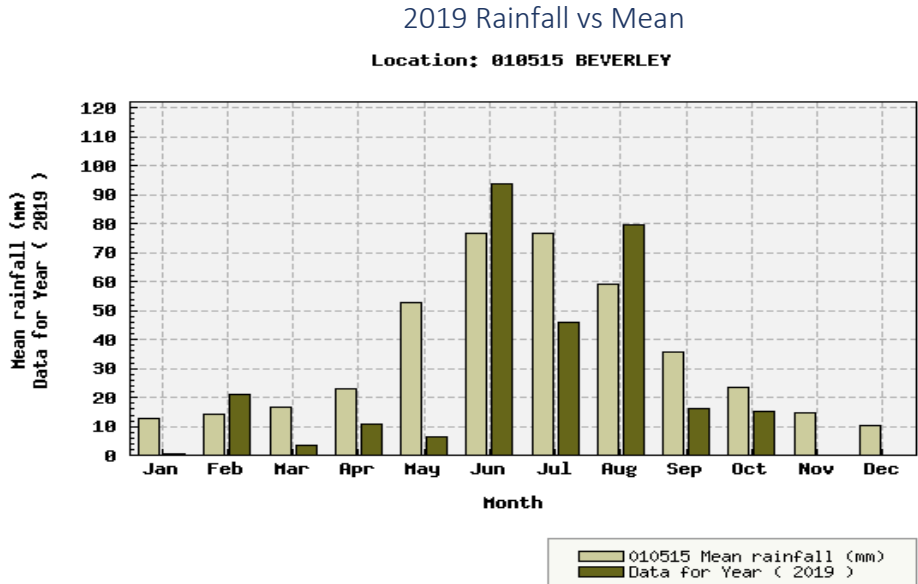
Chemical applications use water harvested from rain water tanks, no drawing from the water table or town supply is used.

Due to the salinity of water throughout the crop/wheat belt growing region, No irrigation is used for crops.

**Riparian vegetation** – Conservation riparian buffer zones are planted alongside watercourses. There is frequent extension of existing buffers to gain more efficiency in intercepting overland flow and reducing the transport of nutrients, pesticides and agrochemicals. Farming on the contour creates small ridges that slow runoff water. Rotational grazing is practiced to allow for revegetation, assisting in the filtering of runoff water.

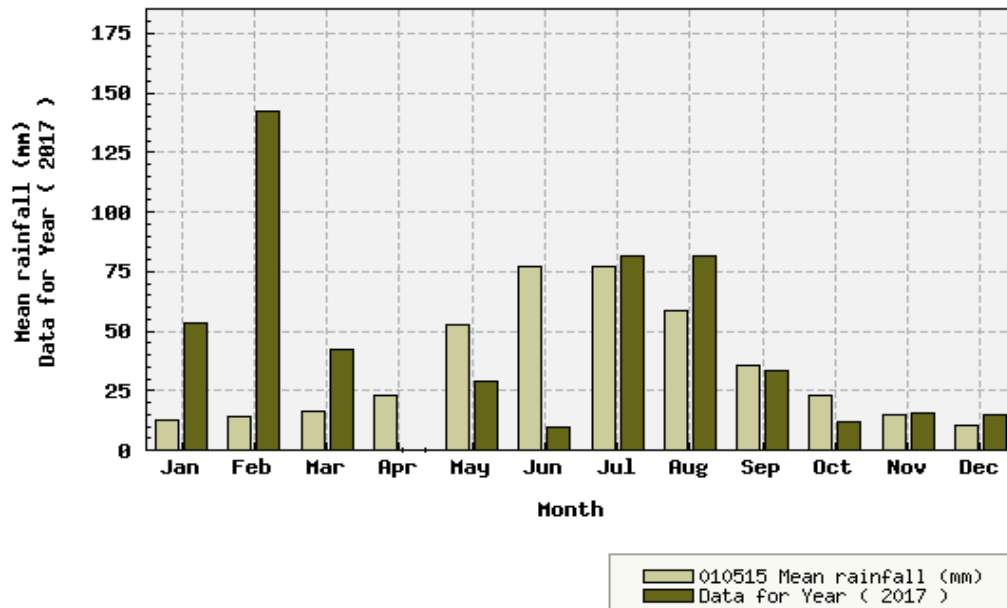
Rainfall

Data obtained from the Bureau of Meteorology shows the Beverley rainfall records. Included below is the last 5 years of data (2015 – 2019) against the mean rainfall. Mean is calculated on rainfall (mm) for years 1886 to 2019



### 2017 Rainfall vs Mean

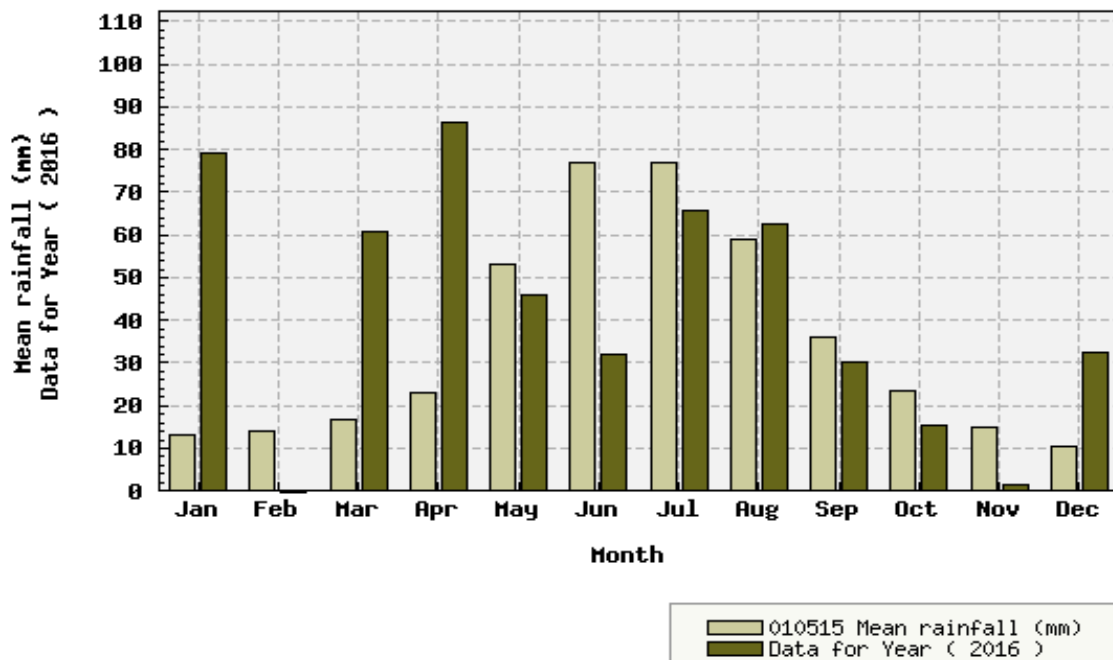
Location: 010515 BEVERLEY



Australian Government  
Bureau of Meteorology

### 2016 Rainfall vs Mean

Location: 010515 BEVERLEY

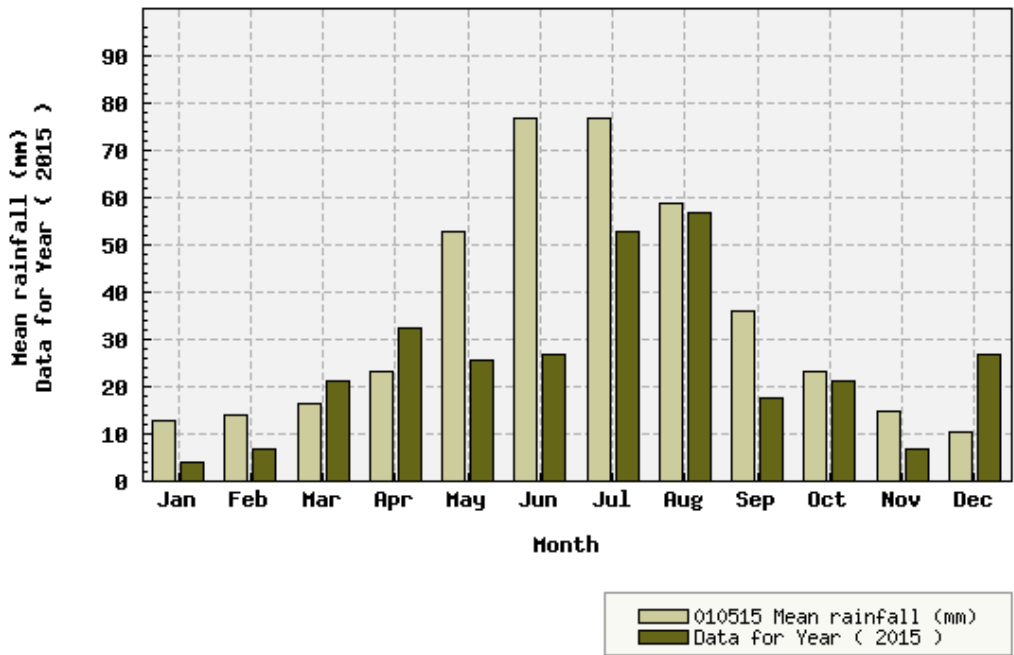


Australian Government  
Bureau of Meteorology



2015 Rainfall vs Mean

Location: 010515 BEVERLEY



Australian Government  
Bureau of Meteorology

1 in 100-year flood level

1 in 100 Annual Exceedance Probability (AEP) Floodplain Development Control Area delineates land that may be affected by the 1 in 100 AEP flooding and therefore subject to development control. A property interest report has been generated by Landgate that shows that the 1 in 100 AEP Floodplain Development Control Area does not affect this property.

Waste Management Plan

Good waste management on farms is essential to ensure a healthy, safe and productive farming enterprise. Due to the coops being a mobile infrastructure this ensures no build-up of manure waste. Since 2018 our business has been operating under the below Farm Waste Management Plan

**Farm Waste Management Plan**  
**THE BARRACKS PASTORAL CO**

**Definition of waste:** "Waste management" refers to the collection and sorting of waste, reusing, recycling, disposing of and identifying ways of reducing the amount of waste being generated.

**Domestic waste:** Bins should be provided onsite to identified and separate recyclables. All recyclables are taken to the local transfer depot when possible. Domestic litter is removed off farm to the local transfer station.

**Chemical waste:** Are triple rinsed and returned to the "Drum Muster Programme" once a year and return receipts are kept. [www.drummuster.com.au](http://www.drummuster.com.au) - Unlabelled drums or unidentified chemicals are to be removed to the "Chem Clear programme" once a year and all receipts are kept. [www.chemclear.com.au](http://www.chemclear.com.au)

Drums are to be stored in a separate designated area. Out of date and recalled chemicals are to be stored securely in an isolated area of the chemical store room, until under the Chem Clear program.

**Battery disposal:** All batteries are to be recycled (Local shire recycling facility or your nearest battery retailer).

**Rinsates and flushing:** Dispose of a surplus spray mixture or contaminated rinse water should be done on the property and disposed in a way not to contaminate the ground water. **But only in accordance with the label and MSDS.**

**Tyres and oils:** Tyres and oils to be sent to an approved recycling facility (Local shire recycling facility).

Signed  \_\_\_\_\_

Date  
20<sup>th</sup> March 2018

## Land Area for Waste Disposal

### Description of land form

The only waste disposal on site is the location for incineration of any chook mortalities (shown on Property Map on Page 24). Loamy sand soil on the edge of an unused vegetative area.

### Aboriginal Archaeological sites: Not applicable

## Management Plan

The day to day activities of the pastured egg operation are outlined below.

### Daily

Collection of eggs generally between 1 and 3pm. This allows plenty of time for the hens to get their spot and lay their eggs for the day. The eggs roll away into a compartment so they are free from chook waste and birds. The eggs are collection from the end of the nesting boxes which the chooks do not have access to.



All feeding and watering systems are checked to ensure chooks have access to feed and water. This is completed generally once to twice per day but can be more if required (high temperature day in Summer).

Egg Collection process: Pulling the roller at the end of the shed brings the eggs along for collection. Cotton gloves are used to keep the eggs clean before they get to the packing shed. Some eggs at times require the chicken waste to be removed which is done through the method of dry cleaning. Dry cleaning is the preferred method as it keeps the protective membrane over the eggs in tack so bacteria is less likely to penetrate. No detergents or washing solutions are used at all.



Packing: The eggs are then taken to the packing shed, given a final inspection for any dirty eggs plus looking for cracked and damaged eggs. Eggs are then stamped with the "chicken feet" stamp and sorted and weighed into each carton and then boxed and ready for supermarket shelves.



600g Large (individual weight between 50g – 58.2g)

700g XLarge (individual weight between 58.3g – 66.6g)

800g XXLarge (individual weight 66.7g +)



Checking for mortalities daily and if occur removing daily as per the mortality management process.

*Photos Courtesy of Manavi Farm Pastured Eggs*

### Weekly

Coops are moved weekly 50 metres so the hens have access to fresh pasture. Generally, the chooks only travel 30 metres from their coop.

The hens diet consists of insects, worms and grubs and they are supplemented with non-GMO high quality pellet mix to ensure the hens have a balanced diet. Nesting boxes are cleaned out weekly with a pressure cleaner.

Eggs are graded twice every week



Photos Courtesy of Manavi Farm Pastured Eggs

### Every 3 months

New hens at point of lay are purchased for one shed. This is done in small batches to avoid overcrowding and anti-social behaviour. At this time the oldest hens are removed from their coop and sold privately. Hens are purchased Specialised Breeders Australia, Hy-line Layers Australia Pty Ltd. The breed purchased is Hy-line Brown.

Every 6-7 weeks 10 tonne of premium layer pellets are purchased through Thompson & Redwood.



## Complaints Handling Procedure

Our property has biosecurity signage at the front gate where all visitors must phone prior to entry to the property. We also have a Complaints Handling Procedure for our property which was produced in July 2019. Our business has not received any complaints in regards to any part of our business that this complaint handling procedure has needed to be utilised.

## Complaint Handling Procedure

We are committed to being responsive to the needs and concerns of our neighbours, community, customers and service providers to satisfactorily resolve all complaints as quickly as possible. This policy has been designed to provide guidance to the manner in which we receive and manage any complaint. We are committed to being consistent, fair and impartial when handling complaints.

The objective of this policy is to ensure:

All stakeholders are aware of our complaint lodgement and handling processes.

All complaints will be investigated impartially with a balanced view of all information or evidence

All reasonable steps will be taken to actively protect any personal information that is provided.

All complaints are considered on their merits taking into account individual circumstances and needs.

The complaint handling procedure will adhere to the process as outlined below:

- **Acknowledgement:** Within three business days of receiving any complaint in writing we will acknowledge receipt of the complaint.
- **Review:** An initial review of any complaint will be undertaken to determine what, if any additional information or documentation may be required to complete an investigation. We may need to contact the complainant to clarify details or request additional information where necessary.
- **Investigation:** Within 10 business days of receiving any written complaint we will investigate the complaint objectively and impartially. In doing so we will consider the information the complainant has provided to us, our actions in relation to our dealings with the affected party and any other information which may be available, that could assist us in investigating the complaint. Our investigation will give consideration to all known facts and where there is any doubt, independent expert advice on the matter will be sought as well as input from any relevant governing body that may be required.
- **Response:** Following our investigation we will notify you in writing of our findings and any actions we may have taken in regards to the complaint.
- **Action:** Where an investigation indicates there has been an error in process on our part we will amend our business practices or policies in an appropriate manner to avoid the issue occurring again.
- **Record:** We will maintain a record of all complaints for a continuous improvement process by monitoring and reviewing any complaint to ensure our business acts responsibly at all times. Any personal information will be recorded in accordance with relevant privacy legislation.
- **Resolution:** We respect that if we do not provide a suitable resolution to any complaint in a timely manner that the complainants reserve the right to refer their complaint to the relevant federal, state (or territory) regulatory agency at any time.

Trading Name: The Barracks Pastoral Co

Date: 1<sup>st</sup> July 2019

Signature: \_\_\_\_\_

Signature:   
KELLY MANN



## Nutrient Management Plan

### Management of 50% ground cover

Through our fertiliser supplier CSBP who we use for the broadacre cropping area of our farm we conduct soil samples and have just started using a new program they have available called Decipher. One element of the Decipher program is the ability to review our property biomass through NDVI & NDRE imagery. The below pictures show screen shots of the program and the functionality of reviewing the biomass which we could then report to any required parties as requested. Having this whole mapping function over the whole farm we can adjust the coops location within the farm based on the biomass monitoring.

Image (Right) shows a screen shot of the functionality choices within the Decipher program.

Having a mobile coop structure ensure there is no build-up of waste

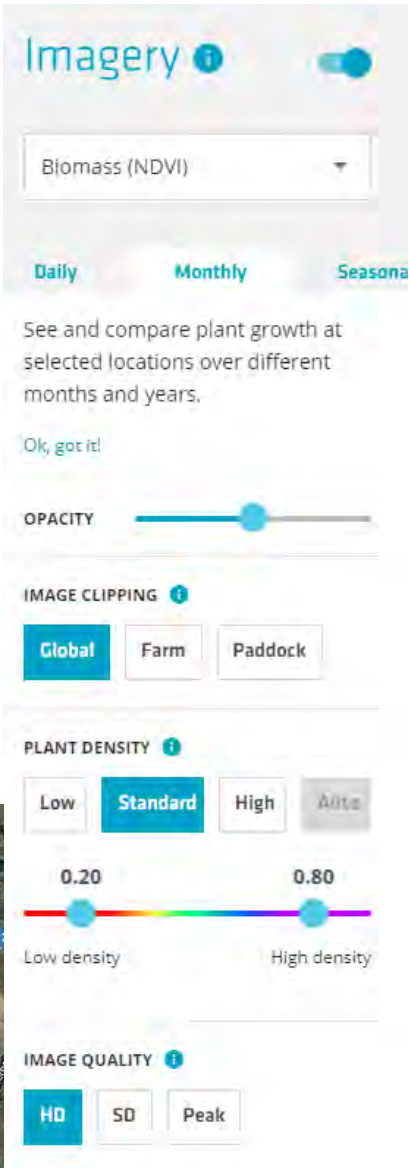
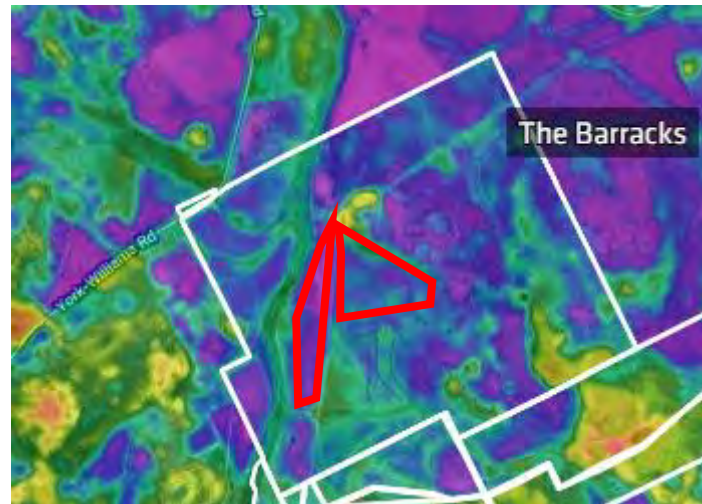


IMAGE (Left) shows a screen shot of the farm map within the Decipher program. Black outlined area indicates the 750ha title.

IMAGE (Below) shows a screen shot of a biomass farm map (August 2019) that can be generated within the Decipher program. Site area indicated in red (below)

#### LEGEND



#### No return periods

Once the poultry shed is moved from an area in the paddock, they do not return to the same area for a minimum of 3 months. This allows the pasture to recover and actively grow.

#### Maintenance of ground cover

Ground cover is the amount of plant material which covers the soil surface. An annual Ground Cover Report can be presented to The Shire of Beverley if requested. Currently using a program within our farming business called Decipher which has a mapping tool for biomass. Rotation of the sheds assists in regeneration of the ground cover

#### Soil Samples

Throughout our property we have a soil sampling program which we conduct through CSBP each year. The site paddocks holding coops will be tested every two years and records are kept from the analysis completed. Below shows an example of the Soil Sample Report that is provided on soil tests. We also complete soil sampling on other paddocks throughout the property so with this knowledge we can monitor the overall farm soil health and move the coops accordingly to an appropriate paddock based on all soil results if required.

The below documents show the soil sample results last obtained on the paddocks that has been selected as the site for the coops.

### AREA 1: Soil Sample Results Titled: George's Well & Crossing

## NUlogic Analysis

### Soil Sample Report






#### The Barracks - George's Well


TRADING NAME:	The Barracks Pastoral Co
FARM:	The Barracks
INTERPRETED ON:	08/06/2018
ACCREDITED ADVISOR:	Drew Maughan
PHONE:	0417 961 615
EMAIL:	Drew.Maughan@csbp.com.au
SAMPLE TYPE:	Soil
CROP / PASTURE:	Sub Clover
CRITERIA:	SUB CLOVER - WA
ACCREDITATION:	

## NUlogic Analysis

### Soil Sample Report

#### Product Recommendations





**A1**  
(0-10)

TARGET YIELD (t/ha)

**Super Potash 3:1**  
(kg/ha) **80**

Topdress - Autumn

#### Nutrient Rates

Paddock	George's (- ha)	George's (- ha)
Site	 <b>A1</b>	 <b>A1</b>
Lab Number	KYS18047	KYS18058
Sample Depth	0-10 cm	10-20 cm
Nutrient (kg/ha)	Supply	Supply
<b>Nitrogen</b>	0	0
<b>Phosphorus</b>	5	0
<b>Potassium</b>	10	0
<b>Sulfur</b>	6	0
<b>Lime</b>	0	0
<b>Gypsum</b>	0	0
<b>Calcium</b>	12	0

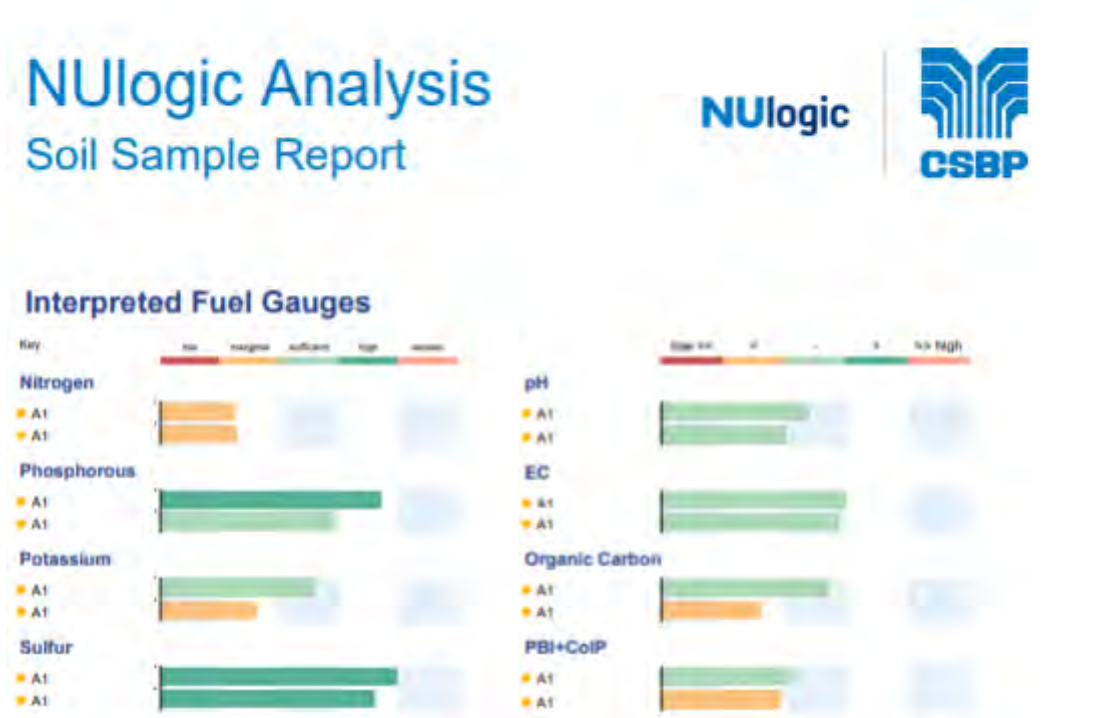
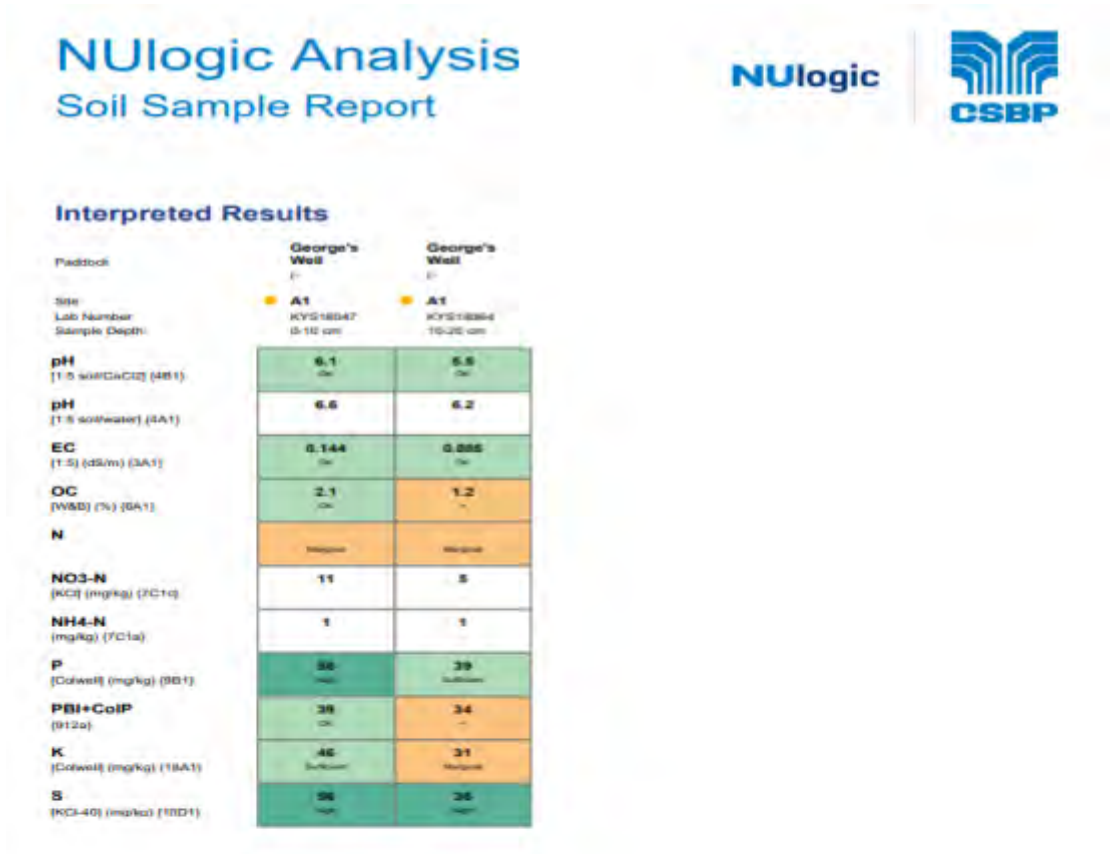
#### Comments

pH levels are good.

Phosphorus (P), Potassium (K) and Sulphur (S) levels are all good, maintenance rates applied to preserve soil reserves and provide some fresh P.

**IMPORTANT NOTE**

This report provides an evaluation of the samples provided by the customer and recommendations are based on these samples. The report is a guide only, as accuracy of the analysis and recommendations relies on the customer providing representative and uncontaminated samples obtained in accordance with CSBP's guidelines. Further, as crop and pasture performance depend on extensive factors beyond CSBP's control, CSBP makes no representation and gives no guarantee of improved crop or pasture performance on application of the recommendations. CSBP is not liable for any injury, loss or claim arising out of or related to the customer's and/or customer's adviser's interpretation and application of such recommendations.






# NUlogic Analysis

## Soil Sample Report




### The Barracks - Crossing

TRADING NAME:	The Barracks Pastoral Co
FARM:	The Barracks
INTERPRETED ON:	08/06/2018
ACCREDITED ADVISOR:	Drew Maughan
PHONE:	0417 961 615
EMAIL:	Drew.Maughan@csbp.com.au
SAMPLE TYPE:	Soil
CROP / PASTURE:	Sub Clover
CRITERIA:	SUB CLOVER - WA
ACCREDITATION:	

# NUlogic Analysis

## Soil Sample Report




### Product Recommendations

	 <b>A1</b> (0-10)	 <b>A1</b> (10-20)
TARGET YIELD (t/ha)		
<b>Super Potash 3:1</b> (kg/ha)	<b>150</b>	<b>150</b>
Topdress - Autumn		

### Nutrient Rates

Paddock	Crossing (- ha)	Crossing (- ha)
Site	 <b>A1</b>	 <b>A1</b>
Lab Number	KYS18044	KYS18058
Sample Depth	0-10 cm	10-20 cm
Nutrient (kg/ha)	Supply	Supply
<b>Nitrogen</b>	<b>0</b>	<b>0</b>
<b>Phosphorus</b>	<b>10</b>	<b>10</b>
<b>Potassium</b>	<b>19</b>	<b>19</b>
<b>Sulfur</b>	<b>12</b>	<b>12</b>
<b>Lime</b>	<b>0</b>	<b>0</b>
<b>Gypsum</b>	<b>0</b>	<b>0</b>
<b>Calcium</b>	<b>22</b>	<b>22</b>

# NUlogic Analysis

## Soil Sample Report

NUlogic



### Interpreted Results

Paddock	Crossing (-)	Crossing (-)
Site	<b>A1</b>	<b>A1</b>
Lab Number	KYS18044	KYS18058
Sample Depth:	0-10 cm	10-20 cm
<b>pH</b> [1:5 soil/CaCl <sub>2</sub> ] {4B1}	<b>5.6</b> OK	<b>5.2</b> c
<b>pH</b> [1:5 soil/water] {4A1}	<b>6.5</b>	<b>5.9</b>
<b>EC</b> [1:5] (dS/m) {3A1}	<b>0.034</b> OK	<b>0.027</b> OK
<b>OC</b> [W&B] (%) {6A1}	<b>1.1</b> c	<b>0.8</b> -nc
<b>N</b>	Marginal	Marginal
<b>NO<sub>3</sub>-N</b> [KCl] (mg/kg) {7C1c}	<b>4</b>	<b>5</b>
<b>NH<sub>4</sub>-N</b> (mg/kg) {7C1a}	<b>1</b>	<b>1</b>
<b>P</b> [Colwell] (mg/kg) {9B1}	<b>32</b> Sufficient	<b>21</b> Sufficient
<b>PBI+ColP</b> {912a}	<b>24</b> c	<b>17</b> c
<b>K</b> [Colwell] (mg/kg) {18A1}	<b>38</b> Sufficient	<b>31</b> Marginal
<b>S</b> [KCl-40] (mg/kg) {10D1}	<b>3</b> Low	<b>3</b> Low

## AREA 2: Soil Sample Results Titled: Grandmas


# NUlogic Analysis

## Soil Sample Report

NUlogic



### The Barracks - Grandmas

**TRADING NAME:** The Barracks Pastoral Co  
**FARM:** The Barracks  
**INTERPRETED ON:** 08/06/2018  
**ACCREDITED ADVISOR:** Drew Maughan  
**PHONE:** 0417 961 615  
**EMAIL:** Drew.Maughan@csbp.com.au  
**SAMPLE TYPE:** Soil  
**CROP / PASTURE:** Sub Clover  
**CRITERIA:** SUB CLOVER - WA  
**ACCREDITATION:** 

# NUlogic Analysis

## Soil Sample Report

NUlogic



### Interpreted Results

Paddock	Grandmas (-)	Grandmas (-)	Grandmas (-)	Grandmas (-)	Grandmas (-)	Grandmas (-)
Site	<b>A1</b>	<b>A1</b>	<b>B1</b>	<b>B1</b>	<b>C1</b>	<b>C1</b>
Lab Number	KYS18061	KYS18059	KYS18056	KYS18063	KYS18052	KYS18060
Sample Depth:	0-10 cm	10-20 cm	0-10 cm	10-20 cm	0-10 cm	10-20 cm
<b>pH</b> [1:5 soil/CaCl <sub>2</sub> ] {4B1}	5.5 +	5.4 +	4.5 ++	4.6 ++	4.9 +	5.0 +
<b>pH</b> [1:5 soil/water] {4A1}	6.4	6.5	5.4	5.5	5.9	6.0
<b>EC</b> [1:5] (dS/m) {3A1}	0.056 OK	0.053 OK	0.052 OK	0.027 OK	0.039 OK	0.042 OK
<b>OC</b> [W&B] (%) {6A1}	1.5 +	2.4 OK	1.4 +	0.9 +	1.0 +	0.7 ++
<b>N</b>	Sufficient	Sufficient	Sufficient	Sufficient	Sufficient	Sufficient
<b>NO<sub>3</sub>-N</b> [KCl] (mg/kg) {7C1c}	10	8	16	10	4	5
<b>NH<sub>4</sub>-N</b> (mg/kg) {7C1a}	2	0	3	2	2	1
<b>P</b> [Colwell] (mg/kg) {9B1}	49 Sufficient	33 Marginal	59 Sufficient	46 Marginal	59 Sufficient	31 Marginal
<b>PBI+CoIP</b> {912a}	38 OK	58 OK	24 +	23 +	31 +	26 +
<b>K</b> [Colwell] (mg/kg) {18A1}	77 Marginal	78 Marginal	24 Low	28 Marginal	70 Marginal	58 Low
<b>S</b> [KCl-40] (mg/kg) {10D1}	4 Low	6 Marginal	9 Marginal	5 Low	6 Marginal	5 Marginal

# NUlogic Analysis

## Soil Sample Report

NUlogic



### Product Recommendations

	A1 (0-10)	B1 (0-10)	C1 (0-10)
TARGET YIELD (t/ha)			
Lime (kg/ha)		2,000	1,000
Topdress - Pre-sowing			
Super Potash 3:1 (kg/ha)	150	150	150
Topdress - Autumn			

### Nutrient Rates

Paddock	Grandmas (- ha)	Grandmas (- ha)	Grandmas (- ha)	Grandmas (- ha)	Grandmas (- ha)	Grandmas (- ha)
Site	A1	A1	B1	B1	C1	C1
Lab Number	KYS18061	KYS18059	KYS18056	KYS18063	KYS18052	KYS18060
Sample Depth	0-10 cm	10-20 cm	0-10 cm	10-20 cm	0-10 cm	10-20 cm
Nutrient (kg/ha)	Supply	Supply	Supply	Supply	Supply	Supply
Nitrogen	0	0	0	0	0	0
Phosphorus	10	0	10	0	10	0
Potassium	19	0	19	0	19	0
Sulfur	12	0	12	0	12	0
Lime	0	0	2000	0	1000	0
Gypsum	0	0	0	0	0	0
Calcium	22	0	702	0	362	0
Magnesium	0	0	40	0	20	0

### Comments

pH are low at sites B1 & C1, recommend lime sand be applied and continue to monitor pH with regular soil testing. Site B1 will be yield limited at 4.5 pH.

Phosphorus (P) levels are good, maintenance levels recommended to preserve soil reserves of P.

Potassium (K) is low (especially at site B1) to marginal and an application is required to supply adequate nutrition. Plants deficient in K will reduce growth, nitrogen fixation, seed set and pasture quality.

Site B1 may need an application of MoP if logistically possible.

Sulphur (S) Clover requires 1kg/ha of S for every 14kg of N produced. A 4t clover pasture will produce around 100kg/ha of N.  $100/14 = 7.14$ . Although soil levels adequate the applied Super Pot 3:1 will supply some S to support soil levels.

Nitrogen (N) if clover doesn't take off and there are good patches of pasture grasses patching Flexi-n at 30-40L/ha is a good option to boost feed levels.



## Site Selection

The proposed sites have been selected as it is flat so there is low levels of runoff and erosion. It is also close to farm sheds, amenities which works well for feed and water supply, monitoring and management of the coops. The location is also screened by trees so not visually seen from any neighbouring properties to disrupt their view. The site can also not be viewed travelling on the nearest road (York-Williams Road). The buffer shown on the Property Plan illustrates measurements for 50m & 200m from the Dale River for review purposes. The design of the coops and the management that they are mobile and moved weekly ensures that there is very minimal nutrient build up.

## Mortality Management

Deaths of the chooks are minimal but always inevitable. Disposal of carcasses is done by placing them in an enclosed weatherproof container to avoid vermin (foxes or dogs) getting at them. The container is then put into a pit in the ground, incinerated then covered over with sand.

## Animal Welfare

All reasonable effort is taken to provide protection from predators. Chooks in the paddock are protected by electric netting around them as this keeps them safe from any predators. Two Mareema dogs will also assist to keep the foxes away. All paddocks are protected from fire with firebreaks done annually meeting local government regulations. As part of our farming business we have two fire units 1 x ute and 1 x truck that can be utilised in the case of a fire event. We are also part of the Volunteer Fire Brigade and the Shire of Beverley have a quick and efficient notification system in the case of a fire for additional volunteers to attend if required.

Each coop has two independent drinking water points available for the chooks.

The sheds are fully ventilated, providing fresh air and this is one means of controlling the shed temperature and humidity. The low stocking rate allows for adequate airflow and temperature control when the chooks cluster or perch at night during weather conditions. The mobile coops have a mesh floor and over ½ metre off the ground to assist with good ventilation, plus they are a high-top sea container with the sides of the doors open all the time. If there is bad weather coming the doors from the side are closed to provide plenty of protection. On hot days in summer the coops are watered down manually to keep the hens cool.

The hens have 24-hour access to food and water.

## Water Quality Monitoring

Will be conducted every 6 months and can be presented to The Shire of Beverley if requested. Current samples of all water sources on the property have been sent to the ARL Group (details below) for testing for salt content, microbiological contamination, nutrient levels = Ph, ammonia, nitrate levels as well as phosphorus to have results on its suitability for poultry. Samples being tested are from a dam, bore and rain water tank. Monitoring has included notation of weather conditions at the time of water samples being taken.

We also have the opportunity through discussions with our local Wheatbelt Natural Resource Management (NRM) office in Northam to work with the Department of Water and Environmental Regulation Aquatic Science branch to be part of a long-term monitoring to assess the health of the waterway. This includes a range of assessments in the waterway, including surveying the aquatic flora and fauna and the water quality. This is something we are happy to pursue if deemed appropriate as part of the development application to ensure we are proactive and show due diligence to the environment of our property now and for the future.

**ARL Group**  
Proudly Western Australian



BPC 061119

Kelly  
The Barracks Pastoral Co

6th November 2019

### Analysis of Samples

Analyte	Reporting Limit mg/L	Price/Sample exc. GST	Sample Bottle Requirement
Major Ions (alkalinity, chloride, sulphate, nitrate, sodium, potassium, calcium, magnesium)	As per individual analyte	\$64.00	1 x 500mL Plastic, 1 x 125mL Plastic and 1 x 250mL Micro Bottle
pH	-	\$5.50	
Ammonia	0.02	\$12.50	
Total Phosphorus	0.01	\$17.00	
Total Coliforms	0/100ml	\$43.00	
E.coli	0/100ml	\$43.00	
Unit Price per Sample (Exc GST)		<b>\$185.00</b>	

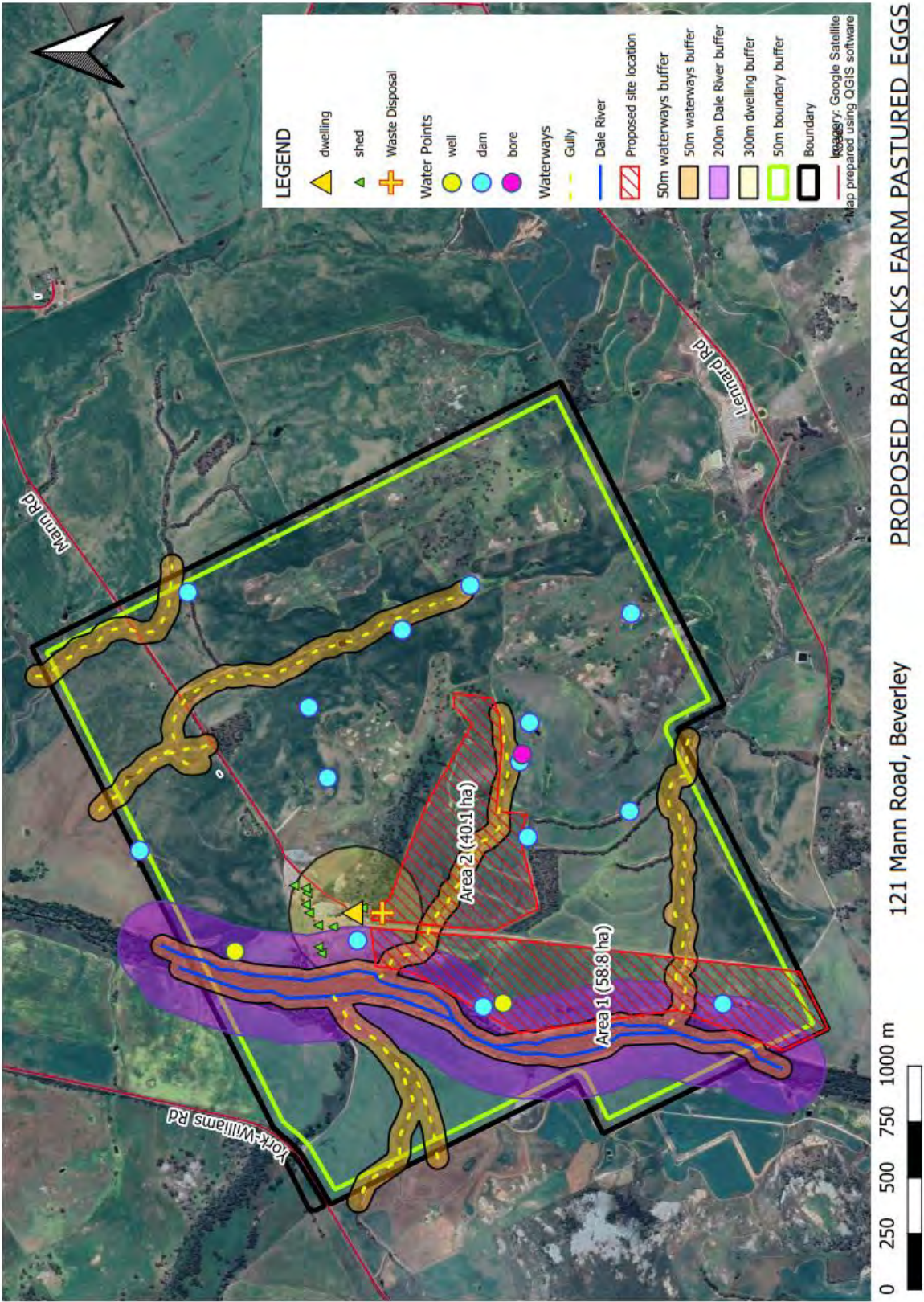
This quotation is valid until 31/12/2019  
Please quote the above quotation number on COC with samples.

*N Hill*

Natalie Hill | Key Account Manager | ARL Group  
Phone: +61 8 6253 4444 | Mobile: +61 (0) 474 181 586  
Email: nataliehill@arlgroupp.com.au

Property Map

Hectare calculations for the site selection (98.9ha) takes into consideration that no chooks will be run in the 50-metre buffer area.



### **9.3 Proposed Amendment to Building Envelope – Lot 894 on DP67034 Kokendin Road, Beverley**

---

**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 13 February 2020  
**APPLICANT:** Stacy & Jodi Bishop  
**FILE REFERENCE:** KOK 51646  
**AUTHOR:** B.S. de Beer, manager: Planning & Development Services  
**ATTACHMENTS:** Application Letter, Locality Map, Existing Building Envelope Plan, Restrictive Covenant, Proposed Building Envelope Plan (under separate cover)

---

#### **SUMMARY**

An application has been received to change the location of the building envelope at Lot 894 Kokendin Road, Beverley. It will be recommended the application be approved.

#### **BACKGROUND**

The applicant is proposing to amend the location of the building envelope on the abovementioned lot from its current location to the rear of the lot (please refer to existing building envelope plan & new building envelope plan, attached hereto).

The subject property is zoned '*Rural*' in terms of the Shire of Beverley Local Planning Scheme No. 3 (LPS3), is 80ha in extent and vacant.

There is a restrictive covenant on the lot (see attached) which requires Council's consent for an amendment to the Building Envelope.

#### **COMMENT**

As per the application letter, the existing building envelope encroaches on good quality cropping land. Should the building envelope be relocated it would be beneficial to the agricultural potential of this *Rural* zoned block and is therefore supported.

#### **CONSULTATION**

No consultation was deemed required.

#### **STATUTORY ENVIRONMENT**

The proposal is to be considered in terms of the restrictive covenant as attached hereto.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications relative to this application.

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

Goal 3 – To have land available for domestic and commercial growth

#### **POLICY IMPLICATIONS**

There are no policy implications relative to this application.



## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council grant approval for an amendment to the building envelope at Lot 894 on Deposited Plan 67034 Kokendin Road, Beverley subject to the following condition and advice note:

### **Conditions:**

1. 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 the Manager: Planning & Development Services.

### **Advice Notes:**

Note 1: If an applicant is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Hi Stefan,

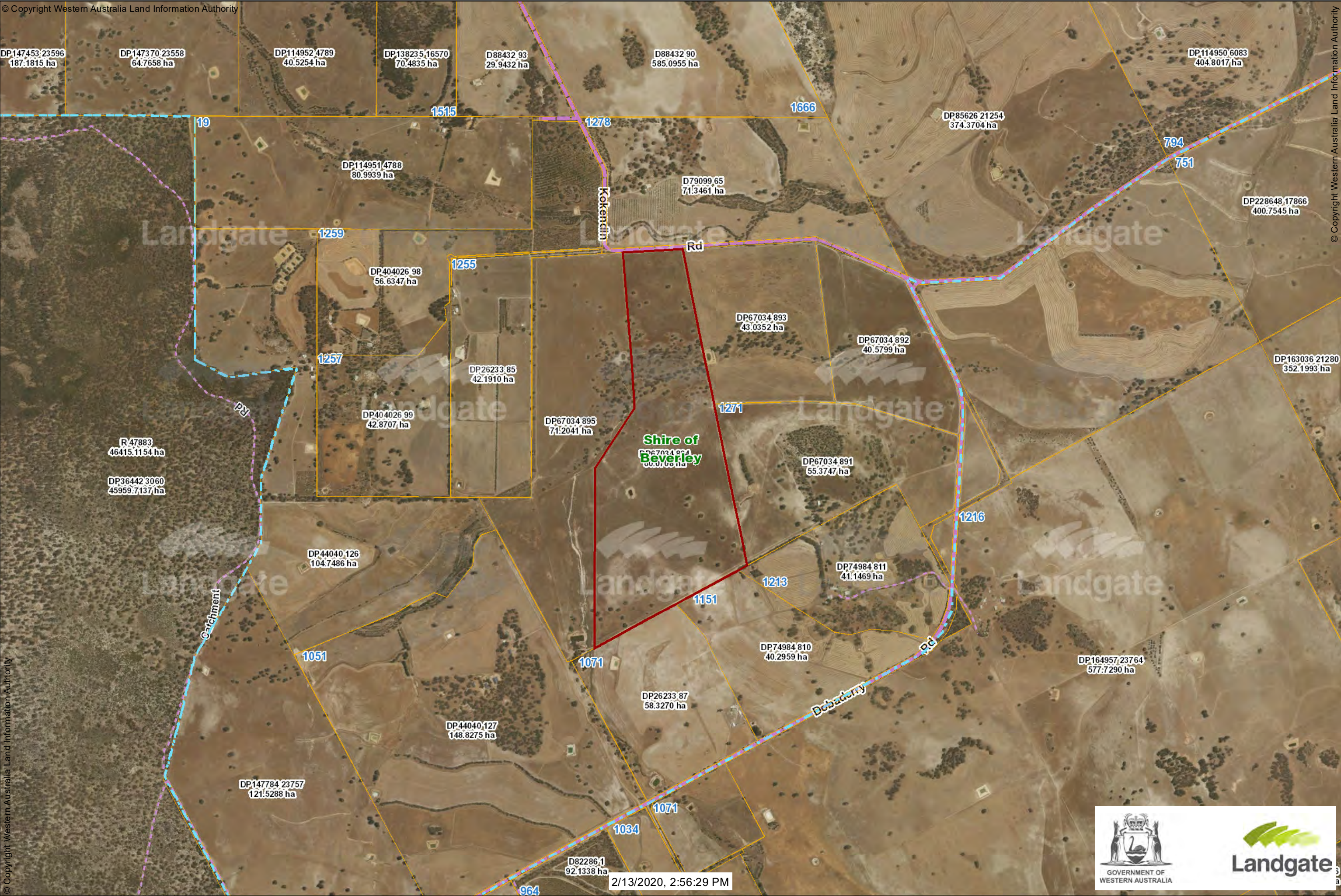
We would like to submit a request to change the building envelop on our property - Lot 894 Kokendin Road Talbot West (Beverley).

We are hoping to change the envelop to the back of the property as the front paddock is our best cropping piece of land and the current envelop would interfeer and take away a good portion of space.

A plan with the new building envelop location has been previously emailed to you.

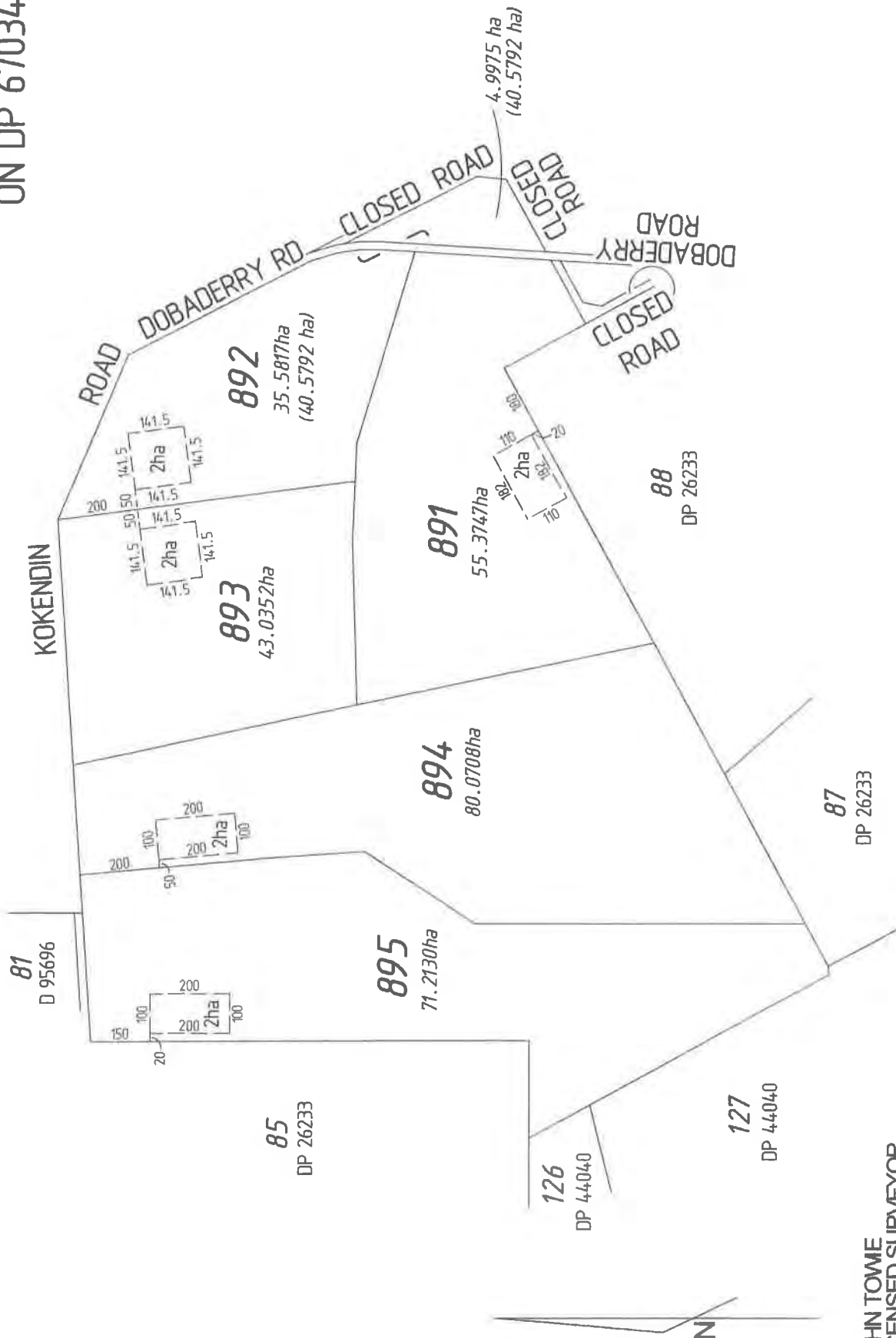
Regards  
Stacy Bishop.







**BUILDING ENVELOPES**  
**ON DP 67034**



**JOHN TOWIE**  
**LICENSED SURVEYOR**  
**P.O. BOX 435**  
**MANJIMUP W.A. 6258**  
**PH - (08) 97711558**



LIMITATIONS INTEREST ENCUMBRANCES AND NOTIFICATIONS

Executed as a Deed



THE COMMON SEAL of ADINE HOLDINGS PTY LTD  
was hereunto affixed by authority.

)  
)  
) *[Signature]*  
SENE DIRECTOR

in the presence of

Witness



THE COMMON SEAL of the SHIRE OF BEVERLEY  
was hereunto affixed by authority.

*[Signature]*  
GRAEME PETER GORDON  
47 RIANTO PLACE, HALLS HEAD 6210  
RETIRED POLICE OFFICER.

)  
)  
) *[Signature]*  
K. L. BYERS  
CHIEF EXECUTIVE OFFICER

in the presence of.

Witness

*Peter Wright*  
Peter Wright  
28 Gaynor Street  
BROOKTON  
SHIRE PLANNER

FORM B2

Page 1 of 3 Pages.

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED

Date

## BLANK INSTRUMENT FORM

RESTRICTIVE COVENANT

(Note 1)

This Deed of Restrictive Covenant is made the \_\_\_\_\_ day of \_\_\_\_\_ 2010.

Between

SHIRE OF BEVERLEY of PO BOX 20 , BEVERLEY in the State of Western Australia,  
( hereinafter called " the Shire " ) of the one part.

And

ADINE HOLDINGS PTY LTD of PO BOX 2292, GREENFIELDS in the State of Western Australia, together  
with the heirs assigned and successors in Title, ( hereinafter called " the Owner " )

Whereas

1. The Owner is entitled to be the registered proprietor of all that land being lot 89 on Deposited Plan 26233 and being the whole of the land in Certificate of Title Volume 2212 Folio 615.
2. Approval has been given for the subdivision of the said land into five (5) lots, such lots to be 891,892 ,893, 894 and 895 on Deposited Plan 67034, ( hereinafter called " the land " )
3. As a condition of the subdivision a Restrictive Covenant is required, such Restrictive Covenant to control development of the land.  
No development is to take place outside the defined building envelope(s), unless otherwise approved by the Local Government.

NOW THIS DEED WITNESS AS FOLLOWS:

1. That this Restrictive Covenant is made pursuant to Section 129BA of the Transfer of Land Act 1893 as amended.
2. That the Covenant will burden each of lots 891, 892, 893, 894, and 895 on Deposited Plan 67034.
3. The Owner enters into this Restrictive Covenant on the basis that the burden shall;
  - a) run with each of the lots referred to in paragraph 2 above ; and
  - b) be enforceable by the Shire against the registered proprietor or registered proprietors for the time being of the Land.
4. The Owner does Covenant with the Shire of Beverley on behalf of themself, heirs assigns and successors in Title,that they will not engage in development outside of the defined building envelope, without the express approval of the Local Government.

THIS PAGE NOT USED TO COMPLY WITH DUPLEX REQUIREMENTS

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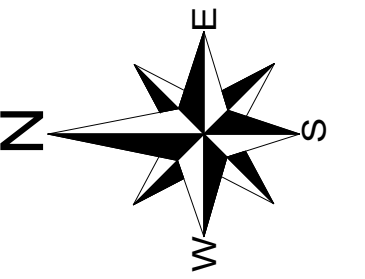
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3. _____	
4. _____	Receiving Clerk
5. _____	
6. _____	

Registered pursuant to the provisions of the *TRANSFER OF LAND ACT 1893* as amended on the day and time shown above and particulars entered in the Register.

  
**Landgate**







LOT 893

LOT 88

LOT 87

LOT 894  
80.070 Ha

LOT 895

Scale 1:2500

Kokendin Road

277.19 boundary

98°11'0"

88°43'0"

728.26 boundary

POST AND WIRE FENCE

1488.12 boundary

759.86 boundary

POST AND WIRE FENCE

374.20 boundary

POST AND WIRE FENCE

801.41 boundary

427.21 boundary

POST AND WIRE FENCE

POST AND WIRE FENCE

472.40 boundary

245.71 boundary

328.87 boundary

POST AND WIRE FENCE

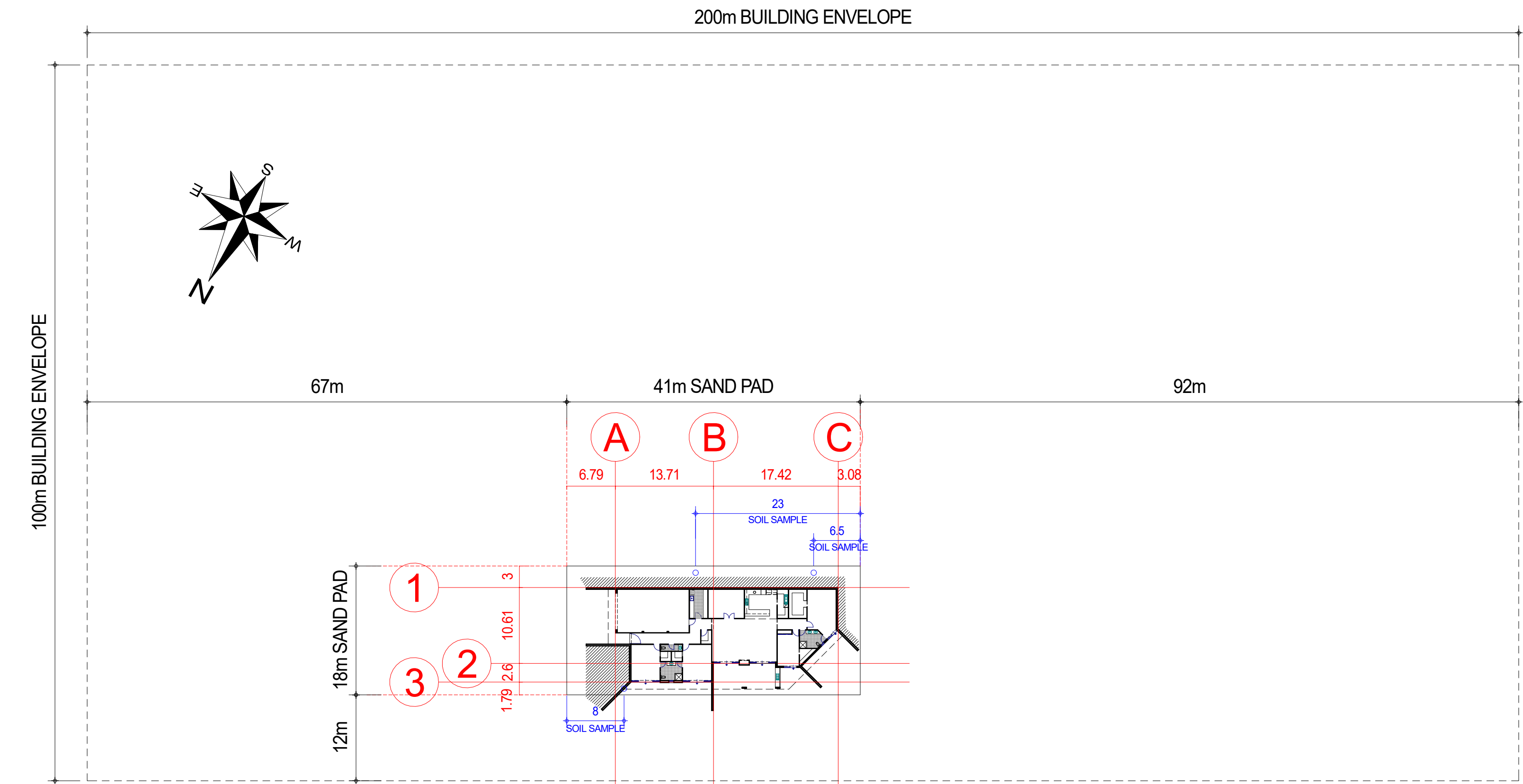
146°40'26"

SAND PAD

BUILDING ENVELOPE

POST AND WIRE FENCE

832.57 boundary



Scale 1:500

A1 PRINT

Dimension Design & Drafting

Barry Jones  
17 Litchfield Crescent  
Carramar

Client Malone & Jody

Project Lot 894 Kokendin Rd, Talbot West

Title SITE PLAN

Date 02.11.19. Scale AS NOTED Drawn BJ

#### **9.4 Bushfire Management Plan – De Lisle Street Industrial Estate – Proposed Subdivision**

---

**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 14 February 2020  
**APPLICANT:** Robert Fenn - DevelopmentWA  
**FILE REFERENCE:** ADM  
**AUTHOR:** B. S. de Beer, Manager: Planning & Development Services  
**ATTACHMENTS:** Draft Bushfire Management Plan (under separate cover)

---

#### **SUMMARY**

A request has been received from *DevelopmentWA* (previously *LandCorp*) to consider and approve a Bushfire Management Plan (BMP) prepared in anticipation of a proposed subdivision at the De Lisle Street Industrial area (lots 504 & 9001). It will be recommended Council approve the Bushfire Management Plan.

#### **BACKGROUND**

The applicant (Robert Fenn – *DevelopmentWA*), requested the following via email:

*As part of an upcoming subdivision application for the expansion of Lot 504 DeLisle Street, DevelopmentWA has had to prepare a Bushfire Management Plan, as the land is declared to be Bushfire Prone (see map below).*

*The Shire will be required to implement the BMP through your Bushfire Notice and development approvals, and I attach a copy of the final report for the approval of the Shire of Beverley.*

*The recommendations in the report do not substantially impact the future development of the industrial estate.*



## **COMMENT**

The BMP Consultant performed an assessment against the following Bushfire Protection Criteria:

Element 1: Location

Element 2. Siting and Design of Development

Element 3: Vehicular Access, &

Element 4: Water

The BMP concludes that all relevant acceptable solutions are, or can be met.

It is considered that the Bushfire Management Plan as submitted provides the required information to address State Planning Policy No. 3.7: *Planning in Bushfire Prone Areas* and the associated *Guidelines for Planning in Bushfire Prone Areas*, and is therefore in order for the purpose of the intended subdivision and subsequent consideration of development applications. It will be recommended for approval.

## **CONSULTATION**

Consultation was had with Shire's Community Emergency Services Manager who commented as follows:

*I have no specific comments to make other than the obvious that removing fuel loadings by clearing land for development lowers the bushfire propagation potential for that particular site and thus lowers the risk to the properties surrounding it.*

## **STATUTORY ENVIRONMENT**

The proposal was considered against State Planning Policy 3.7 - *Planning in Bushfire Prone Areas*, and the supporting *Guidelines for Planning in Bushfire Prone Areas*.

## **FINANCIAL IMPLICATIONS**

There are no financial implications relative to this application.

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan

Goal 11 – We aim to protect and preserve our natural environment.

## **POLICY IMPLICATIONS**

There are no policy implications relative to this application.

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council approve the Bushfire Management Plan as received from DevelopmentWA for the proposed subdivision of Lot 504 & Lot 9001 De Lisle Street, Beverley.



Attachment 9.4

LOT 504 & 9001 DE LISLE STREET



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# Bushfire management plan/Statement addressing the Bushfire Protection Criteria coversheet

Attachments for Planning Item 9.4

Site address:

Site visit:

Yes

☐

No

☐

Date of site visit (if applicable):

Day

Month

Year

Report author or reviewer:

WA BPAD accreditation level (please circle):

Not accredited

☐

Level 1 BAL assessor

☐

Level 2 practitioner

☐

Level 3 practitioner

☐

If accredited please provide the following.

BPAD accreditation number:

Accreditation expiry: Month

Year

Bushfire management plan version number:

Bushfire management plan date: Day

Month

Year

Client/business name:

	Yes	No
Has the BAL been calculated by a method other than method 1 as outlined in AS3959 (tick no if AS3959 method 1 has been used to calculate the BAL)?		
Have any of the bushfire protection criteria elements been addressed through the use of a performance principle (tick no if only acceptable solutions have been used to address all of the bushfire protection criteria elements)?		

Is the proposal any of the following (see [SPP 3.7 for definitions](#))?

	Yes	No
Unavoidable development (in BAL-40 or BAL-FZ)		
Strategic planning proposal (including rezoning applications)		
High risk land-use		
Vulnerable land-use		

None of the above

☐

**Note:** Only if one (or more) of the above answers in the tables is yes should the decision maker (e.g. local government or the WAPC) refer the proposal to DFES for comment.

Why has it been given one of the above listed classifications (E.g. Considered vulnerable land-use as the development is for accommodation of the elderly, etc.)?

The information provided within this bushfire management plan to the best of my knowledge is true and correct:

Signature of report author  
or reviewer

Jan Macleod

Date



# Bushfire Management Plan

## (Subdivision Application)

---

Lots 504 & 9001 on Plan 411512  
De Lisle, Mann and Taylor Streets, Beverley

---

Shire of Beverley

Job Number:	190708
Assessment Date:	24 December 2019
Report Date:	10 January 2020

BPP Group Pty Ltd t/a Bushfire Prone Planning  
ABN: 39 166 551 784

Level, 159-161 James Street  
Guildford WA 6055

PO Box 388  
Guildford WA 6935

Ph: 08 6477 1144

Email: [admin@bushfireprone.com.au](mailto:admin@bushfireprone.com.au)



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### **Disclaimer**

The measures contained in this Bushfire Management Plan are considered to be minimum standards and they do not guarantee that a building will not be damaged in a bushfire, persons injured, or fatalities occur either on the subject site or off the site while evacuating. This is substantially due to the unpredictable nature and behaviour of fire and extreme weather conditions. Additionally, the correct implementation of the required bushfire protection measures (and any associated response/evacuation plan if applicable) will depend, among other things, on the actions of the landowners or occupiers over which Bushfire Prone Planning has no control.

All surveys, forecasts, projections and recommendations made in this report associated with the project are made in good faith based on information available to Bushfire Prone Planning at the time.

All maps included herein are indicative in nature and are not to be used for accurate calculations.

Notwithstanding anything contained therein, Bushfire Prone Planning will not, except as the law may require, be liable for any loss or other consequences whether or not due to the negligence of their consultants, their servants or agents - arising out of the services provided by their consultants.

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## Document Control

Version	Version Details	Date Submitted
1.0	Original Document Issue	10-Jan-20
		-
		-

Author	Accreditation	Signature
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Ian Macleod

BPAD Level 2 - No. 39131



Co-author

Reviewed/Approved

Kathy Nastov

BPAD Level 3 - No. 27794



### Document Content Compliance Statement

*This Bushfire Management Plan (the Plan) provides the required information to address State Planning Policy No. 3.7: Planning in Bushfire Prone Areas - December 2015 (SPP 3.7), the associated Guidelines for Planning in Bushfire Prone Areas - WAPC 2017 v1.3 (Guidelines), and any additional information as directed by the WA Planning Commission (WA Department of Planning, Lands and Heritage). It is fit for accompanying a planning application.*

Structure Plan / Subdivision BMP Template v7.3



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## Executive Summary

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This Bushfire Management Plan is to accompany an application for subdivision of Lots 504 and 9001 on Plan 411512, De Lisle, Mann and Taylor Streets, Beverley. The purpose of the subdivision is to realign the common boundary between the two lots.

The bushfire assessment and management strategies contained within the BMP assume that environmental approval will be achieved or clearing permit exemptions will apply.

The proposed lots will be managed to a low bushfire threat state and this will reduce the bushfire threat to neighbouring properties from the lots. Compliance is regulated via this Bushfire Management Plan for the site and the Shire of Beverley annual Fire-Break Order.

The proposed subdivision is located within an existing industrial area. Once complete the proposed lots will have roads on three sides providing separation from existing classifiable vegetation. Areas adjoining the subject site to the west and south are low bushfire threat areas, further south is a small triangular area of forest vegetation. Vegetation adjoining to the north and east are generally grassland areas with small sections of woodland or forest. The land is mostly flat, or upslope from the subject site. Hazards external to the subject lots provide an acceptable level of risk with respect to bushfire.

The whole of the proposed lots will be subject to a BAL rating of BAL-29 or lower once the required Asset Protection Zones are established. Asset Protection Zones can be established wholly within the proposed lot boundaries. It is a requirement of this Bushfire Management Plan that the entirety of each proposed lot be managed to a low bushfire threat state.

For proposed Lot 98, De Lisle Street provides safe access and egress to two different destinations. The cul-de-sac road construction along Mann Street and Taylor Street will be 385 metres in length, providing a secondary road access for the existing Lot 502. The proposed Lot 9002 boundary is located on Mann Street, 80 metres from De Lisle Street where access to 2 different destinations is available. It is a requirement of this Plan that an access/egress driveway to the proposed Lot 9002 be constructed within 200 metres of the intersection of Mann St and De Lisle Street.

A reticulated water supply is available to the subject site. Pipelines and hydrants will be installed in locations as required by the relevant authorities.

Buildings of Class 4 to Class 9 are not required by the Building Code of Australia (BCA) to be constructed to comply with bushfire performance requirements. To protect against the effects of bushfire, it is recommended that future buildings on the proposed lots be constructed to their assessed BAL ratings.

Where a building is proposed to be constructed on the portion of Lot 9002 that is subject to a BAL rating of BAL-LOW, it is recommended that the building be constructed to BAL-12.5 standards to protect against ember attack from a local bushfire event.

# 1 The Proposal and Purpose of the Plan

## 1.1 Details

Landowner / Proponent:	Development WA
Site Address:	Lots 504 & 9001 De Lisle, Mann and Taylor Streets, Beverley
Local Government:	Shire of Beverley
Site Area:	1.0850 ha
No. of Proposed Lots:	2 (refer to Table 1.1)
Planning Stage:	Subdivision
Subdivision Type:	Subdivision - small number of lots
Overview of the Proposal:	
This Bushfire Management Plan is to accompany an application for subdivision of Lots 504 and 9001 on Plan 411512, De Lisle, Mann and Taylor Streets, Beverley. The purpose of the subdivision is to realign the common boundary between the two lots.	
Bushfire Prone Planning Commissioned to Produce the Plan by:	Development WA
Purpose of the Plan:	To accompany a planning application
For Submission to:	Department of Planning, Lands and Heritage (DPLH)

Table 1.1: Details of proposed lots

Current Lots			
Lot No.	504	Area m <sup>2</sup>	2005
Lot No.	9001	Area m <sup>2</sup>	8845
Proposed Lots			
Lot No.	98	Area m <sup>2</sup>	5000
Lot No.	9002	Area m <sup>2</sup>	5850







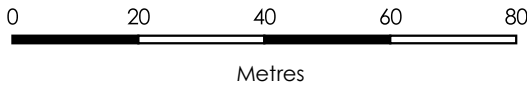
Figure 1.1  
Attachments for Planning Item 9.4

**Proposed Subdivision  
Site Map**

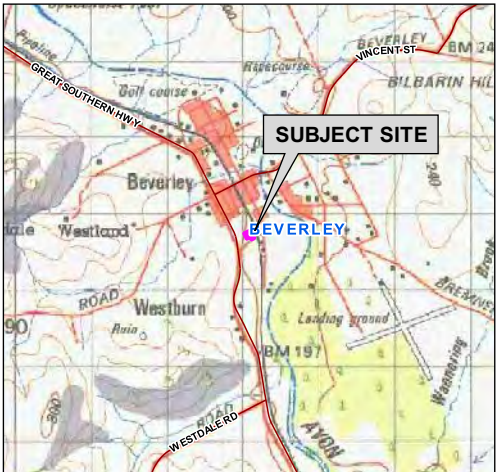
Lots 504 & 9001 on Plan 411512  
De Lisle, Mann and Taylor Streets  
BEVERLEY  
SHIRE OF BEVERLEY

----- **LEGEND** -----

-  Hydrants
-  Proposed Subdivision
-  Subject Site
-  Cadastre



----- **LOCALITY** -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50  
Projection: Universal Transverse Mercator Units: Metre  
Map by: Ian Macleod 09-01-2020  
SCALE (A3): 1 : 1200



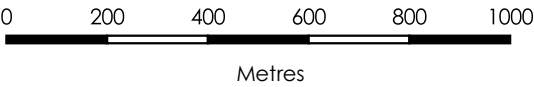
Figure 1.2  
Attachments for Planning Item 9.4

**Proposed Subdivision  
Spatial Context Map**

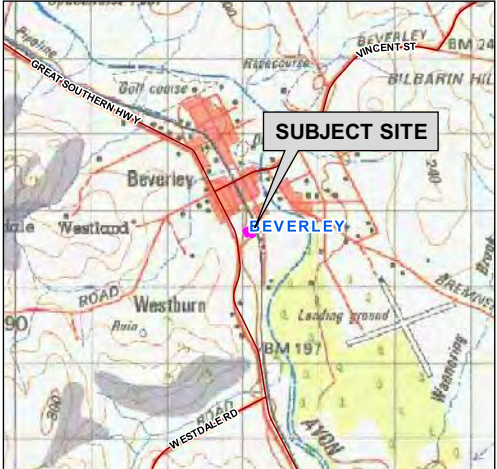
Lots 504 & 9001 on Plan 411512  
De Lisle, Mann and Taylor Streets  
BEVERLEY  
SHIRE OF BEVERLEY

----- **LEGEND** -----

- DFES Stations
- Subject Site
- Cadastre
- Reserves\_UCL**
  - Reserve
  - Unallocated Crown Land



----- **LOCALITY** -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50  
Projection: Universal Transverse Mercator Units: Metre  
Map by: Ian Macleod 09-01-2020  
SCALE (A3): 1 : 15000

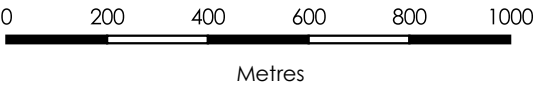


Figure 1.3  
Attachments for Planning Item 9.4  
**Proposed Subdivision**  
**Bushfire Prone Areas Map**

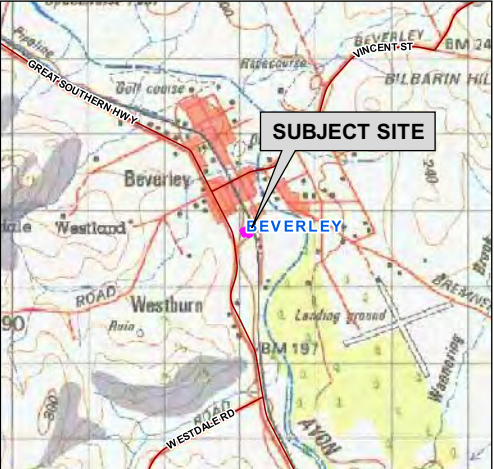
Lots 504 & 9001 on Plan 411512  
De Lisle, Mann and Taylor Streets  
BEVERLEY  
SHIRE OF BEVERLEY

----- **LEGEND** -----

- ◆ DFES Stations
- Subject Site
- Cadastre
- Bush Fire Prone Areas 2019



----- **LOCALITY** -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50  
Projection: Universal Transverse Mercator Units: Metre  
Map by: Ian Macleod 09-01-2020  
SCALE (A3): 1 : 15000



## 1.2 Existing Documentation Relevant to the Construction of this Plan

This section acknowledges any known reports or plans that have been prepared for previous planning stages, that refer to the subject area and that may or will impact upon the assessment of bushfire risk and/or the implementation of bushfire protection measures and will be referenced in this Bushfire Management Plan.

Relevant Documents		
Existing Document	Copy Provided by Client	Title
Structure Plan	N/A	
Environmental Report	No	
Landscaping (Revegetation) Plan	No	
Bushfire Risk Assessments	No	



## 2 Environmental Considerations

### 2.1 Native Vegetation – Modification and Clearing

**‘Guidelines’ s2.3:** “Many bushfire prone areas also have high biodiversity values. SPP 3.7 policy objective 5.4 recognises the need to consider bushfire risk management measures alongside environmental, biodiversity and conservation values.”

Existing conservation areas that are potentially affected by the development proposal are required to be identified. This may result in vegetation removal/modification prohibition or limitations. These areas include National Parks, Nature Reserves, Wetlands and Bush Forever sites.

**Environmental Protection Act 1986:** “Clearing of native vegetation in Western Australia requires a clearing permit under Part V, Division 2 of the Act unless clearing is for an exempt purpose. Exemptions from requiring a clearing permit are contained in Schedule 6 of the Act or are prescribed in the Environmental Protection Regulations” (‘Guidelines’ s2.3).

**The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act):** This Act administered by the Australian Government Department of the Environment and Energy, provides a national scheme of environment and heritage protection and biodiversity conservation. Nationally threatened species and ecological communities are a specific matter of significance. Areas of vegetation can be classified as a Threatened Ecological Community (TEC) under the EPBC Act and consequently may have removal restrictions imposed.

#### Vegetation Modification and Clearing Assessment

Will on-site clearing of native vegetation be required?	No – However, removal of native vegetation may be required during the lot development stage of the new lots.
Does this have the potential to trigger environmental impact/referral requirements under State and Federal environmental legislation?	Unaware
Identified environmental legislation applicable to the Proposal site - No.1:	N/A
Identified environmental legislation applicable to the Proposal site - No.2:	N/A
For the proposed development site, have any areas of native vegetation been identified as species that might result in the classification of the area as a Threatened Ecological Community (TEC)?	No
Potential TEC species identified:	N/A

The bushfire assessment and management strategies contained in the BMP, assume that environmental approval will be achieved or clearing permit exemptions will apply.

**Recommendation:** It is advised that the proponent seek further advice from an Environmental Consultant or the WA Department of Biodiversity, Conservation and Attractions for further information on the condition and species contained within the proposed development area and the requirement for referral of the proposal.

## Development Design Options

Establishing development in bushfire prone areas can adversely affect the retention of native vegetation through clearing associated with the creation Lots and/or Asset Protection Zones. Where loss of vegetation is not acceptable or causes conflict with landscape or environmental objectives, it will be necessary to consider available design options to minimise the removal of native vegetation.

Minimising the Removal of Native Vegetation		
Design Option	Identified	Adopted
Reduction of lot yield	N/A	N/A
Cluster development	N/A	N/A
Construct building to a standard corresponding to a higher BAL rating as per BCA (AS 3959-2018 and/or NASH Standard)	N/A	N/A
Modify the development location	N/A	N/A

The proposed subdivision and future construction of buildings on the proposed lots will require the development of Asset Protection Zones. It is expected that the whole of each lot will be managed to a low bushfire threat state.

## Impact on Adjoining Land

Is this planning proposal able to implement the required bushfire measures within the boundaries of the land being developed so as not to impact on the bushfire and environmental management of neighbouring reserves, properties or conservation covenants?	Yes
---	-----

The proposed lots will be managed to a low bushfire threat state and this will reduce the bushfire threat to neighbouring properties from the lots. Compliance is regulated via this Bushfire Management Plan for the site and the Shire of Beverley annual Fire-Break Order.

## 2.2 Re-vegetation / Retained Vegetation / Landscape Plans

Riparian zones, wetland/foreshore buffers, road verges and public open space may have plans to re-vegetate or retain vegetation as part of the Proposal.

Vegetation corridors may join offsite vegetation and provide a route for fire to enter a development area.

When applicable, any such area will be identified in this Bushfire Management Plan and their impact on the assessment and future management accounted for.

Is re-vegetation of riparian zones and/or wetland or foreshore buffers and/or public open space a part of this Proposal?	No
Is the requirement for ongoing maintenance of existing vegetation in riparian zones and/or wetland or foreshore buffers and/or public open space a part of this Proposal?	No



### 3 Potential Bushfire Impact Assessment

#### 3.1 Assessment Input

##### 3.1.1 Fire Danger Index (FDI) Applied

AS 3959-2018 specifies the fire danger index values to apply for different regions as per Table 2.1. The values used in the model calculations are for the Forest Fire Danger Index (FFDI) and for which equivalent representative values of the Grassland Fire Danger Index (GFDI) are applied as per Appendix B. The values can be refined if appropriately justified.

Table 3.1: Applied FDI Value

FDI Value			
Vegetation Area	As per AS 3959 - 2018 Table 2.1	As per DFES for the Location	Value Applied
All Areas	80	N/A	80

##### 3.1.2 Existing Vegetation Identification, Classification and Effective Slope

Vegetation identification and classification has been conducted in accordance with AS 3959-2018 s2.2.3 and the Visual Guide for Bushfire Risk Assessment in WA (DoP February 2016).

When more than one vegetation type is present, each type is identified separately with the worst-case scenario being applied as the classification. The predominant vegetation is not necessarily the worst-case scenario.

The vegetation structure has been assessed as it will be in its mature state (rather than what might be observed on the day). Areas of modified vegetation are assessed as they will be in their natural unmodified state (unless maintained in a permanently low threat, minimal fuel condition, satisfying AS 3959-2018 s2.2.3.2-f and asset protection zone standards). Vegetation destroyed or damaged by a bushfire or other natural disaster has been assessed on its revegetated mature state.

**Effective Slope:** Is the ground slope under the classified vegetation and is determined for each area of classified vegetation. It is the measured or determined slope which will most significantly influence the bushfire behaviour in that vegetation as it approaches a building or site. Where there is a significant change in effective ground slope under an area of classified vegetation, that will cause a change in fire behaviour, separate vegetation areas will be identified, based on the change in effective slope, to enable the correct assessment.

Table 3.2: Vegetation identification and classification

<b>All Vegetation Within 150 metres of the Proposed Development</b>				
Vegetation Area	Identified Classification Types <sup>1</sup> or Description if 'Excluded'	Applied Classification <sup>2</sup>	Effective Slope Under Classified Vegetation	
			degrees	description
1	Woodland B-05	Class B Woodland	0	Flat
2	Tussock Grassland G-22	Class G Grassland	0	Flat
3	Tussock Grassland G-22	Class G Grassland	0	Upslope
4	Open Forest A-03	Class A Forest	0	Flat
5	Tussock Grassland G-22	Class G Grassland	0	Flat
6	Woodland B-05	Class B Woodland	0	Flat
7	Open Forest A-03	Class A Forest	0	Flat
-	Non-vegetated or managed areas	Excluded AS 3959-2018 2.2.3.2 (e) & (f)	N/A	N/A

Representative photos of each vegetation area, descriptions and classification justification, are presented on the following pages. The areas of classified vegetation are defined, and the photo locations identified on the topography and classified vegetation map, Figure 3.1.

Note<sup>1</sup>: As per AS 3959-2018 Table 2.3 and Figures 2.3 and 2.4 a-h

Note<sup>2</sup>: As per AS 3959-2018 Table 2.3.

**Vegetation Area 1**      **Classification Applied or Exclusion Clause:** Class B Woodland

**Vegetation Type Present:** Woodland B-05

**Description / Classification Justification:** Onsite vegetation. Eucalypts to 15 metres high, 20% foliage cover, partly managed grass understorey.



Photo ID: 1a



Photo ID: 1b

**Vegetation Area 2**      **Classification Applied or Exclusion Clause:** Class G Grassland

**Vegetation Type Present:** Tussock grassland G-22

**Description / Classification Justification:** Onsite vegetation. Partly managed tussock grassland. Some eucalypts, less than 10% foliage cover.



Photo ID: 2a



Photo ID: 2b



**Vegetation Area 3**      **Classification Applied or Exclusion Clause:** Class G Grassland

**Vegetation Type Present:** Tussock grassland G-22

**Description / Classification Justification:** Open paddocks. Crop stubble, unmanaged tussock grassland.



Photo ID: 3a



Photo ID: 3b

**Vegetation Area 3**      **Classification Applied or Exclusion Clause:** Class G Grassland

**Vegetation Type Present:** Tussock grassland G-22

**Description / Classification Justification:** Tussock grassland, some trees and saplings (less than 10% foliage cover).



Photo ID: 3c



Photo ID: 3d



<b>Vegetation Area 4</b>	<b>Classification Applied or Exclusion Clause:</b> Class A Forest
<b>Vegetation Type Present:</b> Open forest A-03	
<b>Description / Classification Justification:</b> Eucalypts to 15 metres high, 30% foliage cover, shrub and grass understorey.	
 <p>Mann Street, Beverley -32°6'48", 116°55'41", 172.6m, 20° 24/12/2019 09:59:59</p>	 <p>Mann Street, Beverley -32°6'46", 116°55'40", 171.2m, 144° 24/12/2019 10:01:52</p>
Photo ID: 4a	Photo ID: 4b
<b>Vegetation Area 5</b>	<b>Classification Applied or Exclusion Clause:</b> Class G Grassland
<b>Vegetation Type Present:</b> Tussock grassland G-22	
<b>Description / Classification Justification:</b> Tussock grassland alongside railway line, occasional shrub.	
 <p>Mann Street, Beverley -32°6'47", 116°55'42", 172.7m, 143° 24/12/2019 10:06:29</p>	 <p>Mann Street, Beverley -32°6'49", 116°55'45", 170.2m, 20° 24/12/2019 10:16:32</p>
Photo ID: 5a	Photo ID: 5b



<b>Vegetation Area 5</b>	<b>Classification Applied or Exclusion Clause:</b> Class G Grassland
<b>Vegetation Type Present:</b> Tussock grassland G-22	
<b>Description / Classification Justification:</b> Tussock grassland alongside railway line, occasional shrub or scrub.	
	
Photo ID: 5c	Photo ID: 5d
<b>Vegetation Area 6</b>	<b>Classification Applied or Exclusion Clause:</b> Class B Woodland
<b>Vegetation Type Present:</b> Woodland B-05	
<b>Description / Classification Justification:</b> Eucalypts to 15 metres high, 20% foliage cover, partly managed grass understorey, occasional shrub.	
	
Photo ID: 6a	Photo ID: 6b



<b>Vegetation Area 6</b>	<b>Classification Applied or Exclusion Clause:</b> Class B Woodland
<b>Vegetation Type Present:</b> Woodland B-05	
<b>Description / Classification Justification:</b> Small area of eucalypts, grass understorey, some sections partly managed.	
	
Photo ID: 6c	Photo ID: 6d
<b>Vegetation Area 7</b>	<b>Classification Applied or Exclusion Clause:</b> Class A Forest
<b>Vegetation Type Present:</b> Open forest A-03	
<b>Description / Classification Justification:</b> Eucalypts to 15 metres high, scrub and shrubs, grass understorey.	
	
Photo ID: 7a	Photo ID: 7b



<b>Vegetation Area</b>	<b>Classification Applied or Exclusion Clause:</b> Excluded AS3959-2018 2.2.3.2 (e) & (f)
------------------------	---

**Vegetation Type Present:** Nil – Managed to a low bushfire threat state.

**Description / Classification Justification:** Gravel access and parking area, managed vegetation.



Photo ID: 8a



Photo ID: 8b

<b>Vegetation Area</b>	<b>Classification Applied or Exclusion Clause:</b> Excluded AS3959-2018 2.2.3.2 (e) & (f)
------------------------	---

**Vegetation Type Present:** Nil – Managed to a low bushfire threat state.

**Description / Classification Justification:** Developed land, cleared and managed sites.



Photo ID: 8c



Photo ID: 8d



<b>Vegetation Area</b>	<b>Classification Applied or Exclusion Clause:</b> Excluded AS3959-2018 2.2.3.2 (e) & (f)
------------------------	---

**Vegetation Type Present:** Nil – Managed to a low bushfire threat state.

**Description / Classification Justification:** Land being developed, cleared of vegetation.



Photo ID: 8e



Photo ID: 8f

<b>Vegetation Area</b>	<b>Classification Applied or Exclusion Clause:</b> Excluded AS3959-2018 2.2.3.2 (e) & (f)
------------------------	---

**Vegetation Type Present:** Nil – Managed to a low bushfire threat state.

**Description / Classification Justification:** New road construction, land cleared for development.



Photo ID: 8g














Photo ID: 8h

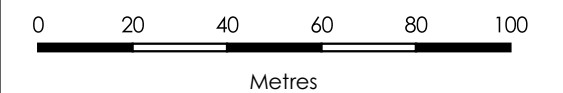


Figure 3.1  
Attachments for Planning Item 9.4  
**Existing Topography &  
Classified Vegetation Map**

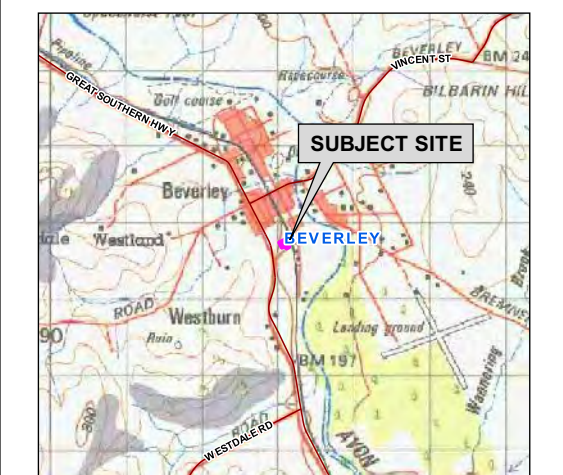
Lots 504 & 9001 on Plan 411512  
De Lisle, Mann and Taylor Streets  
BEVERLEY  
SHIRE OF BEVERLEY

----- LEGEND -----

-  Photos
-  Hydrants
-  Proposed Subdivision
-  Elevation (m)
-  Subject Site
-  150 Metre Buffer
-  Cadastre
- Classified Vegetation**
  -  Class A - Forest
  -  Class B - Woodland
  -  Class G - Grassland
  -  Exclusion 2.2.3.2



----- LOCALITY -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50  
Projection: Universal Transverse Mercator Units: Metre  
Map by: Ian Macleod 09-01-2020  
SCALE (A3): 1 : 1600

190708 Lots 504 and 9001 Mann St, Beverley VEG.qgz

Disclaimer and Limitation: This map has been prepared for bushfire management planning purposes only. All depicted areas, contours and any dimensions shown are subject to survey. Bushfire Prone Planning does not guarantee that this map is without flaw of any kind and disclaims all liability for any errors, loss or other consequence which may arise from relying on any information depicted.



## 3.2 Assessment Output

### Understanding the Bushfire Assessment Results - Application of Bushfire Attack Levels (BAL)

The BAL rating has a different application in the building environment compared to the planning environment and the BAL assessment can result in a determined BAL or an indicative BAL which have different implications.

#### Building versus Planning Applications

In the building environment, a determined BAL rating is required (for the proposed construction) at the building application stage. This is to inform approval considerations and establish the construction standards that are to apply if approved. An indicative BAL rating is not acceptable for a building application.

In the planning environment, assessing the ability of a proposed development site to achieve BAL-29 or less is the objective (as one of the bushfire protection criteria being assessed). The 'development site' is defined by the LPS Amendment Regulations 2015 as "that part of a lot on which a building that is the subject of development stands or is to be constructed".

Therefore, being able to show that a BAL rating of BAL-29 or lower is achievable for a proposed development site (i.e. the building footprint) is an acceptable outcome for that criteria, as established by the bushfire provisions, SPP 3.7 and the associated Guidelines. For planning purposes, this BAL rating could be either indicative or determined.

#### Determined BAL Ratings

A determined BAL rating is to apply to an existing or proposed construction site (building) and not to a lot or envelope. Its purpose is to state the potential radiant heat flux to which the building will be exposed.

A determined BAL cannot be given for a future building whose location, elevation design and footprint (on a given lot) are unknown. It is not until these variables have been fixed that a BAL can be determined (typically at the development application or building application stage).

The one exception is when a building of **any dimension** can be **positioned anywhere** on a proposed lot or within defined limits within the lot (i.e. building setbacks or building envelope) and always remain subject to the same BAL rating. For this to be the case, there needs to be no classified vegetation either onsite or offsite that if retained could impact upon the determined BAL rating.

#### Indicative BAL Ratings

When this Plan presents a single indicative BAL rating for a proposed construction site (building), this will be because the construction is still subject to a location within the lot being confirmed and/or a vegetation separation distance being achieved. That is, it will be conditional upon some factor being confirmed at a later stage.

For planning applications associated with proposed lots, the building location, elevation design and footprint have typically not been established. Therefore, indicative rather than determined BAL rating/s will be presented for each lot (with the exception as noted above under 'Determined BAL Ratings').

When this Plan presents a single indicative BAL rating for a lot or building envelope (i.e. an 'area' that is not a located building footprint) it will represent the highest BAL rating affecting that 'area'. The BAL rating of a future building on that 'area' will be dependent on its eventual location.

Otherwise, this Plan will present all BAL ratings for each lot and for each BAL rating, the vegetation separation distances from each area of classified vegetation that are to apply. These distances will be presented as either figures in a table or as a BAL contour map.

From this indicative BAL information, it can be assessed if acceptable BAL ratings ( $\leq$  BAL-29) can be achieved for future buildings.

### 3.2.1 Indicative BAL Results Presented as a BAL Contour Map

#### Interpretation of the Bushfire Attack Level (BAL) Contour Map

The contour map will present different coloured contour intervals constructed around the classified bushfire prone vegetation. These represent the different Bushfire Attack Levels that exist at varying distances away from the classified vegetation.

Each BAL represents a set range of radiant heat flux (as defined by AS 3959-2018) that can be generated by the bushfire in that vegetation at that location.

The width of each shaded contour (i.e. the distance interval) will vary and is determined by consideration of variables including vegetation type, fuel structure, ground slope, climatic conditions. They are unique to a site and can vary across a site. The width of each contour is a diagrammatic expression of the separation distances from the classified vegetation that apply for each BAL rating, for that site.

A building (or 'area') located within any given BAL contour will be subject to that BAL rating and potentially multiple BAL ratings of which the highest rating will be applied.

#### Separation Distances Calculated to Construct the BAL Contours

Table 3.3: Vegetation separation distances applied to construct the BAL contours.

Calculated Vegetation Separation Distances								
Vegetation Area	Vegetation Classification	Effective Slope	BAL Assessment Method Applied <sup>1</sup>	BAL Rating and Corresponding Separation Distance <sup>2</sup> (metres)				
		Degrees		BAL-FZ	BAL-40	BAL-29	BAL-19	BAL12.5
3	Class G Grassland	0	Method 1	<6	6-<8	8-<12	12-<17	17-<50
4	Class A Forest	0	Method 1	<16	16-<21	21-<31	31-<42	42-<100
5	Class G Grassland	0	Method 1	<6	6-<8	8-<12	12-<17	17-<50
6	Class B Woodland	0	Method 1	<10	10-<14	14-<20	20-<29	29-<100
7	Class A Forest	0	Method 1	<16	16-<21	21-<31	31-<42	42-<100

<sup>1</sup> Method 1 as per AS 3959-2018 Table 2.5.

**Note:** Vegetation Areas 1 and 2 are onsite and are to be managed and maintained to a low bushfire threat state. They are therefore excluded from the BAL Contour Map.



Figure 3.2  
Attachments for Planning Item 9.4  
**Proposed Subdivision  
BAL Contour Map**

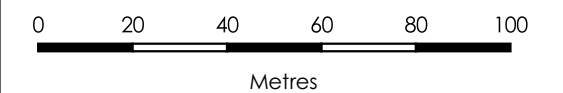
Lots 504 & 9001 on Plan 411512  
De Lisle, Mann and Taylor Streets  
BEVERLEY  
SHIRE OF BEVERLEY

----- **LEGEND** -----

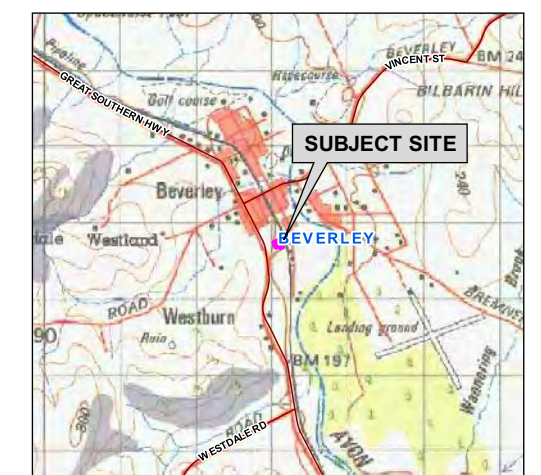
- H Hydrants
- Proposed Subdivision
- Vegetation Outline
- Subject Site
- 100 Metre BAL Buffer
- 150 Metre Buffer
- Cadastre

**Bushfire Attack Levels**

- BAL-FZ
- BAL-40
- BAL-29
- BAL-19
- BAL-12.5
- BAL-LOW



----- **LOCALITY** -----



AERIAL IMAGERY: Landgate/SLIP



Coordinate System: GDA 1994 MGA Zone 50  
Projection: Universal Transverse Mercator Units: Metre  
Map by: Ian Macleod 09-01-2020  
SCALE (A3): 1 : 1600

190708 Lots 504 and 9001 Mann St, Beverley BAL.qgz

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### 3.2.2 Bushfire Attack Levels (BAL) Derived from The Contour Map

#### **Deriving a BAL Rating for a Future Construction Site (Building) from the BAL Contour Map Data (Capacity to Issue a BAL Certificate)**

**Key Assumptions:** The actual location of a building within a lot or envelope (an 'area') has not been determined at this stage of planning; and the BAL ratings represent the BAL of an 'area' not a building.

##### **The BAL Rating is Assessed as Indicative**

If the assessed BAL for the 'area' is stated as being 'indicative', it is because that 'area' is impacted by more than one BAL contour interval and/or classifiable vegetation remains on the lot, or on adjacent lots, that can influence a future building's BAL rating (and this vegetation may have been omitted from being contoured for planning purposes e.g. when the assumption is made that all onsite vegetation can be removed and/or modified).

In this report the indicative BAL is presented as either the highest BAL impacting the site or as a range of achievable BAL's within the site – whichever is the most appropriate.

The BAL rating that will apply to any future building within that 'area' will be dependent on:

1. vegetation management onsite; and/or
2. vegetation remaining on adjacent lots; and/or
3. the actual location of the future building within that 'area'.

A BAL Certificate cannot be provided for future buildings, within a lot or envelope with an indicative BAL, until the building location and in some instances building design (elevation), have been established and any required and approved vegetation modification/removal has been confirmed. Once this has occurred a report confirming the building location and BAL rating will be required to submit with the BAL certificate.

The required confirmation of the BAL rating must be done by a bushfire practitioner with the same level of accreditation as has been required to compile this Bushfire Management Plan. This is dependent on the type of calculations utilised (e.g. if performance based solutions have been used in the Plan BPAD Level 3 accreditation is required)

##### **The BAL Rating is Assessed as Determined**

If the assessed BAL for the lot or envelope is stated as being 'determined' it is because that lot or envelope is impacted by a single BAL contour interval. This BAL has been determined by the existence (or non-existence) of classified vegetation outside the lot or envelope, and no classifiable vegetation currently exists on the lot or envelope (i.e. it has been cleared to a minimal fuel, low bushfire threat state). In the situation where the BAL Contour Map has been constructed around multiple lots, there also needs to be no classifiable vegetation on an adjacent lot if this vegetation has not already been incorporated into the creation of the BAL Contour Map.

As a result, a determined BAL can be provided in this limited situation because:

1. No classified vegetation is required to be removed or modified to achieve the determined BAL, either within the lot/envelope or on adjacent lots (or if vegetation is excluded from classification, it is reasonable to assume it will be maintained in this state into the future); and
2. A future building can be located anywhere within the 'site' and be subject to the determined BAL rating; and
3. The degree of certainty is more than sufficient to allow for any small discrepancy that might occur in the mapping of the BAL contours.

For a determined BAL rating for a lot/envelope, A BAL Certificate (referring to this BMP) can be provided for a future building, if the BMP remains current.

Table 3.4: Vegetation separation distances required to achieve the stated BAL rating.

Indicative (Achievable) Bushfire Attack Levels for the Proposed Lots								
(a BAL rating is achievable if a separation distance range is shown)								
Lot No.	Veg. Area	Applied Vegetation Classification	Effective Slope (degrees)	BAL Method	Indicative BAL's - Separation Distance (m) or Status			
					BAL-29	BAL-19	BAL-12.5	BAL-LOW
(refer to following page for further explanation).								
98	3	Class G Grassland	0	Method 1	8-<12	12-<17	17-<50	Not Achievable
	4	Class A Forest	0	Method 1	21-<31	31-<42	42-<100	Not Achievable
	5	Class G Grassland	0	Method 1	8-<12	12-<17	17-<50	Not Achievable
	6	Class B Woodland	0	Method 1	14-<20	20-<29	29-<100	Not Achievable
	7	Class A Forest	0	Method 1	21-<31	31-<42	42-<100	Not Achievable
9002	3	Class G Grassland	0	Method 1	8-<12	12-<17	17-<50	Risk of Ember Attack
	4	Class A Forest	0	Method 1	21-<31	31-<42	42-<100	Risk of Ember Attack
	5	Class G Grassland	0	Method 1	8-<12	12-<17	17-<50	Risk of Ember Attack
	6	Class B Woodland	0	Method 1	14-<20	20-<29	29-<100	Risk of Ember Attack
	7	Class A Forest	0	Method 1	21-<31	31-<42	42-<100	Risk of Ember Attack



### Explanation of Cell Entries in Table 3.2.5

**Separation Distance - Range in Metres:** Indicates the minimum to maximum distance that a building will need to be located from the relevant area of classified vegetation to achieve the corresponding BAL rating.

**Not Achievable:** Indicates that there is no physical means of achieving the required separation distance. This includes the situation of when the relevant classified vegetation is offsite, owned by another party and therefore cannot be modified as the proponent has no control.

**Risk of Ember Attack:** Indicates that the subject site is in a bushfire prone area and as a result will always be at risk of an ember attack - even though the assessed BAL rating is BAL-LOW. A BAL rating is a measure of radiant heat exposure, not embers – but embers are very likely to exist at greater distances than 100 metres, the distance to classified vegetation that corresponds to a BAL-Low rating. Bushfire Prone Planning recommends to at least construct to the standard required by a BAL-12.5 rating to improve building survival from an ember attack.

**Interpretation:** The results showing the required separation distance for each achievable BAL rating can be used to locate a building site on a lot with respect to the relevant area of classified vegetation. Moving the proposed construction and/or modifying/removing classified vegetation will provide a vegetation separation distance from each bushfire prone vegetation area which will dictate the BAL rating achieved. It is the highest BAL rating that impacts the subject building or site that will apply to that building or site.

## 4 Identification of Bushfire Hazard Issues

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The proposed subdivision is located within an existing industrial area. Once complete the proposed lots will have roads on three sides providing separation from existing classifiable vegetation. Areas adjoining the subject site to the west and south are low bushfire threat areas, further south is a small triangular area of forest vegetation. Vegetation adjoining to the north and east are generally grassland areas with small sections of woodland or forest. The land is mostly flat, or upslope from the subject site. Hazards external to the subject lots provide an acceptable level of risk with respect to bushfire.

The whole of the proposed lots will be subject to a BAL rating of BAL-29 or lower once the required Asset Protection Zones are established. Asset Protection Zones can be established wholly within the proposed lot boundaries. It is a requirement of this Bushfire Management Plan that the entirety of each proposed lot be managed to a low bushfire threat state.

For proposed Lot 98, De Lisle Street provides safe access and egress to two different destinations. The cul-de-sac road construction along Mann Street and Taylor Street will be 385 metres in length, providing a secondary road access for existing Lot 502. The proposed Lot 9002 boundary is located on Mann Street, 80 metres from De Lisle Street where access to 2 different destinations is available. It is a requirement of this Plan that an access/egress driveway to the proposed Lot 9002 be constructed within 200 metres of the intersection of Mann St and De Lisle Street.

A reticulated water supply is available to the subject site. Pipelines and hydrants will be installed in locations as required by the relevant authorities.

## 5 Assessment Against the Bushfire Protection Criteria (BPC)

### 5.1 Bushfire Protection Criteria - Assessment Summary

Summarised Outcome of the Assessment Against the Bushfire Protection Criteria (BPC)						
Element	Basis for Achieving Compliance with the Intent of the Element			The Proposal Cannot Achieve Compliance with the Intent of the Element	The Element is Not Applicable to the Proposal	Not a Strategic Planning Proposal therefore Location Options Do Not Apply
	All Relevant Acceptable Solutions Are or Can be Met	The Performance Principle is Addressed  (one or more solutions cannot be fully met, or it is inappropriate to do so –				
		Argument Justifying Compliance with the Intent is Presented	A Performance Principle-Based Solution is Applied	Progressed as Minor or Unavoidable Development	Different bushfire protection measures are to be applied to specified development types and land uses  (as per a WAPC Position Statement or guidance)	
1. Location	✓					
2. Siting and Design of Development	✓					
3. Vehicular Access	✓					
4. Water	✓					

The Proposal has been assessed against:

1. The requirements established in Appendix 4 of the Guidelines for Planning in Bushfire Prone Areas, WAPC 2017 v1.3 (the 'Guidelines'). The detail, including the technical requirements, are found at <https://www.planning.wa.gov.au/8194.aspx>; and
2. Any endorsed variations to the Guideline's acceptable solutions and associated technical requirements that have been established by the relevant local government. If known and applicable these have been stated in Section 5.2 of this Plan (with the detail included as an appendix if required by the relevant local government).



5.2 Local Government Variations to Apply

<p>Local governments may add to or modify the acceptable solutions of the Bushfire Protection Criteria (BPC) and/or apply technical requirements that vary from those specified in the Guidelines for Planning in Bushfire Prone Areas (WAPC). In such instances, this Proposal will be assessed against these variations and/or any specific local government technical requirements for emergency access and water. Refer to Appendices 2 and 3 for relevant technical requirements.</p>	
Will local or regional variations to the acceptable solutions (endorsed by WAPC / DFES) and/or the technical requirements contained in the Guidelines, apply to this Proposal.	N/A

## 5.3 Bushfire Protection Criteria – Acceptable Solutions Assessment Detail

### 5.3.1 Element 1: Location

<b>Bushfire Protection Criteria Element 1: Location</b> Assessment Statements and Bushfire Protection Measures to be Applied			
<b>Intent:</b> To ensure that strategic planning proposals, subdivision and development applications are located in areas with the least possible risk of bushfire to facilitate the protection of people, property and infrastructure.			
Acceptable Solution:	A1.1: Development Location	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution is fully met.

The proposed subdivision achieves compliance by:

- Ensuring future building work on the lot/s can be located on an area that will be subject to potential radiant heat from a bushfire not exceeding 29 kW/m<sup>2</sup> (i.e. a BAL rating of BAL-29 or less will apply). This can be achieved by using positioning, design and appropriate vegetation removal/modification; and
- Managing the remaining bushfire risk to an acceptable level by the existence/implementation and ongoing maintenance of all required bushfire protection measures, as identified within this Plan. These measures include the requirements for vegetation management, vehicular access and firefighting water supply.

The proposed subdivision is located within an existing industrial area. Once complete the proposed lots will have roads on three sides providing separation from existing classifiable vegetation. Areas adjoining the subject site to the west and south are low bushfire threat areas, further south is a small triangular area of forest vegetation. Vegetation adjoining to the north and east are generally grassland areas with small sections of woodland or forest. The land is mostly flat, or upslope from the subject site. Hazards external to the subject lots provide an acceptable level of risk with respect to bushfire.

### 5.3.2 Element 2: Siting and Design of Development

#### Bushfire Protection Criteria Element 2: Siting and Design of Development

Assessment Statements and Bushfire Protection Measures to be Applied

**Intent:** To ensure that the siting and design of development (note: not building/construction design) minimises the level of bushfire impact.

Acceptable Solution:	A2.1: Asset Protection Zone	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution is fully met.
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The proposed subdivision achieves compliance by:

- Ensuring future building work on the lot/s can have established around it an APZ of the required dimensions - to ensure that the potential radiant heat from a bushfire to impact future building/s, does not exceed 29 kW/m<sup>2</sup> (i.e. a BAL rating of BAL-29 or less will apply to determine building construction standards);
- The APZ/s can be established fully within the/each lot boundaries; and
- The landowner/s having the responsibility of continuing to manage the required APZ as low threat vegetation in a minimal fuel state, by maintaining the APZ to the required dimensions and standard, including compliance with the local government's annual firebreak notice.

The whole of the proposed lots will be subject to a BAL rating of BAL-29 or lower, once the required Asset Protection Zones are established.

It is a requirement of this Bushfire Management Plan that the whole of each proposed lot be managed to a low bushfire threat state. The APZ technical requirements (Standards) are detailed in Appendix 1.



### 5.3.3 Element 3: Vehicular Access

#### **Bushfire Protection Criteria Element 3: Vehicular Access** Assessment Statements and Bushfire Protection Measures to be Applied

**Intent:** To ensure that the vehicular access serving a subdivision/development is available and safe during a bushfire event.

Acceptable Solution:	A3.1: Two access routes	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution is fully met.
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For proposed Lot 98, De Lisle Street provides safe access and egress to two different destinations.

For proposed Lot 9002, access to De Lisle Street is via Mann Street at a driving distance of approximately 80 metres from the proposed lot boundary. This distance is less than the 200m length restriction for a cul-de-sac / dead end road established by Acceptable Solution A3.3.

As a sealed public road, De Lisle Street is available to all residents and the public at all times and under all weather conditions.

Acceptable Solution:	A3.2 Public Road	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution can be fully met.
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As part of the proposed development a road will be constructed along the Mann Street and Taylor Street road reserves. The construction technical requirements established by the Guidelines and/or the local government can and will be complied with, including an 18 metre diameter cul-de-sac turning head. These requirements are set out in Appendix 2.

Acceptable Solution:	A3.3 Cul-de-sacs (including a dead-end road)	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution can be fully met.
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The cul-de-sac road construction will be 385 metres in length providing a secondary road access for existing Lot 502. The proposed Lot 9002 boundary is located 80 metres from De Lisle Street, where access to 2 different destinations is available. It is a requirement of this Plan that an access/egress driveway to the proposed Lot 9002 be constructed within 200 metres of the intersection of Mann St and De Lisle Street.

The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 2.

Acceptable Solution:	A3.4: Battle-axe	Method of achieving Element compliance and/or the Intent of the Element:	N/A
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**Bushfire Protection Criteria Element 3: Vehicular Access** (continued)  
Assessment Statements and Bushfire Protection Measures to be Applied

Acceptable Solution:	A3.5: Private Driveways	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution can be fully met.
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Where a habitable building is constructed at a location greater than 50 metres from a public road, the private driveway to that building must comply with the construction technical requirements established by the Guidelines and/or the local government. The requirements established by the Guidelines are set out in Appendix 2.

Nevertheless, it is a requirement of this Plan that an access/egress driveway to the proposed Lot 9002 be constructed within 200 metres of the intersection of Mann St and De Lisle Street.

Acceptable Solution:	A3.6 Emergency Access Way	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A3.7 Fire Service Access Routes	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A3.8 Firebreak Width	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met.

The proposed lots will comply with the requirements of the local government annual firebreak notice issued under s33 of the Bush Fires Act 1954.

### 5.3.4 Element 4: Water

#### Bushfire Protection Criteria Element 4: Water

Assessment Statements and Bushfire Protection Measures to be Applied

**Intent:** To ensure water is available to the subdivision, development or land use to enable people, property and infrastructure to be defended from bushfire.

Acceptable Solution:	A4.1 Reticulated Areas	Method of achieving Element compliance and/or the Intent of the Element:	The acceptable solution will be fully met.
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A reticulated water supply is available to the subject site. Pipelines and hydrants will be installed in locations as required by the relevant authorities.

The proposed subdivision is located approximately 60m from the nearest existing hydrant, located on the south side of De Lisle Street near Powell Crescent.

The construction technical requirements established by the Guidelines and/or the local government can and will be complied with. These requirements are set out in Appendix 3.

Acceptable Solution:	A4.2 Non-Reticulated Areas	Method of achieving Element compliance and/or the Intent of the Element:	N/A
Acceptable Solution:	A4.3 Non-reticulated Areas (Individual Lots)	Method of achieving Element compliance and/or the Intent of the Element:	N/A



## 5.4 Additional Information for Required Bushfire Protection Measures

The purpose of this section of the Plan is:

- As necessary, to provide additional detail (to that provided in the tables of Section 5.3) regarding the implementation of the acceptable solutions for those persons who will have the responsibility to apply the stated requirements;
- As necessary, to detail specific onsite vegetation management requirements such as the APZ dimensions, management of Public Open Space or application of landscaping plans for onsite vegetation;
- To discuss how staged development will be handled, if applicable; and
- As relevant, for future planning stages, consider and discuss the requirements that may apply to future planning applications and the content of the associated BMP. In particular:
  - Any potential Vulnerable or High-Risk Land Uses.
  - Any additional content that will be required in the future BMP.

### 5.4.1 Vegetation Management

It is a requirement of this Bushfire Management Plan that the whole of each proposed lot be managed to a low bushfire threat state. The Standards for Asset protection Zones as stated in Appendix 1 should be complied with.

Where Asset Protection Zone (APZ) technical requirements are defined in the Shire of Beverley Fire-Break Order, the standards and dimensions may differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with. Refer to Appendix 1.

Currently, there are no APZ technical requirements defined in the Shire of Beverley Fire-Break Order. However, this may change in the future.

The Table below provides the minimum required separation distances for future buildings from classified vegetation areas to achieve the indicative BAL ratings as shown on Figure 3.2.

Vegetation Areas 1 and 2 are located within the proposed lot boundaries and are to be managed to a low bushfire threat state. They are therefore not included in the Table (refer to Figure 3.1 for Vegetation Area details and Figure 3.2 for Indicative Bushfire Attack Levels).

The Minimum Separation Distance Required to Achieve the Indicative BAL Rating					
Vegetation Area	3	4	5	6	7
<b>Future Building with Indicative BAL of BAL-29</b>					
Minimum Separation Distance Required (m)	8	21	8	14	21
<b>Future Building with Indicative BAL of BAL-19</b>					
Minimum Separation Distance Required (m)	12	31	12	20	31
<b>Future Building with Indicative BAL of BAL-12.5</b>					
Minimum Separation Distance Required (m)	17	42	17	29	42
<b>Future Building with Indicative BAL of BAL-LOW</b>					
Minimum Separation Distance Required (m)	50	100	50	100	100

## 5.5 Recommended Bushfire Protection Measures

These recommendations are for measures that are not directly considered by SPP 3.7 and the associated Guidelines, including the bushfire protection criteria.

These measures are recommended by the bushfire consultant to improve the safety of property occupants and the resilience of buildings in the event of a bushfire impacting the property.

Buildings of Class 4 to Class 9 are not required by the Building Code of Australia (BCA) to be constructed to comply with bushfire performance requirements. To protect against the effects of bushfire, it is recommended that future buildings on the proposed lots be constructed to their assessed BAL ratings.

Where a building is proposed to be constructed on the portion of Lot 9002 that is subject to a BAL rating of BAL-LOW, it is recommended that the building be constructed to BAL-12.5 standards to protect against ember attack from a local bushfire event.



## 6 Responsibilities for Implementation and Management of the Bushfire

Table 6.1: BMP Implementation responsibilities prior to the issue of titles for the Developer (Landowner).

DEVELOPER (LANDOWNER) - PRIOR TO ISSUE OF TITLES		
No.	Implementation Actions	Subdivision Clearance
1	<p>Planning approval may be conditioned with the requirement to make appropriate notifications (on the certificates of title and the deposited plan), of the existence of this Bushfire Management Plan.</p> <p>The WAPC may condition a subdivision application approval with a requirement for the landowner / proponent to place a notification onto the certificate(s) of title and a notice of the notification onto the diagram or plan of survey (deposited plan). This will be done pursuant to Section 165 of the Planning and Development Act 2005 ('Hazard etc. affecting land, notating titles as to:') and applies to lots with a determined BAL rating of BAL-12.5 or above. The notification will be required to state:</p> <p><i>'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and may be subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land'.</i></p>	<input type="checkbox"/>
2	Construct the public roads and cul-de-sacs to the standards stated in the BMP.	<input type="checkbox"/>
3	Construct the private driveways, as required, to the standards stated in the BMP.	<input type="checkbox"/>
4	Install the reticulated water supply (hydrants) to the standards stated in the BMP.	<input type="checkbox"/>

Table 6.2: BMP Implementation responsibilities prior to lot sale, occupancy or building for the Landowner (Developer).

<b>LANDOWNER (DEVELOPER) - PRIOR TO LOT SALE, OCCUPANCY OR BUILDING</b>	
No.	Implementation Actions
1	Prior to sale of the subject lots, each individual lot is to be compliant with the relevant local government's annual firebreak notice issued under s33 of the Bushfires Act 1954.
2	Prior to occupancy, establish the Asset Protection Zone (APZ) on the lot to the dimensions and standard stated in the BMP. This is the responsibility of the landowner.
3	Prior to occupancy, install the private driveways, as required, to the standards stated in the BMP.
4	<p>Prior to any building work, inform the builder of the existence of this Bushfire Management Plan and the responsibilities it contains, regarding the required construction standards. This will be:</p> <ul style="list-style-type: none"> <li>• The standard corresponding to the determined BAL rating, as per the bushfire provisions of the Building Code of Australia (BCA); and/or</li> <li>• A higher standard as a result of the BMP establishing that construction is required at a standard corresponding to a higher BAL rating.</li> </ul>

Table 6.3: Ongoing management responsibilities for the Landowner/Occupier.

LANDOWNER/OCCUPIER - ONGOING	
No.	Ongoing Management Actions
1	Maintain the Asset Protection Zone (APZ) to the dimensions and standard stated in the BMP.
2	Comply with the Shire of Beverley Fire-Break Order issued under s33 of the Bush Fires Act 1954.
3	Maintain vehicular access routes within the lot to the required surface condition and clearances as stated in the BMP.
4	Ensure that any builders (of future structures on the lot) are aware of the existence of this Bushfire Management Plan and the responsibilities it contains regarding the application of construction standards corresponding to a determined BAL rating.
5	Ensure all future buildings the landowner has responsibility for, are designed and constructed in full compliance with: <ol style="list-style-type: none"> <li>the requirements of the WA Building Act 2011 and the bushfire provisions of the Building Code of Australia (BCA); and</li> <li>with any identified additional requirements established by this BMP or the relevant local government.</li> </ol>
6	To consider, implement and maintain, as relevant and able, any bushfire protection measures that have been <u>recommended</u> by the bushfire consultant (refer to Section 5.5), in addition to the measures that are <u>required</u> to be implemented and maintained.

Table 6.4: Ongoing management responsibilities for the Local Government.

LOCAL GOVERNMENT - ONGOING	
No.	Ongoing Management Actions
1	Monitor landowner compliance with the Bushfire Management Plan and the annual Fire-Break Order.



## Appendix 1 - Onsite Vegetation Management Technical Requirements

It is the responsibility of the landowner to maintain the established bushfire protection measures on their property. Not complying with these responsibilities can result in buildings being subject to a greater potential impact from bushfire than that determined by the assessed BAL rating presented in this Bushfire Management Plan.

For the management of vegetation within a lot (i.e. onsite) the following technical requirements exist:

1. **The APZ:** Installing and maintaining an asset protection zone (APZ) of the required dimensions to the standard established by the Guidelines for Planning in Bushfire Prone Areas (WA Planning Commission, as amended). When, due to the planning stage of the proposal to which this Bushfire Management Plan applies, defined APZ dimensions are known and are to be applied to existing or future buildings – then these dimensions are stated in Section 5.4.1 of this Plan.
2. **The Firebreak/Fuel Load Notice:** Complying with the requirements established by the relevant local government's annual firebreak notice issued under s33 of the Bushfires Act 1954. Note: If an APZ requirement is included in the Notice, the standards and dimensions may differ from the Guideline's APZ Standard – the larger dimension must be complied with.
3. **Changes to Vegetated/Non-Vegetated Areas:**
  - a. If applicable to this Plan, the minimum separation distance from any classified vegetation, that corresponds to the determined BAL for a proposed building, must be maintained as either a non-vegetated area or as low threat vegetation managed to a minimal fuel condition as per AS 3959-2018 s2.2.3.2 (e) and (f). Refer to Part 4 of this Appendix 1.
  - b. Must not alter the composition of onsite areas of classified vegetation (as assessed and presented in Section 3.1.2) to the extent that would require their classification to be changed to a higher bushfire threat classification (as per AS 3959-2018); and
  - c. Must not allow areas within a lot (i.e. onsite) that have been:
    - i. excluded from classification by being low threat vegetation or non-vegetated; and
    - ii. form part of the assessed separation distance that is determining a BAL rating

...to become vegetated to the extent they no longer represent a low threat (refer to Part 4 of Appendix 1). Note: The vegetation classification exclusion specifications as established by AS 3959-2018 s2.2.3.2, are included at A1.4 below for reference.

## 1. Requirements Established by the Guidelines – the Asset Protection Zone (APZ) Standards

(Source: Guidelines for Planning in Bushfire Prone Areas - WAPC 2017 v1.3 Appendix 4, Element 2, Schedule 1 and Explanatory Note E2.1)

### Defining the Asset Protection Zone (APZ)

**Description:** An APZ is an area surrounding a building that is managed to reduce the bushfire hazard to an acceptable level (by reducing fuel loads). The width of the required APZ varies with slope and vegetation. For planning applications, the minimum sized acceptable APZ is that which is of sufficient size to ensure the potential radiant heat impact of a fire does not exceed 29kW/m<sup>2</sup> (BAL-29). It will be site specific.

The APZ may include public roads, waterways, footpaths, buildings, rocky outcrops, golf courses, maintained parkland as well as cultivated gardens in an urban context, but does not include grassland or vegetation on a neighbouring rural lot, farmland, wetland reserves and unmanaged public reserves.

For subdivision planning, design elements and excluded/low threat vegetation adjacent to the lot can be utilised to achieve the required vegetation separation distances and therefore reduce the required dimensions of the APZ within the lot.

**Defendable Space:** The APZ includes a defendable space which is an area adjoining the asset within which firefighting operations can be undertaken to defend the structure. Vegetation within the defendable space should be kept at an absolute minimum and the area should be free from combustible items and obstructions. The width of the defendable space is dependent on the space which is available on the property, but as a minimum should be 3 metres.

**Establishment:** The APZ should be contained solely within the boundaries of the lot on which the building is situated, except in instances where the neighbouring lot or lots will be managed in a low-fuel state on an ongoing basis, in perpetuity.

*Note: Regardless of whether an Asset Protection Zone exists in accordance with the acceptable solutions and is appropriately maintained, fire fighters are not obliged to protect an asset if they think the separation distance between the dwelling and vegetation that can be involved in a bushfire, is unsafe.*

### Schedule 1: Standards for Asset Protection Zones

**Fences:** within the APZ are constructed from non-combustible materials (e.g. iron, brick, limestone, metal post and wire). It is recommended that solid or slatted non-combustible perimeter fences are used.

**Objects:** within 10 metres of a building, combustible objects must not be located close to the vulnerable parts of the building i.e. windows and doors.

**Fine Fuel Load:** combustible dead vegetation matter less than 6 mm in thickness reduced to and maintained at an average of two tonnes per hectare (example below).

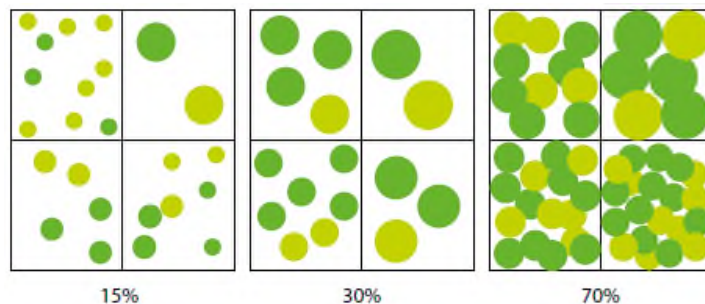
### Example Fine Fuel Load of Two Tonnes per Hectare



(Image source: Shire of Augusta Margaret River's Firebreak and Fuel Reduction Hazard Notice)

**Trees (> 5 metres in height):** trunks at maturity should be a minimum distance of 6 metres from all elevations of the building, branches at maturity should not touch or overhang the building, lower branches should be removed to a height of 2 metres above the ground and or surface vegetation, canopy cover should be less than 15% with tree canopies at maturity well spread to at least 5 metres apart as to not form a continuous canopy. Diagram below represents tree canopy cover at maturity.

*Tree canopy cover – ranging from 15 to 70 per cent at maturity*



(Source: Guidelines for Planning in Bushfire Prone Areas 2017, Appendix 4)

**Shrubs (0.5 metres to 5 metres in height):** should not be located under trees or within 3 metres of buildings, should not be planted in clumps greater than 5m<sup>2</sup> in area, clumps of shrubs should be separated from each other and any exposed window or door by at least 10 metres. Shrubs greater than 5 metres in height are to be treated as trees.

**Ground covers (<0.5 metres in height):** can be planted under trees but must be properly maintained to remove dead plant material and any parts within 2 metres of a structure, but 3 metres from windows or doors if greater than 100 mm in height. Ground covers greater than 0.5 metres in height are to be treated as shrubs.

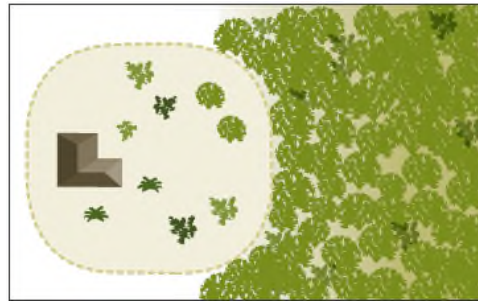
**Grass:** should be managed to maintain a height of 100 mm or less.

The following example diagrams illustrate how the required dimensions of the APZ will be determined by the type and location of the vegetation.



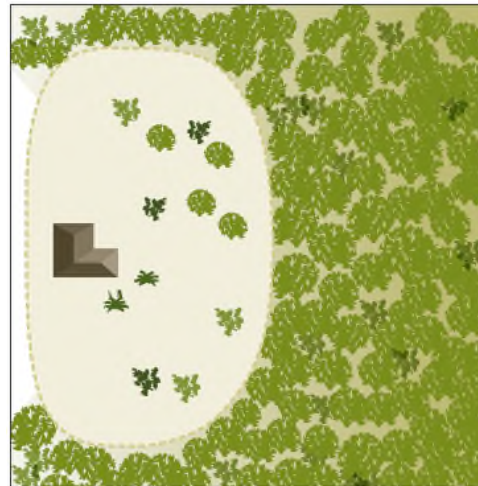
Hazard on one side

APZ



Hazard on three sides

APZ



## 2. Requirements Established by the Local Government – the Firebreak Notice

These requirements are established by the relevant local government's Firebreak Notice created under s33 of the Bushfires Act 1954 and issued annually (potentially with revisions). The Notice may include additional components directed at managing fuel loads, accessibility and general property management with respect to limiting potential bushfire impact.

The relevant local government's current Firebreak Notice is available on their website, at their offices and is distributed as ratepayer's information. It must be complied with.

If Asset Protection Zone technical requirements are defined in the Notice, the standards and dimensions may differ from the Guideline's APZ Standards, with the intent to better satisfy local conditions. When these are more stringent than those created by the Guidelines, or less stringent and endorsed by the WAPC and DFES, they must be complied with.

When, due to the planning stage of the proposal to which this Bushfire Management Plan applies, defined APZ dimensions are known and are to be applied to existing or future buildings – then these dimensions are stated in Section 5.4.1 of this Plan.

## 3. Requirements Recommended by DFES – Property Protection Checklists

Further guidance regarding ongoing/lasting property protection (from potential bushfire impact) is presented in the publication 'DFES – Fire Chat – Your Bushfire Protection Toolkit'. It is available from the Department of Fire and Emergency Services (DFES) website.

#### 4. Requirements Established by AS 3959-2018 - Maintaining Areas within your Lot as 'Low Threat'

This information is provided for reference purposes. This knowledge will assist the landowner to comply with Management Requirement No. 3 set out in the Guidance Panel at the start of this Appendix. It identifies what is required for an area of land to be excluded from classification as a potential bushfire threat.

*"Australian Standard - AS 3959-2018 Section 2.2.3.2: Exclusions - Low threat vegetation and non-vegetated areas:*

*The Bushfire Attack Level shall be classified BAL-LOW where the vegetation is one or a combination of the following:*

- a) Vegetation of any type that is more than 100m from the site.*
- b) Single areas of vegetation less than 1ha in area and not within 100m of other areas of vegetation being classified.*
- c) Multiple area of vegetation less than 0.25ha in area and not within 20m of the site or each other.*
- d) Strips of vegetation less than 20m in width (measured perpendicular to the elevation exposed to the strip of vegetation) regardless of length and not within 20m of the site or each other, or other areas of vegetation being classified.*
- e) Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.*
- f) Low threat vegetation, including grassland managed in a **minimal fuel condition** (i.e. insufficient fuel available to significantly increase the severity of a bushfire attack – recognisable as short cropped grass to a nominal height of 100mm for example), maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks."*

## Appendix 2 - Vehicular Access Technical Requirements

Each local government may have their own standard technical requirements for emergency vehicular access and they may vary from those stated in the Guidelines.

Contact the relevant local government for the requirements that are to apply in addition to the requirements set out as an acceptable solution in the Guidelines. If the relevant local government requires that these are included in the Bushfire Management Plan, they will be included in this appendix and referenced.

### Requirements Established by the Guidelines – The Acceptable Solutions

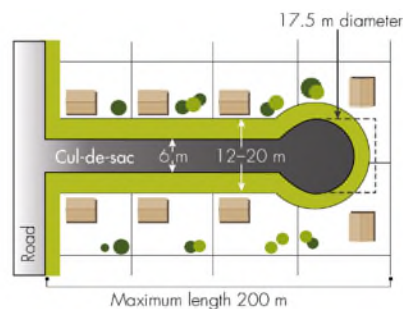
(Source: Guidelines for Planning in Bushfire Prone Areas WAPC 2017 v1.3, Appendix 4)

#### Vehicular Access Technical Requirements - Part 1

##### Acceptable Solution 3.3: Cul-de-sacs (including a dead-end road)

Their use in bushfire prone areas should be avoided. Where no alternative exists then the following requirements are to be achieved:

- Maximum length is 200m. If public emergency access is provided between cul-de-sac heads (as a right of way or public access easement in gross), the maximum length can be increased to 600m provided no more than 8 lots are serviced and the emergency access way is less than 600m in length;
- Turnaround area requirements, including a minimum 17.5m diameter head to allow type 3.4 fire appliances to turn around safely;
- The cul-de-sac connects to a public road that allows for travel in two directions; and
- Meet the additional design requirements set out in Part 2 of this appendix.





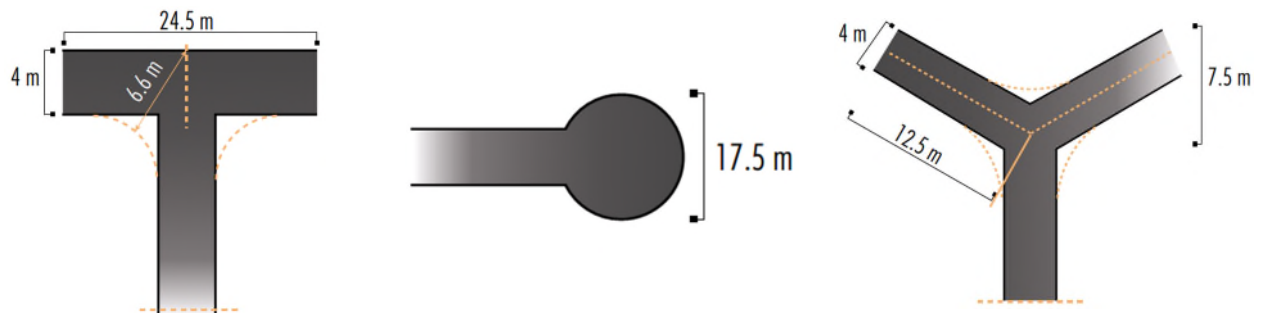
### Acceptable Solution 3.5: Private Driveways

The following requirements are to be achieved:

- The design requirements set out in Part 2 of this appendix; and

Where the house site is more than 50 metres from a public road:

- Passing bays every 200 metres with a minimum length of 20 metres and a minimum width of two metres (ie combined width of the passing bay and constructed private driveway to be a minimum six metres);
- Turn-around areas every 500 metres and within 50 metres of a house, designed to accommodate type 3.4 fire appliances to turn around safely (ie kerb to kerb 17.5 metres);
- Any bridges or culverts are able to support a minimum weight capacity of 15 tonnes; and
- All weather surface (i.e. compacted gravel, limestone or sealed).



### Acceptable Solution 3.8: Firebreak Width

Lots greater than 0.5 hectares must have an internal perimeter firebreak of a minimum width of three meters or to the level as prescribed in the local firebreak notice issued by the local government.

#### Vehicular Access Technical Requirements - Part 2

Technical Component	Vehicular Access Types				
	Public Roads	Cul-de-sacs	Private Driveways	Emergency Access Ways	Fire Service Access Routes
Minimum trafficable surface (m)	6*	6	4	6*	6*
Horizontal clearance (m)	6	6	6	6	6
Vertical clearance (m)	4.5	4.5	4.5	4.5	4.5
Maximum grade <50 metres	1 in 10	1 in 10	1 in 10	1 in 10	1 in 10
Minimum weight capacity (t)	15	15	15	15	15
Maximum cross-fall	1 in 33	1 in 33	1 in 33	1 in 33	1 in 33
Curves minimum inner radius (m)	8.5	8.5	8.5	8.5	8.5

\* A six metre trafficable surface does not necessarily mean paving width. It could, for example, include four metres of paving and one metre of constructed road shoulders. In special circumstances, where 8 lots or less are being serviced, a public road with a minimum trafficable surface of four metres for a maximum distance of ninety metres may be provided subject to the approval of both the local government and DFES.

## Appendix 3 - Water Technical Requirements

### Requirements Established by the Guidelines - Acceptable Solution A4.1: Reticulated Areas

(Source: *Guidelines for Planning in Bushfire Prone Areas WAPC 2017 v1.3, Appendix 4, Element 4*)

The requirement is to supply a reticulated water supply and fire hydrants, in accordance with the technical requirements of the relevant water supply authority and DFES.

The Water Corporation's 'No 63 Water Reticulation Standard' is deemed to be the baseline criteria for developments and should be applied unless local water supply authority's conditions apply.

Key specifications in the most recent version/revision of the design standard include:

- **Residential Standard** – hydrants are to be located so that the maximum distance between the hydrants shall be no more than 200 metres.
- **Commercial Standard** – hydrants are to be located with a maximum of 100 metre spacing in Industrial and Commercial areas.
- **Rural Residential Standard** – where minimum site areas per dwelling is 10,000 m<sup>2</sup> (1ha), hydrants are to be located with a maximum 400m spacing. If the area is further subdivided to land parcels less than 1ha, then the residential standard (200m) is to be applied.

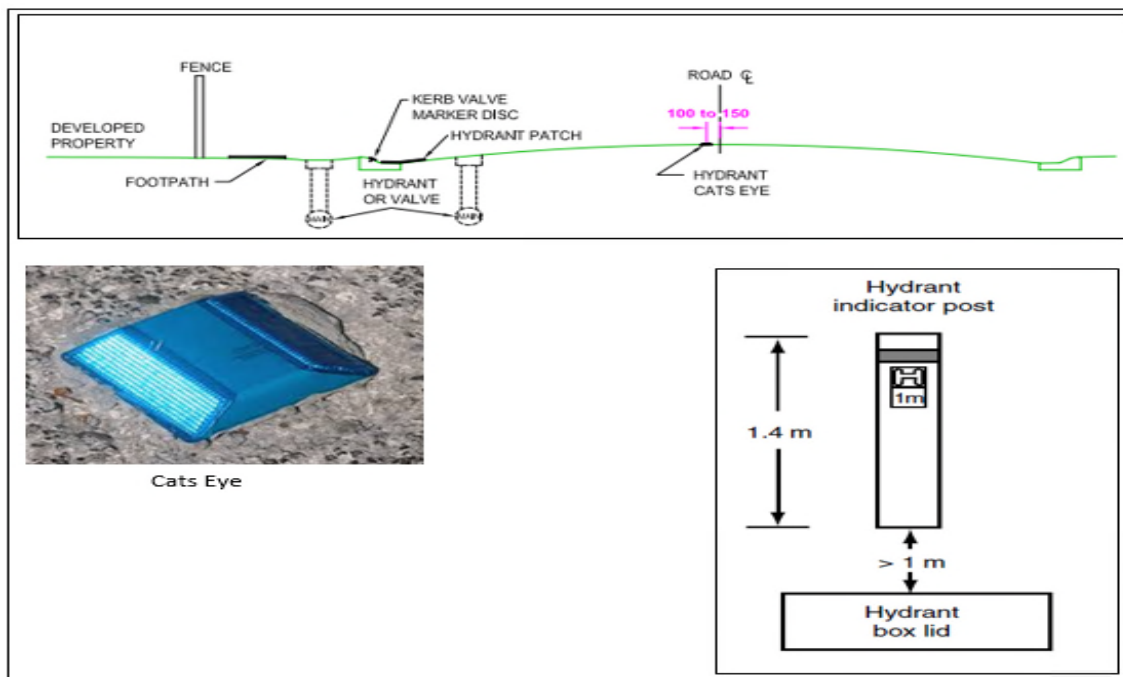


Figure A4.1: Hydrant Location and Identification Specifications

Contact the relevant water supply authority to confirm the technical requirements that are to be applied. They may differ from the minimum requirements of the 'baseline' Water Corporation's No. 63 Water Reticulation Standard.

## **9.5 Proposed Extractive Industries Local Law**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>17 February 2020</b>
<b>APPLICANT:</b>	<b>Shire of Beverley</b>
<b>FILE REFERENCE:</b>	<b>ADM 0135</b>
<b>AUTHOR:</b>	<b>B. S. de Beer, Manager: Planning &amp; Development Services</b>
<b>ATTACHMENTS:</b>	<b>Proposed Extractive Industries Local Law (under separate cover)</b>

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### **SUMMARY**

A draft Extractive Industries Local Law is presented for Council's consideration in order to progress to adoption and public notification as required by the relevant legislation.

### **BACKGROUND**

The Shire of Beverley Extractive Industries Local Law Model By-Law No 9 was published in the Government Gazette on 16 December 1963. The existing local law is considered out of date and in need of replacement.

The proposed Extractive Industries Local Law 2020 will replace the existing local law and allow Council to regulate extractive industries through an application and licensing system where conditions can be imposed.

The local law will:

1. apply throughout the district;
2. apply to every excavation activity, except where expressly exempted;
3. not apply to the extraction of minerals under the *Mining Act 1978*;
4. not apply to an extractive industry on Crown Land;
5. will not apply to an extractive industry on a lot by an owner or occupier where the material extracted is not sold and used solely on that lot or an adjacent lot owned or occupied by the person carrying out the extractive industry; and
6. allow the Shire to grant an authorisation, with conditions, for the carrying out of an extractive industry where the extraction is carried out solely for the benefit of a local community or sporting organisation.

### **COMMENT**

In making a new local law, the Shire must comply with the provisions of section 3.12 of the *Local Government Act 1995* (Act).

The *Local Government (Functions and General) Regulations (Regulation 3)* states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

The purpose of the proposed Extractive Industries Local Law 2020 is to establish requirements and conditions with which extractive industry proposals, within the district, must comply with.



The effect of the proposed Extractive Industries Local Law 2020 is to provide for the regulation, control and management of extractive industry proposals.

For Council's information and clarification, in the Shire of Beverley Local Planning Scheme No. 3, an *Industry - Extractive* is an 'A' use in the 'Rural' zone in Zoning Table 3, which means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.

An Extractive Industry licence can therefore only be issued once Planning Approval has been granted for an Extractive Industries land use.

### **CONSULTATION**

As required by section 3.12 the *Local Government Act 1995*, an advertisement is to be placed, in a state-wide newspaper, inviting the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks (42 days).

The advertisement will be placed once Council has resolved its intent to make the local law.

In addition, copies of the proposed Extractive Industries local law 2020, (gazettal copy), must be sent to the relevant Minister for comment.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

Section 3.12(2) of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations (Regulation 3)* which states that for the purpose of Section 3.12(2) of the *Local Government Act* the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and the minutes of the meeting of the council include the purpose and effect of the proposed local law.

### **FINANCIAL IMPLICATIONS**

Advertising costs associated with state-wide advertising.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

### **POLICY IMPLICATIONS**

There are no policy implications relative to this application.

### **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER'S RECOMMENDATION**

That Council -

1. adopt the proposed Shire of Beverley Extractive Industries Local Law 2020, as contained in the Attachment for advertising purposes;
2. pursuant to section 3.12 of the *Local Government Act 1995*, give Statewide public notice that it intends to make the Shire of Beverley Extractive Industries Local Law 2020, as contained in the Attachment;
  - (a) the purpose of which is to establish requirements and conditions which extractive industry proposals, within the district, must comply with; and
  - (b) the effect is to provide for the regulation, control and management of extractive industry proposals.; and
3. Instruct the CEO to send a copy of the proposed local law to the Minister for Local Government, Sport and Cultural Industries for comment.

**LOCAL GOVERNMENT ACT 1995**

**SHIRE OF BEVERLEY**

**EXTRACTIVE INDUSTRIES LOCAL LAW 2020**

**ARRANGEMENT**

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**PART 1 - PRELIMINARY**

- 1.1 Citation
- 1.2 Commencement
- 1.3 Interpretation
- 1.4 Application

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- 4.1 Transfer of licence
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- 4.3 Renewal of licence

**PART 5 - SECURED SUM AND APPLICATION THEREOF**

- 5.1 Security for restoration and reinstatement
- 5.2 Use by the local government of secured sum

**PART 6 – LIMITATIONS, OBLIGATIONS OF THE LICENSEE AND PROHIBITIONS**

- 6.1 Limits on excavation near boundary
- 6.2 Prohibitions
- 6.3 Blasting
- 6.4 Obligations of the licensee

**PART 7 - MISCELLANEOUS PROVISIONS**

- 7.1 Mines Safety and Inspection Act and Environmental Protection Act
- 7.2 Notice of cessation of operations
- 7.3 Works to be carried out on cessation of operations

**PART 8 - OBJECTIONS AND REVIEW**

- 8.1 Objections and review

**PART 9 – MODIFIED PENALTIES**



- 9.1 Offences
- 9.2 Prescribed offences

**Schedule** - Prescribed offences

DRAFT

## LOCAL GOVERNMENT ACT 1995

### SHIRE OF BEVERLEY

## EXTRACTIVE INDUSTRIES LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Beverley resolved on [Insert Adoption Resolution date here] to adopt the following local law.

### PART 1 - PRELIMINARY

#### 1.1 Citation

This local law is cited as the *Shire of Beverley Extractive Industries Local Law 2020*.

#### 1.2 Commencement

This local law comes into operation fourteen days after the date of its publication in the *Government Gazette*.

#### 1.3 Interpretation

In this local law, unless the context otherwise requires –

“**Act**” means the *Local Government Act 1995*;

“**carry on an extractive industry**” means quarrying and excavating for stone, gravel, sand, clay, limestone, loam and other material;

“**CEO**” means the Chief Executive Officer of the local government;

“**district**” means the district of the local government;

“**excavation**” includes quarry;

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

“**land**”, unless the context otherwise requires, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates;

“**licence**” means a licence issued under this local law;

“**licensee**” means the person named in the licence as the licensee;

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

“**occupier**” has the meaning given to it in the Act;

“**owner**” has the meaning given to it in the Act;

“**person**” does not include the local government;

“**secured sum**” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 5.1; and

“**site**” means the land specified by the local government in a licence.

#### 1.4 Application

(1) The provisions of this local law–

(a) subject to paragraphs (b), (c), (d) and (d)–

(i) apply and have force and effect throughout the whole of the district; and

(ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;

- (b) do not apply to the extraction of minerals under the *Mining Act 1978*;
  - (c) do not apply to the carrying on of an extractive industry on Crown land;
  - (d) do not apply to the carrying out of an extractive industry on a lot by the owner or occupier of that lot where the material extracted is used solely on that lot or on a lot owned or occupied by the person carrying out the extractive industry.
- (2) Notwithstanding any other provision, the local government may waive any requirement or provision of this Local Law (including a requirement to hold a valid licence), where the local government is satisfied on receiving a written application for an exemption under this clause that the extractive industry is to be carried out solely for the benefit of a local community or sporting organisation (whether incorporated or not), provided that where the local government is so satisfied-
- (a) The extractive industry may only be carried out if the local government has authorised it in writing;
  - (b) The local government may impose conditions on the authorisation pursuant to which the extractive industry must operate (including in a case where the CEO otherwise waives the requirement to hold a valid and current licence);
  - (c) The person carrying out the extractive industry must comply with any conditions imposed by the local government on the authorisation;
  - (d) Failure to comply with any condition imposed by the local government is deemed to be an offence pursuant to clause 2.1(b);
  - (e) The local government may from time to time vary or delete and condition previously imposed, and may impose a new condition or conditions; and
  - (f) The local government may at any time determine that the extractive industry authorised pursuant to this clause must cease, provided that the local government must give written notice to the person carrying out the extractive industry which allows a minimum 28 days for the cessation of operations.

## **PART 2 - LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY**

### **2.1 Extractive industries prohibited without licence**

A person must not carry on an extractive industry—

- (a) unless the person is the holder of a valid and current licence, or an exemption specified in clause 1.4(2); and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

### **2.2 Applicant to advertise proposal**

- (1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before applying to the local government for a licence—
  - (a) forward by registered mail a notice in the form determined by the local government from time to time to the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government;
  - (b) as soon as practicable after complying with the requirements of paragraph (a)—
    - (i) forward a copy of the notice to the CEO; and



- (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
- (2) The local government shall, within 14 days after receiving a copy of a notice referred to in subclause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices—
  - (a) in the form determined by the local government from time to time;
  - (b) the content, size and construction of which have been approved by the CEO;
  - (c) specifying particulars of the proposed excavation; and
  - (d) inviting objections or comments within 21 days from the placement of the notice.

### **2.3 Application for licence**

- (1) Subject to subclause (3), a person seeking the issue of a licence in respect of any land shall apply in the form determined by the local government from time to time and must forward the application duly completed and signed by each of the applicant, the owner of the land and any occupier of the land to the CEO together with—
  - (a) 3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing—
    - (i) where the proposed excavation surface area is-
      - (I) not to exceed 5ha, the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
      - (II) to be greater than 5ha, the existing and proposed land contours based on the Australian Height Datum and plotted at 5 metre contour intervals;
    - (ii) the land on which the excavation site is to be located;
    - (iii) the external surface dimensions of the land;
    - (iv) the location and depth of the existing and proposed excavation of the land;
    - (v) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land; and
    - (vi) the location of buildings, treatment plant, tanks and other improvements and developments, approved for or proposed in respect of the land;
  - b) 3 copies of a works and excavation programme containing -
    - (i) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
    - (ii) details of the proposed number and size of trucks entering and leaving the site each day;
    - (iii) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
    - (iv) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public; and
    - (v) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;
  - (c) 3 copies of a rehabilitation and decommissioning programme indicating -
    - (i) the method by which topsoil is to be replaced and revegetated;
    - (ii) how rehabilitated areas are to be maintained; and
    - (iii) how any face is to be made safe and batters sloped;
  - (d) evidence that the requirements of clause 2.2(1) and (2) have been carried out;

- (e) copies of all land use planning approvals required under any planning legislation;
  - (f) the consent in writing to the application from the owner of the excavation site;
  - (g) any other information that the local government may reasonably require; and
  - (h) the licence application fee specified by the local government from time to time.
- (2) Where in relation to a proposed excavation–
- (a) the surface area is not to exceed 5000 square metres; and
  - (b) the extracted material is not to exceed 5000 cubic metres;
- the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraph (b).

### **PART 3 - DETERMINATION OF APPLICATION**

#### **3.1 Determination of application**

- (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.
- (2) The local government may, in respect of an application for a licence-
  - (a) refuse the application; or
  - (b) approve the application -
    - (i) over the whole or part of the land in respect of which the application is made; and
    - (ii) on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for a licence, it shall-
  - (a) determine the licence period, not exceeding 21 years from the date of issue; and
  - (b) approve the issue of a licence in the form determined by the local government from time to time.
- (4) Where the local government approves the issue of a licence, the CEO upon receipt by the local government of-
  - (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 30 June, imposed and determined by the local government from time to time under and in accordance with sections 6.16 to 6.19 of the Act;
  - (b) payment of the secured sum if any, imposed under clause 5.1; and
  - (c) the documents, if any, executed to the satisfaction of the CEO, under clause 5.1.
- (5) Without limiting subclause (2), the local government may impose conditions in respect of the following matters-
  - (a) the appropriate siting of access thoroughfares, buildings and plant;
  - (b) the stockpiling of material;
  - (c) the approval of the number and size of trucks entering and leaving the site each day and the route or routes to be utilised by those trucks;
  - (d) the hours during which any excavation work may be carried out;
  - (e) the hours during which any processing plant associated with, or located on, the site may be operated;
  - (f) distances from adjoining land or thoroughfares within which a person must not excavate;

- (g) the control of dust and wind-blown material;
- (h) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
- (i) the drainage of the excavation site and the disposal of water;
- (j) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law;
- (k) any other matter for properly regulating the carrying on of an extractive industry; and
- (l) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence.

### **3.2 Payment of annual licence fee**

On or before 30 June in each year, a licensee shall pay to the local government the annual licence fee imposed and determined by the local government from time to time, under and in accordance with sections 6.16 to 6.19 of the Act.

## **PART 4 - TRANSFER, CANCELLATION AND RENEWAL OF LICENCE**

### **4.1 Transfer of licence**

- (1) An application for the transfer of a licence shall—
  - (a) be made in writing;
  - (b) be signed by the licensee and the proposed transferee of the licence;
  - (c) be accompanied by the current licence;
  - (d) be accompanied by the consent in writing to the transfer from the owner of the excavation site;
  - (e) include any information that the local government may reasonably require; and
  - (f) be forwarded to the CEO together with the fee determined by the local government from time to time.
- (2) Upon receipt of any application for the transfer of a licence, the local government may—
  - (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence, the local government shall transfer the licence by an endorsement on the licence in the form determined by the local government from time to time, signed by the CEO.
- (4) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

### **4.2 Cancellation of licence**

- (1) The local government may cancel a licence where the licensee has—
  - (a) been convicted of an offence against—
    - (i) this local law; or
    - (ii) any other law relating to carrying on an extractive industry; or



- (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;
  - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;
  - (d) failed to pay the annual licence fee under clause 3.2.
- (2) Where the local government cancels a licence under this clause–
- (a) the local government shall advise the licensee in writing of the cancellation;
  - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
  - (c) the local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

#### **4.3 Renewal of licence**

- (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal –
- (a) the fee determined by the local government from time to time;
  - (b) a copy of the current licence;
  - (c) a plan showing the contours of the excavation carried out to the date of that application;
  - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 2.3(1) (b) and (c); and
  - (e) any other things referred to in clauses 2.3 and 3.1.
- (2) The local government may waive any of the requirements specified in clause 4.3 (1) (d) or (e) if–
- (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
  - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,
- then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 2.3 and 3.1.
- (4) Upon receipt of an application for the renewal of a licence, the local government may–
- (a) refuse the application; or
  - (b) approve the application on such terms and conditions, if any, as it sees fit.

### **PART 5 - SECURED SUM AND APPLICATION THEREOF**

#### **5.1 Security for restoration and reinstatement**

- (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that–
- (a) as a condition of a licence; or
  - (b) before the issue of a licence,
- the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government from time to time.

- (2) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.

## **5.2 Use by the local government of secured sum**

- (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either—
- (a) within the time specified in those conditions; or
  - (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions, then; subject to the local government giving the licensee 14 days notice of its intention to do so—
    - (i) the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone; and
    - (ii) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 5.1.

## **PART 6 – LIMITATIONS, OBLIGATIONS OF THE LICENSEE AND PROHIBITIONS**

### **6.1 Limits on excavation near boundary**

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within—

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare; or
- (d) 40 metres of any watercourse.

### **6.2 Prohibitions**

A licensee shall not remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any thoroughfare on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1.

### **6.3 Blasting**

A person shall not carry out or permit to be carried out any blasting in the course of excavating unless the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant local laws of the local government.

### **6.4 Obligations of the licensee**

A licensee shall—

- (a) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;

- (b) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (c) otherwise comply with the conditions imposed by the local government in accordance with clause 3.1.

## **PART 7 - MISCELLANEOUS PROVISIONS**

### **7.1 Mines Safety and Inspection Act and Environmental Protection Act**

- (1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall comply with all applicable provisions of that Act or those Acts
- (2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

### **7.2 Notice of cessation of operations**

- (1) Where a licensee intends to cease carrying on an extractive industry –
  - (a) temporarily for a period in excess of 12 months; or
  - (b) permanently,the licensee shall, as well as complying with clause 7.3, give the local government written notice of the cessation not later than 1 week after those operations have ceased.
- (2) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.
- (3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

### **7.3 Works to be carried out on cessation of operations**

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 7.2–

- (a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee; and
- (b) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling.

## **PART 8 - OBJECTIONS AND REVIEW**

### **8.1 Objections and review**

When the local government makes a decision as to whether it will–

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the General Regulations shall apply to that decision.



**PART 9 – MODIFIED PENALTIES****9.1 Offences**

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything, which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence had continued.

**9.2 Prescribed offences**

- (1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.

**9.3 Forms**

For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the General Regulations; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the General Regulations.

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**SCHEDULE - Prescribed offences**  
**MODIFIED PENALTIES**

[cl. 9.2(1)]

Item	Clause	Description	Modified Penalty \$
1	2.1(a)	Carry on an extractive industry without a valid and current licence or an exemption	500
2	2.1(b)	Carry on extractive industry in breach of terms and conditions	500
3	6.1	Excavate near boundary	250
4	6.2	Removal of trees or shrubs near within 40 metres of the boundary without approval	300
5	6.4(c)	Failure to comply with conditions of licence imposed by the local government	500
6		All other offences not specified	200

Dated this [date]

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

, Shire President

S GOLLAN, Chief Executive Officer

DRAFT

## **10. BUILDING SERVICES & ENVIRONMENTAL HEALTH SERVICES**

Nil



## **11. FINANCE**

### **11.1 Monthly Financial Report – December 2019**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>20 January 2020</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>N/A</b>
<b>AUTHOR:</b>	<b>S.K. Marshall, Deputy Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>December 2019 Financial Reports</b>

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#### **SUMMARY**

Council to consider accepting the financial report for the period ending 31 December 2019.

#### **BACKGROUND**

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

Council adopted a budget variance reporting parameter of 10% on budgeted items of \$10,000 or greater at the July 2019 Ordinary Meeting, item 11.3.

#### **COMMENT**

The monthly financial reports for the period ending 31 December 2019 has been provided and include:

- Financial Activity Statement;
- Statement of Net Current Assets;
- Statement of Financial Position; and
- Supplementary information, including;
  - Operating Statement by Nature and Type;
  - Road Maintenance Report; and
  - Investment of Surplus Funds Report.

#### **STATUTORY ENVIRONMENT**

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

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

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

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

**FINANCIAL IMPLICATIONS**

All revenue and expenditure, unless disclosed in the notes to material variances, are as per the 2019/20 Budget.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

**POLICY IMPLICATIONS**

AF004 – Investing Surplus Funds

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the monthly financial report for the month ending 31 December 2019 be accepted and material variances be noted.

<p style="text-align: center;"><b>SHIRE OF BEVERLEY</b>  <b>STATEMENT OF FINANCIAL ACTIVITY</b>  <b>FOR THE PERIOD ENDING</b>  <b>31 December 2019</b></p>					
<b>Description</b>	<b>Budget 2019/20</b>	<b>YTD Budget 2019/20</b>	<b>YTD Actual 2019/20</b>	<b>YTD Variance</b>	<b>Notes To Material Variances</b>
<b>Operating Revenue</b>					
General Purpose Funding	3,296,127.00	3,031,098.00	3,049,134.69	18,036.69	Rates discount expense lower than expected \$16,876.
Governance	26,100.00	25,000.00	27,700.45	2,700.45	
Law, Order & Public Safety	210,156.00	59,999.00	59,290.21	(708.79)	
Health	100.00	0.00	363.64	363.64	
Education & Welfare	0.00	0.00	0.00	0.00	
Housing	117,192.00	65,334.00	66,055.65	721.65	
Community Amenities	207,073.00	201,059.00	203,713.82	2,654.82	
Recreation & Culture	642,701.00	204,512.00	214,437.32	9,925.32	
Transport	1,663,712.00	466,150.00	465,161.16	(988.84)	
Economic Activities	208,929.00	54,188.00	55,806.27	1,618.27	
Other Property & Services	43,100.00	19,496.00	23,354.33	3,858.33	
<b>Total Operating Revenue</b>	<b>6,415,190.00</b>	<b>4,126,836.00</b>	<b>4,165,017.54</b>	<b>38,181.54</b>	
<b>Operating Expenditure</b>					
General Purpose Funding	(182,995.00)	(67,908.00)	(67,249.90)	658.10	
Governance	(274,300.00)	(158,013.00)	(157,831.03)	181.97	
Law, Order & Public Safety	(392,971.00)	(213,224.00)	(215,558.03)	(2,334.03)	
Health	(170,695.00)	(73,801.00)	(72,067.55)	1,733.45	
Education & Welfare	(92,513.00)	(41,506.00)	(38,149.49)	3,356.51	
Housing	(212,325.00)	(106,592.00)	(96,767.69)	9,824.31	
Community Amenities	(676,208.00)	(312,470.00)	(308,033.30)	4,436.70	
Recreation & Culture	(1,575,216.00)	(761,853.00)	(759,057.31)	2,795.69	
Transport	(2,558,918.00)	(1,343,166.00)	(1,348,064.93)	(4,898.93)	
Economic Activities	(558,586.00)	(218,310.00)	(214,208.79)	4,101.21	
Other Property & Services	(15,064.00)	30,127.00	79,638.91	49,511.91	Timing variance between POC & PWOH costs incurred and reallocated.
<b>Total Operating Expenditure</b>	<b>(6,709,791.00)</b>	<b>(3,266,716.00)</b>	<b>(3,197,349.11)</b>	<b>69,366.89</b>	
<b>Net Operating</b>	<b>(294,601.00)</b>	<b>860,120.00</b>	<b>967,668.43</b>	<b>107,548.43</b>	
<b>Capital Income</b>					
Self Supporting Loan - Principal Repayment	16,270.00	8,012.00	8,011.93	(0.07)	
Proceeds from Sale of Assets	345,000.00	41,000.00	42,427.27	1,427.27	
New Loan Raised	150,000.00	0.00	0.00	0.00	
<b>Total Capital Income</b>	<b>511,270.00</b>	<b>49,012.00</b>	<b>50,439.20</b>	<b>1,427.20</b>	



<p style="text-align: center;"><b>SHIRE OF BEVERLEY</b>  <b>STATEMENT OF FINANCIAL ACTIVITY</b>  <b>FOR THE PERIOD ENDING</b>  <b>31 December 2019</b></p>					
<b>Description</b>	<b>Budget 2019/20</b>	<b>YTD Budget 2019/20</b>	<b>YTD Actual 2019/20</b>	<b>YTD Variance</b>	<b>Notes To Material Variances</b>
<b>Operating Revenue</b>					
<b>Capital Expenditure</b>					
Land and Buildings	(979,000.00)	(250,000.00)	(262,066.69)	(12,066.69)	Community Bus Shed Deposit (\$10,051) project unbudgeted but reimbursable from insurance cover.
Plant and Equipment	(867,000.00)	(57,000.00)	(52,206.37)	4,793.63	
Office Furniture and Equipment	0.00	0.00	0.00	0.00	
Road Construction	(2,441,722.00)	(404,859.00)	(475,728.75)	(70,869.75)	Morbinning Road failure repair including engineer expense (\$66,107).
Other Infrastructure	(259,067.00)	(64,000.00)	(64,591.75)	(591.75)	
Land Under Control	0.00	0.00	0.00	0.00	
Loans - Principal Repayments	(153,429.00)	(86,441.00)	(86,441.03)	(0.03)	
<b>Total Capital Expenditure</b>	<b>(4,700,218.00)</b>	<b>(862,300.00)</b>	<b>(941,034.59)</b>	<b>(78,734.59)</b>	
<b>Net Capital</b>	<b>(4,188,948.00)</b>	<b>(813,288.00)</b>	<b>(890,595.39)</b>	<b>(77,307.39)</b>	
<b>Adjustments</b>					
Depreciation Written Back	2,306,734.00	1,157,320.00	1,163,078.84	5,758.84	
Movement in Leave Reserve Cash Balance	0.00	0.00	0.00	0.00	
Movement in Non-Current Loan Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current SSL Income	0.00	0.00	0.00	0.00	
Movement in Non-Current Investments	0.00	0.00	0.00	0.00	
Movement in Non-Current LSL Provision	0.00	0.00	0.00	0.00	
Movement in Non-Current Deferred Pensioner Rates	0.00	0.00	0.00	0.00	
(Profit)/Loss on Disposal of Assets Written Back	25,000.00	9,000.00	10,655.47	1,655.47	
Loss on Revaluation of Non-Current Assets Written Back	0.00	0.00	0.00	0.00	
Rounding	0.00	0.00	0.00	0.00	
<b>Add Funding From</b>					
Transfer (To)/From Reserves	427,171.00	0.00	0.00	0.00	
Opening Surplus/(Deficit)	1,724,644.00	1,724,644.00	1,724,644.16	0.16	
<b>Total Adjustments</b>	<b>4,483,549.00</b>	<b>2,890,964.00</b>	<b>2,898,378.47</b>	<b>7,414.47</b>	
<b>CLOSING SURPLUS/(DEFICIT)</b>	<b>0.00</b>	<b>2,937,796.00</b>	<b>2,975,451.51</b>	<b>37,655.51</b>	

<b>SHIRE OF BEVERLEY</b> <b>STATEMENT OF NET CURRENT ASSETS</b> <b>FOR THE PERIOD ENDING</b> <b>31 December 2019</b>		
<b>Description</b>	<b>YTD Actual 2018/19</b>	<b>YTD Actual 2019/20</b>
<b>Current Assets</b>		
Cash at Bank	1,079,949.68	361,596.57
Cash - Unrestricted Investments	1,000,000.00	2,214,603.86
Cash - Restricted Reserves	2,372,868.36	2,372,868.36
Cash on Hand	300.00	300.00
Accounts Receivable	390,058.46	709,898.34
Prepaid Expenses	0.00	0.00
Self Supporting Loan - Current	16,270.62	8,258.69
Inventory - Fuel	12,501.60	14,034.97
<b>Total Current Assets</b>	<b>4,871,948.72</b>	<b>5,681,560.79</b>
<b>Current Liabilities</b>		
Accounts Payable	(595,620.53)	(162,437.18)
Loan Liability - Current	(153,428.91)	(66,987.88)
Annual Leave Liability - Current	(184,119.46)	(184,119.46)
Long Service Leave Liability - Current	(158,315.59)	(158,315.59)
Doubtful Debts	0.00	0.00
<b>Total Current Liabilities</b>	<b>(1,091,484.49)</b>	<b>(571,860.11)</b>
<b>Adjustments</b>		
Less Restricted Reserves	(2,372,868.36)	(2,372,868.36)
Less Self Supporting Loan Income	(16,270.62)	(8,258.69)
Add Leave Reserves - Cash Backed	179,890.00	179,890.00
Add Loan Principal Expense	153,428.91	66,987.88
<b>Total Adjustments</b>	<b>(2,055,820.07)</b>	<b>(2,134,249.17)</b>
<b>NET CURRENT ASSETS</b>	<b>1,724,644.16</b>	<b>2,975,451.51</b>

**SHIRE OF BEVERLEY  
STATEMENT OF FINANCIAL POSITION  
FOR THE PERIOD ENDING  
31 December 2019**

Description	Actual 2018/19	YTD Actual 2019/20	Movement
<b>Current Assets</b>			
Cash and Cash Equivalents	4,453,118.04	4,949,368.79	496,250.75
Accounts Receivable	390,058.46	709,898.34	319,839.88
Contract Asset - Current	0.00	0.00	0.00
Prepaid Expenses	0.00	0.00	0.00
Self Supporting Loan - Current	16,270.62	8,258.69	(8,011.93)
Inventory	12,501.60	14,034.97	1,533.37
<b>Total Current Assets</b>	<b>4,871,948.72</b>	<b>5,681,560.79</b>	<b>809,612.07</b>
<b>Current Liabilities</b>			
Accounts Payable	(595,620.53)	(162,437.18)	433,183.35
Contract Liability - Current	0.00	0.00	0.00
Loan Liability - Current	(153,428.91)	(66,987.88)	86,441.03
Lease Liability - Current	0.00	0.00	0.00
Annual Leave Liability - Current	(184,119.46)	(184,119.46)	0.00
Long Service Leave Liability - Current	(158,315.59)	(158,315.59)	0.00
Doubtful Debts	0.00	0.00	0.00
<b>Total Current Liabilities</b>	<b>(1,091,484.49)</b>	<b>(571,860.11)</b>	<b>519,624.38</b>
<b>Non-Current Assets</b>			
Non-Current Debtors	111,941.79	111,941.79	0.00
Non-Current Investments	46,400.31	46,400.31	0.00
Land and Buildings	21,206,039.31	21,132,521.29	(73,518.02)
Plant and Equipment	2,028,750.39	1,893,059.15	(135,691.24)
Furniture and Equipment	125,771.39	117,944.13	(7,827.26)
Infrastructure	60,219,210.22	60,074,678.72	(144,531.50)
Self Supporting Loan - Non Current	42,541.50	42,541.50	0.00
<b>Total Non-Current Assets</b>	<b>83,780,654.91</b>	<b>83,419,086.89</b>	<b>(361,568.02)</b>
<b>Non-Current Liabilities</b>			
Loan Liability - Non Current	(1,517,163.10)	(1,517,163.10)	0.00
Lease Liability - Non Current	0.00	0.00	0.00
Annual Leave - Non Current	0.00	0.00	0.00
LSL Liability - Non Current	(25,790.41)	(25,790.41)	0.00
<b>Total Non Current Liabilities</b>	<b>(1,542,953.51)</b>	<b>(1,542,953.51)</b>	<b>0.00</b>

<b>SHIRE OF BEVERLEY STATEMENT OF FINANCIAL POSITION FOR THE PERIOD ENDING 31 December 2019</b>			
<b>Description</b>	<b>Actual 2018/19</b>	<b>YTD Actual 2019/20</b>	<b>Movement</b>
<b>Net Assets</b>	<b>86,018,165.63</b>	<b>86,985,834.06</b>	<b>967,668.43</b>
<b>Equity</b>			
Accumulated Surplus	(43,643,767.95)	(44,611,436.38)	(967,668.43)
Reserves - Cash Backed	(2,372,868.36)	(2,372,868.36)	0.00
Reserve - Revaluations	(40,001,529.32)	(40,001,529.32)	0.00
<b>Total Equity</b>	<b>(86,018,165.63)</b>	<b>(86,985,834.06)</b>	<b>(967,668.43)</b>



<b>SHIRE OF BEVERLEY</b> <b>OPERATING STATEMENT BY NATURE &amp; TYPE</b> <b>FOR THE PERIOD ENDING</b> <b>31 December 2019</b>		
<b>Description</b>	<b>Budget 2019/20</b>	<b>YTD Actual 2019/20</b>
<b>Income</b>		
Rates	2,669,880.00	2,810,875.73
Operating Grants, Subsidies and Contributions	2,271,419.00	660,483.08
Profit On Asset Disposal	12,000.00	0.00
Service Charges	0.00	0.00
Fees & Charges	523,761.00	391,172.28
Interest Earnings	103,888.00	26,114.73
Other Revenue	60,500.00	60,905.51
Non-Operating Grants, Subsidies and Contributions	9,238,188.00	218,116.56
<b>Total Income by Nature &amp; Type</b>	<b>14,879,636.00</b>	<b>4,167,667.89</b>
<b>Expenditure</b>		
Employee Costs	(2,134,739.00)	(997,631.87)
Materials & Contracts	(1,840,463.00)	(781,900.38)
Utilities	(208,638.00)	(100,462.19)
Depreciation On Non-Current Assets	(1,691,589.00)	(1,163,078.84)
Interest Expenses	(34,504.00)	(39,164.71)
Insurance Expenses	(168,227.00)	(195,149.52)
Other Expenditure	(81,975.00)	(64,729.56)
Loss On Asset Disposal	(8,000.00)	(10,655.47)
Loss on Revaluation of Non-Current Assets	0.00	0.00
<b>Total Expenditure by Nature &amp; Type</b>	<b>(6,168,135.00)</b>	<b>(3,352,772.54)</b>
<b>Allocations</b>		
Reallocation Codes Expenditure	421,192.00	152,773.08
Reallocation Codes Income	0.00	0.00
<b>Total Allocations</b>	<b>421,192.00</b>	<b>152,773.08</b>
<b>Net Operating by Nature &amp; Type</b>	<b>9,132,693.00</b>	<b>967,668.43</b>

<b>SHIRE OF BEVERLEY ROAD MAINTENANCE REPORT FOR THE PERIOD ENDING 31 December 2019</b>		
<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
	<b>Rural Road Maintenance</b>	
RR001	Aikens Rd (RoadID: 51) (Maintenance)	1,094.71
RR002	Athol Rd (RoadID: 26) (Maintenance)	0.00
RR003	Avoca Rd (RoadID: 98) (Maintenance)	0.00
RR004	Balkuling Rd (RoadID: 32) (Maintenance)	1,859.47
RR005	Balkuling North Rd (RoadID: 177) (Maintenance)	0.00
RR006	Bally-Bally Countypeak Rd (RoadID: 25) (Maintenance)	5,681.04
RR007	Bally-Bally Rd (RoadID: 9) (Maintenance)	11,118.17
RR008	Barrington Rd (RoadID: 13) (Maintenance)	3,722.25
RR009	Batemans Rd (RoadID: 78) (Maintenance)	671.78
RR010	Batys Rd (RoadID: 60) (Maintenance)	0.00
RR011	Bellrock Rd (RoadID: 158) (Maintenance)	1,071.95
RR012	Bennetts Rd (RoadID: 91) (Maintenance)	4,195.35
RR013	Beringer Rd (RoadID: 29) (Maintenance)	9,297.12
RR014	Bethany Rd (RoadID: 148) (Maintenance)	1,874.64
RR015	Billabong Rd (RoadID: 179) (Maintenance)	0.00
RR016	Blackburn Rd (RoadID: 46) (Maintenance)	1,150.71
RR017	Bremner Rd (RoadID: 6) (Maintenance)	2,400.84
RR018	Buckingham Rd (RoadID: 94) (Maintenance)	3,447.60
RR019	Bushhill Road (RoadID: 183) (Maintenance)	90.00
RR020	Butchers Rd (RoadID: 20) (Maintenance)	5,761.79
RR021	Cannon Hill Rd (RoadID: 176) (Maintenance)	347.62
RR022	Carrs Rd (RoadID: 47) (Maintenance)	1,622.79
RR023	Cattle Station Road (RoadID: 181) (Maintenance)	0.00
RR024	Caudle Rd (RoadID: 140) (Maintenance)	0.00
RR025	Chocolate Hills Rd (RoadID: 138) (Maintenance)	0.00
RR026	Clulows Rd (RoadID: 16) (Maintenance)	738.77
RR027	Collins Rd (RoadID: 66) (Maintenance)	1,316.71
RR028	Cookes Rd (RoadID: 61) (Maintenance)	715.65
RR029	Corberding Rd (RoadID: 43) (Maintenance)	3,376.89
RR030	County Peak Rd (RoadID: 96) (Maintenance)	266.70
RR031	Dale Kokeby Rd (RoadID: 10) (Maintenance)	31,570.26
RR032	Dalebin North Rd (RoadID: 24) (Maintenance)	6,768.86
RR033	Deep Pool Rd (RoadID: 82) (Maintenance)	6,665.14
RR034	Dobaderry Rd (RoadID: 102) (Maintenance)	16,089.30
RR035	Dongadilling Rd (RoadID: 18) (Maintenance)	3,184.65
RR036	Drapers Rd (RoadID: 79) (Maintenance)	646.93

**SHIRE OF BEVERLEY  
ROAD MAINTENANCE REPORT  
FOR THE PERIOD ENDING  
31 December 2019**

<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
RR037	East Lynne Rd (RoadID: 52) (Maintenance)	0.00
RR038	Edison Mill Rd (RoadID: 5) (Maintenance)	52,636.70
RR039	Ewert Rd (RoadID: 27) (Maintenance)	17,969.34
RR040	Fergusons Rd (RoadID: 64) (Maintenance)	336.87
RR041	Fishers Rd (RoadID: 75) (Maintenance)	4,161.97
RR042	Glencoe Rd (RoadID: 33) (Maintenance)	2,674.60
RR043	Gors Rd (RoadID: 30) (Maintenance)	1,766.10
RR044	Greenhills South Rd (RoadID: 36) (Maintenance)	1,346.53
RR045	Heals Rd (RoadID: 95) (Maintenance)	348.34
RR046	Hills Rd (RoadID: 76) (Maintenance)	612.83
RR047	Hobbs Rd (RoadID: 40) (Maintenance)	4,087.99
RR048	Jacksons Rd (RoadID: 57) (Maintenance)	0.00
RR049	Jacobs Well Rd (RoadID: 15) (Maintenance)	861.94
RR050	Jas Rd (Maintenance)	0.00
RR051	Johnsons Rd (RoadID: 73) (Maintenance)	566.05
RR052	Jones Rd (RoadID: 48) (Maintenance)	1,284.65
RR053	K1 Rd (RoadID: 85) (Maintenance)	3,777.12
RR054	Kennedys Rd (RoadID: 92) (Maintenance)	0.00
RR055	Kevills Rd (RoadID: 69) (Maintenance)	0.00
RR056	Kieara Rd (RoadID: 55) (Maintenance)	1,085.61
RR057	Kilpatricks Rd (RoadID: 74) (Maintenance)	1,147.10
RR058	Kokeby East Rd (RoadID: 4) (Maintenance)	5,034.20
RR059	Kokendin Rd (RoadID: 11) (Maintenance)	16,100.79
RR060	Lennard Rd (RoadID: 58) (Maintenance)	2,704.41
RR061	Little Hill Rd (RoadID: 180) (Maintenance)	0.00
RR062	Luptons Rd (RoadID: 22) (Maintenance)	6,230.04
RR063	Maitland Rd (RoadID: 39) (Maintenance)	16,024.55
RR064	Mandiakon Rd (RoadID: 87) (Maintenance)	1,247.70
RR065	Manns Rd (RoadID: 59) (Maintenance)	8,946.23
RR066	Manuels Rd (RoadID: 37) (Maintenance)	0.00
RR067	Mawson Rd (RoadID: 100) (Maintenance)	3,079.08
RR068	Mawson North Rd (RoadID: 167) (Maintenance)	441.83
RR069	Mcdonalds Rd (RoadID: 54) (Maintenance)	777.52
RR070	Mckellars Rd (RoadID: 93) (Maintenance)	499.91
RR071	Mclean Rd (RoadID: 84) (Maintenance)	0.00
RR072	Millers Rd (RoadID: 49) (Maintenance)	1,280.56
RR073	Mills Rd (RoadID: 80) (Maintenance)	621.35
RR074	Morbinning Rd (RoadID: 1) (Maintenance)	6,170.36

**SHIRE OF BEVERLEY  
ROAD MAINTENANCE REPORT  
FOR THE PERIOD ENDING  
31 December 2019**

<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
RR075	Murrays Rd (RoadID: 71) (Maintenance)	1,870.14
RR076	Negus Rd (RoadID: 50) (Maintenance)	696.64
RR077	Northbourne Rd (RoadID: 28) (Maintenance)	2,647.24
RR078	Oakdale Rd (RoadID: 17) (Maintenance)	3,359.94
RR079	Patten Rd (RoadID: 53) (Maintenance)	742.67
RR080	Petchells Rd (RoadID: 38) (Maintenance)	323.46
RR081	Piccadilly Rd (RoadID: 70) (Maintenance)	1,220.19
RR082	Pike Rd (RoadID: 45) (Maintenance)	2,366.32
RR083	Potts Rd (RoadID: 14) (Maintenance)	2,399.71
RR084	Qualandary Rd (RoadID: 19) (Maintenance)	3,243.39
RR085	Rickeys Rd (RoadID: 35) (Maintenance)	1,883.20
RR086	Rickeys Siding Rd (RoadID: 137) (Maintenance)	2,119.71
RR087	Rifle Range Rd (RoadID: 56) (Maintenance)	970.39
RR088	Rigoll Rd (RoadID: 157) (Maintenance)	0.00
RR089	Rogers Rd (RoadID: 62) (Maintenance)	997.55
RR090	Rossi Rd (RoadID: 156) (Maintenance)	586.41
RR091	Rumble Rd (Maintenance)	561.32
RR092	Schillings Rd (RoadID: 65) (Maintenance)	992.86
RR093	Shaw Rd (RoadID: 184) (Maintenance)	2,796.43
RR094	Sheahans Rd (RoadID: 90) (Maintenance)	1,268.93
RR095	Simmons Rd (RoadID: 101) (Maintenance)	3,377.21
RR096	Sims Rd (RoadID: 155) (Maintenance)	539.11
RR097	Ski Rd (RoadID: 83) (Maintenance)	1,984.13
RR098	Smith Rd (RoadID: 72) (Maintenance)	4,305.28
RR099	Southern Branch Rd (RoadID: 41) (Maintenance)	1,464.20
RR100	Spavens Rd (RoadID: 44) (Maintenance)	323.46
RR101	Springhill Rd (RoadID: 23) (Maintenance)	5,443.91
RR102	Steve Edwards Drv (RoadID: 173) (Maintenance)	1,009.18
RR103	St Jacks Rd (RoadID: 34) (Maintenance)	1,077.48
RR104	Talbot West Rd (RoadID: 12) (Maintenance)	3,785.07
RR105	Thomas Rd (RoadID: 31) (Maintenance)	1,270.74
RR106	Top Beverley York Rd (RoadID: 8) (Maintenance)	3,927.74
RR107	Turner Gully Rd (RoadID: 169) (Maintenance)	459.87
RR108	Vallentine Rd (RoadID: 21) (Maintenance)	0.00
RR109	Walgy Rd (RoadID: 42) (Maintenance)	1,156.96
RR110	Walkers Rd (RoadID: 86) (Maintenance)	0.00
RR111	Wansbrough Rd (RoadID: 77) (Maintenance)	1,439.60
RR112	Warradale Rd (RoadID: 67) (Maintenance)	1,215.61



<b>SHIRE OF BEVERLEY ROAD MAINTENANCE REPORT FOR THE PERIOD ENDING 31 December 2019</b>		
<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
RR113	Waterhatch Rd (RoadID: 2) (Maintenance)	7,713.91
RR114	Westdale Rd (RoadID: 166) (Maintenance)	3,571.24
RR115	Williamsons Rd (RoadID: 63) (Maintenance)	404.34
RR116	Woods Rd (RoadID: 68) (Maintenance)	67.19
RR117	Woonderlin Rd (RoadID: 175) (Maintenance)	1,993.84
RR118	Wyalgima Rd (RoadID: 154) (Maintenance)	671.78
RR119	Yenyening Lakes Rd (RoadID: 7) (Maintenance)	6,423.82
RR120	York-Williams Rd (RoadID: 3) (Maintenance)	4,433.19
RR121	Young Rd (RoadID: 81) (Maintenance)	0.00
RR777	Contract Road Side Spraying	24,340.91
RR888	Tree Lopping - Rural Roads (Maintenance)	40,062.00
RR999	Rural Roads Various (Maintenance)	31,418.05
WANDRRA	Disaster Recovery Works	0.00
<b>Sub Total</b>	<b>Rural Road Maintenance</b>	<b>475,496.28</b>
	<b>Town Street Maintenance</b>	
TS001	Barnsley St (RoadID: 162) (Maintenance)	0.00
TS002	Bartram St (RoadID: 114) (Maintenance)	432.57
TS003	Brockman St (RoadID: 129) (Maintenance)	0.00
TS004	Brooking St (RoadID: 122) (Maintenance)	694.83
TS005	Broun St (RoadID: 144) (Maintenance)	0.00
TS006	Chestillion Ct (RoadID: 139) (Maintenance)	0.00
TS007	Chipper St (RoadID: 126) (Maintenance)	0.00
TS008	Council Rd (RoadID: 149) (Maintenance)	380.54
TS009	Courtney St (RoadID: 153) (Maintenance)	0.00
TS010	Dawson St (RoadID: 106) (Maintenance)	376.37
TS011	Delisle St (RoadID: 120) (Maintenance)	200.63
TS012	Dempster St (RoadID: 111) (Maintenance)	85.82
TS013	Duffield St (RoadID: 160) (Maintenance)	1,190.76
TS014	Edward St (RoadID: 107) (Maintenance)	82.21
TS015	Elizabeth St (RoadID: 131) (Maintenance)	363.67
TS016	Ernest Drv (RoadID: 135) (Maintenance)	24.22
TS017	Forrest St (RoadID: 103) (Maintenance)	7,797.02
TS018	George St North (RoadID: 161) (Maintenance)	268.79
TS019	George St South (RoadID: 145) (Maintenance)	0.00
TS020	Grigson St (RoadID: 172) (Maintenance)	0.00
TS021	Hamersley St (RoadID: 130) (Maintenance)	4,651.41

<b>SHIRE OF BEVERLEY ROAD MAINTENANCE REPORT FOR THE PERIOD ENDING 31 December 2019</b>		
<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
TS022	Harper St (RoadID: 109) (Maintenance)	829.38
TS023	Hope St (RoadID: 115) (Maintenance)	185.39
TS024	Hopkin St (RoadID: 128) (Maintenance)	0.00
TS025	Horley St (RoadID: 127) (Maintenance)	1,002.92
TS026	Hunt Rd (Maintenance)	1,431.73
TS027	Husking St (RoadID: 117) (Maintenance)	0.00
TS028	Hutchinson St (RoadID: 168) (Maintenance)	0.00
TS029	John St (RoadID: 105) (Maintenance)	599.90
TS030	Langsford St (RoadID: 152) (Maintenance)	519.47
TS031	Lennard St (RoadID: 113) (Maintenance)	194.36
TS032	Ludgate St (RoadID: 143) (Maintenance)	0.00
TS033	Lukin St (RoadID: 104) (Maintenance)	2,665.90
TS034	Mcneil St (RoadID: 141) (Maintenance)	4,210.64
TS035	Monger St (RoadID: 116) (Maintenance)	0.00
TS036	Morrison St (RoadID: 112) (Maintenance)	0.00
TS037	Nicholas St (RoadID: 123) (Maintenance)	913.22
TS038	Prior Pl (RoadID: 174) (Maintenance)	0.00
TS039	Queen St (RoadID: 110) (Maintenance)	1,897.03
TS040	Railway Pde (RoadID: 147) (Maintenance)	588.71
TS041	Railway St (RoadID: 146) (Maintenance)	6,802.85
TS042	Richardson St (RoadID: 124) (Maintenance)	149.44
TS043	Seabrook St (RoadID: 118) (Maintenance)	179.16
TS044	Sewell St (RoadID: 119) (Maintenance)	0.00
TS045	Shed St (RoadID: 136) (Maintenance)	48.41
TS046	Short St (RoadID: 121) (Maintenance)	49.67
TS047	Smith St (RoadID: 108) (Maintenance)	489.75
TS048	Taylor St (RoadID: 165) (Maintenance)	0.00
TS049	Vincent St (RoadID: 125) (Maintenance)	4,494.95
TS050	Wright St (RoadID: 150) (Maintenance)	0.00
TS051	Great Southern Hwy (Maintenance)	0.00
TS888	Tree Lopping - Town Streets (Maintenance)	34.51
TS999	Town Streets Various (Maintenance)	2,490.85
<b>Sub Total</b>	<b>Town Streets Maintenance</b>	<b>46,327.08</b>
<b>Total</b>	<b>Road Maintenance</b>	<b>521,823.36</b>

SHIRE OF BEVERLEY						
INVESTMENT OF SURPLUS FUNDS						
AS AT 31 December 2019						
Account #	Account Name	Amount Invested (\$)	Total	Term	Interest Rate	Maturation
<b>3027830</b>	<b>Reserve Funds Bendigo</b>					
	Long Service Leave	43,300.98				
	Office Equipment	94.20				
	Airfield Emergency	39,239.79				
	Plant	488,155.74				
	Bush Fire Fighters	126,292.65				
	Building	352,637.94				
	Recreation Ground	419,842.73				
	Cropping Committee	134,138.51				
	Avon River Development	25,383.07				
	Annual Leave	136,589.02				
	Community Bus	36,074.87				
	Road Construction	495,739.86				
	Senior Housing	75,379.00	2,372,868.36	6 mnths	1.95%	3/01/2020
<b>3152801</b>	<b>Term Deposit Bendigo</b>	405,300.33		3 mnths	1.85%	15/04/2020
<b>3194294</b>	<b>Term Deposit Bendigo</b>	304,363.32		3 mnths	1.65%	28/04/2020
<b>312599</b>	<b>Term Deposit Bendigo</b>	303,698.63		6 mnths	1.62%	24/03/2020
<b>3103193</b>	<b>Term Deposit Bendigo</b>	300,000.00		4 mnths	1.65%	3/01/2020
<b>3103195</b>	<b>Term Deposit Bendigo</b>	300,000.00		5 mnths	1.65%	3/02/2020
<b>3103197</b>	<b>Term Deposit Bendigo</b>	300,000.00		6 mnths	1.65%	3/03/2020
<b>9145-40222</b>	<b>ANZ Term Deposit</b>	301,241.58	2,214,603.86	3 mnths	1.45%	2/04/2020
	<b>Total</b>		<b>4,587,472.22</b>			

## **11.2 Monthly Financial Report – January 2020**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>14 February 2020</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>N/A</b>
<b>AUTHOR:</b>	<b>S.K. Marshall, Deputy Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>January 2020 Financial Reports</b>

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### **SUMMARY**

Council to consider accepting the financial report for the period ending 31 January 2020.

### **BACKGROUND**

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

Council adopted a budget variance reporting parameter of 10% on budgeted items of \$10,000 or greater at the July 2019 Ordinary Meeting, item 11.3.

### **COMMENT**

The monthly financial reports for the period ending 31 January 2020 have been provided and include:

- Financial Activity Statement;
- Statement of Net Current Assets;
- Statement of Financial Position; and
- Supplementary information, including;
  - Operating Statement by Nature and Type;
  - Road Maintenance Report; and
  - Investment of Surplus Funds Report.

### **STATUTORY ENVIRONMENT**

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

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

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



The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

### **FINANCIAL IMPLICATIONS**

All revenue and expenditure, unless disclosed in the notes to material variances, are as per the 2019/20 Budget.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

### **POLICY IMPLICATIONS**

AF004 – Investing Surplus Funds

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That the monthly financial report for the month ending 31 January 2020 be accepted and material variances be noted.

<p style="text-align: center;"><b>SHIRE OF BEVERLEY</b>  <b>STATEMENT OF FINANCIAL ACTIVITY</b>  <b>FOR THE PERIOD ENDING</b>  <b>31 January 2020</b></p>					
<b>Description</b>	<b>Budget 2019/20</b>	<b>YTD Budget 2019/20</b>	<b>YTD Actual 2019/20</b>	<b>YTD Variance</b>	<b>Notes To Material Variances</b>
<b>Operating Revenue</b>					
General Purpose Funding	3,296,127.00	3,058,907.00	3,076,905.06	17,998.06	Rates discount expense lower than expected \$16,876.
Governance	26,100.00	25,000.00	27,700.45	2,700.45	
Law, Order & Public Safety	210,156.00	94,999.00	95,991.56	992.56	
Health	100.00	0.00	363.64	363.64	
Education & Welfare	0.00	0.00	0.00	0.00	
Housing	117,192.00	73,249.00	76,847.65	3,598.65	
Community Amenities	207,073.00	202,004.00	206,986.35	4,982.35	
Recreation & Culture	642,701.00	224,855.00	230,381.05	5,526.05	
Transport	1,663,712.00	469,191.00	470,946.35	1,755.35	
Economic Activities	208,929.00	65,661.00	64,757.50	(903.50)	
Other Property & Services	43,100.00	22,162.00	23,381.45	1,219.45	
<b>Total Operating Revenue</b>	<b>6,415,190.00</b>	<b>4,236,028.00</b>	<b>4,274,261.06</b>	<b>38,233.06</b>	
<b>Operating Expenditure</b>					
General Purpose Funding	(182,995.00)	(80,773.00)	(79,831.64)	941.36	
Governance	(274,300.00)	(157,149.00)	(159,964.16)	(2,815.16)	
Law, Order & Public Safety	(392,971.00)	(224,989.00)	(247,230.43)	(22,241.43)	18/19 Fire Mitigation works expense (\$16,032) unbudgeted.
Health	(170,695.00)	(86,770.00)	(83,519.37)	3,250.63	
Education & Welfare	(92,513.00)	(44,657.00)	(44,658.28)	(1.28)	
Housing	(212,325.00)	(121,267.00)	(112,201.64)	9,065.36	
Community Amenities	(676,208.00)	(363,800.00)	(362,716.90)	1,083.10	
Recreation & Culture	(1,575,216.00)	(871,578.00)	(864,855.88)	6,722.12	
Transport	(2,558,918.00)	(1,495,245.00)	(1,502,614.54)	(7,369.54)	
Economic Activities	(558,586.00)	(247,087.00)	(239,782.07)	7,304.93	
Other Property & Services	(15,064.00)	19,341.00	38,846.17	19,505.17	Timing variance between POC & PWOH costs incurred and reallocated.
<b>Total Operating Expenditure</b>	<b>(6,709,791.00)</b>	<b>(3,673,974.00)</b>	<b>(3,658,528.74)</b>	<b>15,445.26</b>	
<b>Net Operating</b>	<b>(294,601.00)</b>	<b>562,054.00</b>	<b>615,732.32</b>	<b>53,678.32</b>	
<b>Capital Income</b>					
Self Supporting Loan - Principal Repayment	16,270.00	8,012.00	8,011.93	(0.07)	
Proceeds from Sale of Assets	345,000.00	41,000.00	42,427.27	1,427.27	
New Loan Raised	150,000.00	0.00	0.00	0.00	
<b>Total Capital Income</b>	<b>511,270.00</b>	<b>49,012.00</b>	<b>50,439.20</b>	<b>1,427.20</b>	

<p style="text-align: center;"><b>SHIRE OF BEVERLEY</b>  <b>STATEMENT OF FINANCIAL ACTIVITY</b>  <b>FOR THE PERIOD ENDING</b>  <b>31 January 2020</b></p>					
<b>Description</b>	<b>Budget 2019/20</b>	<b>YTD Budget 2019/20</b>	<b>YTD Actual 2019/20</b>	<b>YTD Variance</b>	<b>Notes To Material Variances</b>
<b>Capital Expenditure</b>					
Land and Buildings	(979,000.00)	(264,000.00)	(286,776.46)	(22,776.46)	Community Bus Shed Deposit (\$18,847) project unbudgeted but reimbursable from insurance cover. Cornerstone final superintendent charges (\$4,990) unbudgeted.
Plant and Equipment	(867,000.00)	(57,000.00)	(52,206.37)	4,793.63	
Office Furniture and Equipment	0.00	0.00	0.00	0.00	
Road Construction	(2,441,722.00)	(510,423.00)	(584,617.27)	(74,194.27)	Morbinning Road failure repair including engineer expense (\$66,107). Mann Street (\$2,394) additional internal labour and plant expense.
Other Infrastructure	(259,067.00)	(219,067.00)	(218,259.92)	807.08	
Land Under Control	0.00	0.00	0.00	0.00	
Loans - Principal Repayments	(153,429.00)	(86,441.00)	(86,441.03)	(0.03)	
<b>Total Capital Expenditure</b>	<b>(4,700,218.00)</b>	<b>(1,136,931.00)</b>	<b>(1,228,301.05)</b>	<b>(91,370.05)</b>	
<b>Net Capital</b>	<b>(4,188,948.00)</b>	<b>(1,087,919.00)</b>	<b>(1,177,861.85)</b>	<b>(89,942.85)</b>	
<b>Adjustments</b>					
Depreciation Written Back	2,306,734.00	1,349,540.00	1,358,093.76	8,553.76	
Movement in Leave Reserve Cash Balance	0.00	0.00	1,826.00	1,826.00	
Movement in Non-Current Loan Repayments	0.00	0.00	0.00	0.00	
Movement in Non-Current SSL Income	0.00	0.00	0.00	0.00	
Movement in Non-Current Investments	0.00	0.00	0.00	0.00	
Movement in Non-Current LSL Provision	0.00	0.00	0.00	0.00	
Movement in Non-Current Deferred Pensioner Rates	0.00	0.00	0.00	0.00	
(Profit)/Loss on Disposal of Assets Written Back	25,000.00	9,000.00	10,655.47	1,655.47	
Loss on Revaluation of Non-Current Assets Written Back	0.00	0.00	0.00	0.00	
Rounding	0.00	0.00	0.00	0.00	
<b>Add Funding From</b>					
Transfer (To)/From Reserves	427,171.00	(24,087.00)	(24,086.24)	0.76	
Opening Surplus/(Deficit)	1,724,644.00	1,724,644.00	1,724,644.16	0.16	
<b>Total Adjustments</b>	<b>4,483,549.00</b>	<b>3,059,097.00</b>	<b>3,071,133.15</b>	<b>12,036.15</b>	
<b>CLOSING SURPLUS/(DEFICIT)</b>	<b>0.00</b>	<b>2,533,232.00</b>	<b>2,509,003.62</b>	<b>(24,228.38)</b>	

<b>SHIRE OF BEVERLEY STATEMENT OF NET CURRENT ASSETS FOR THE PERIOD ENDING 31 January 2020</b>		
<b>Description</b>	<b>YTD Actual 2018/19</b>	<b>YTD Actual 2019/20</b>
<b>Current Assets</b>		
Cash at Bank	1,079,949.68	238,213.52
Cash - Unrestricted Investments	1,000,000.00	2,216,258.38
Cash - Restricted Reserves	2,372,868.36	2,396,954.60
Cash on Hand	300.00	300.00
Accounts Receivable	390,058.46	629,027.77
Prepaid Expenses	0.00	0.00
Self Supporting Loan - Current	16,270.62	8,258.69
Inventory - Fuel	12,501.60	12,406.68
<b>Total Current Assets</b>	<b>4,871,948.72</b>	<b>5,501,419.64</b>
<b>Current Liabilities</b>		
Accounts Payable	(595,620.53)	(426,483.68)
Loan Liability - Current	(153,428.91)	(66,987.88)
Annual Leave Liability - Current	(184,119.46)	(184,119.46)
LSL Liability - Current	(158,315.59)	(158,315.59)
Doubtful Debts	0.00	0.00
<b>Total Current Liabilities</b>	<b>(1,091,484.49)</b>	<b>(835,906.61)</b>
<b>Adjustments</b>		
Less Restricted Reserves	(2,372,868.36)	(2,396,954.60)
Less Self Supporting Loan Income	(16,270.62)	(8,258.69)
Add Leave Reserves - Cash Backed	179,890.00	181,716.00
Add Loan Principal Expense	153,428.91	66,987.88
<b>Total Adjustments</b>	<b>(2,055,820.07)</b>	<b>(2,156,509.41)</b>
<b>NET CURRENT ASSETS</b>	<b>1,724,644.16</b>	<b>2,509,003.62</b>



**SHIRE OF BEVERLEY  
STATEMENT OF FINANCIAL POSITION  
FOR THE PERIOD ENDING  
31 January 2020**

Description	Actual 2018/19	YTD Actual 2019/20	Movement
<b>Current Assets</b>			
Cash and Cash Equivalents	4,453,118.04	4,851,726.50	398,608.46
Accounts Receivable	390,058.46	629,027.77	238,969.31
Contract Asset - Current	0.00	0.00	0.00
Prepaid Expenses	0.00	0.00	0.00
Self Supporting Loan - Current	16,270.62	8,258.69	(8,011.93)
Inventory	12,501.60	12,406.68	(94.92)
<b>Total Current Assets</b>	<b>4,871,948.72</b>	<b>5,501,419.64</b>	<b>629,470.92</b>
<b>Current Liabilities</b>			
Accounts Payable	(595,620.53)	(426,483.68)	169,136.85
Contract Liability - Current	0.00	0.00	0.00
Loan Liability - Current	(153,428.91)	(66,987.88)	86,441.03
Lease Liability - Current	0.00	0.00	0.00
Annual Leave Liability - Current	(184,119.46)	(184,119.46)	0.00
Long Service Leave Liability - Current	(158,315.59)	(158,315.59)	0.00
Doubtful Debts	0.00	0.00	0.00
<b>Total Current Liabilities</b>	<b>(1,091,484.49)</b>	<b>(835,906.61)</b>	<b>255,577.88</b>
<b>Non-Current Assets</b>			
Non-Current Debtors	111,941.79	111,941.79	0.00
Non-Current Investments	46,400.31	46,400.31	0.00
Land and Buildings	21,206,039.31	21,100,598.53	(105,440.78)
Plant and Equipment	2,028,750.39	1,870,137.48	(158,612.91)
Furniture and Equipment	125,771.39	116,625.41	(9,145.98)
Infrastructure	60,219,210.22	60,223,093.41	3,883.19
Self Supporting Loan - Non Current	42,541.50	42,541.50	0.00
<b>Total Non-Current Assets</b>	<b>83,780,654.91</b>	<b>83,511,338.43</b>	<b>(269,316.48)</b>
<b>Non-Current Liabilities</b>			
Loan Liability - Non Current	(1,517,163.10)	(1,517,163.10)	0.00
Lease Liability - Non Current	0.00	0.00	0.00
Annual Leave - Non Current	0.00	0.00	0.00
LSL Liability - Non Current	(25,790.41)	(25,790.41)	0.00
<b>Total Non Current Liabilities</b>	<b>(1,542,953.51)</b>	<b>(1,542,953.51)</b>	<b>0.00</b>
<b>Net Assets</b>	<b>86,018,165.63</b>	<b>86,633,897.95</b>	<b>615,732.32</b>

**SHIRE OF BEVERLEY  
STATEMENT OF FINANCIAL POSITION  
FOR THE PERIOD ENDING  
31 January 2020**

<b>Description</b>	<b>Actual 2018/19</b>	<b>YTD Actual 2019/20</b>	<b>Movement</b>
<b>Equity</b>			
Accumulated Surplus	(43,643,767.95)	(44,235,414.03)	(591,646.08)
Reserves - Cash Backed	(2,372,868.36)	(2,396,954.60)	(24,086.24)
Reserve - Revaluations	(40,001,529.32)	(40,001,529.32)	0.00
<b>Total Equity</b>	<b>(86,018,165.63)</b>	<b>(86,633,897.95)</b>	<b>(615,732.32)</b>

<b>SHIRE OF BEVERLEY OPERATING STATEMENT BY NATURE &amp; TYPE FOR THE PERIOD ENDING 31 January 2020</b>		
<b>Description</b>	<b>Budget 2019/20</b>	<b>YTD Actual 2019/20</b>
<b>Income</b>		
Rates	2,669,880.00	2,810,988.04
Operating Grants, Subsidies and Contributions	2,271,419.00	715,760.44
Profit On Asset Disposal	12,000.00	0.00
Service Charges	0.00	0.00
Fees & Charges	523,761.00	416,038.06
Interest Earnings	103,888.00	52,757.79
Other Revenue	60,500.00	63,198.70
Non-Operating Grants, Subsidies and Contributions	9,238,188.00	218,168.38
<b>Total Income by Nature &amp; Type</b>	<b>14,879,636.00</b>	<b>4,276,911.41</b>
<b>Expenditure</b>		
Employee Costs	(2,134,739.00)	(1,148,936.34)
Materials & Contracts	(1,840,463.00)	(907,028.43)
Utilities	(208,638.00)	(116,001.54)
Depreciation On Non-Current Assets	(1,691,589.00)	(1,358,093.76)
Interest Expenses	(34,504.00)	(39,164.71)
Insurance Expenses	(168,227.00)	(195,149.52)
Other Expenditure	(81,975.00)	(66,981.14)
Loss On Asset Disposal	(8,000.00)	(10,655.47)
Loss on Revaluation of Non-Current Assets	0.00	0.00
<b>Total Expenditure by Nature &amp; Type</b>	<b>(6,168,135.00)</b>	<b>(3,842,010.91)</b>
<b>Allocations</b>		
Reallocation Codes Expenditure	421,192.00	180,831.82
Reallocation Codes Income	0.00	0.00
<b>Total Allocations</b>	<b>421,192.00</b>	<b>180,831.82</b>
<b>Net Operating by Nature &amp; Type</b>	<b>9,132,693.00</b>	<b>615,732.32</b>

<b>SHIRE OF BEVERLEY ROAD MAINTENANCE REPORT FOR THE PERIOD ENDING 31 January 2020</b>		
<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
	<b>Rural Road Maintenance</b>	
RR001	Aikens Rd (RoadID: 51) (Maintenance)	1,094.71
RR002	Athol Rd (RoadID: 26) (Maintenance)	0.00
RR003	Avoca Rd (RoadID: 98) (Maintenance)	0.00
RR004	Balkuling Rd (RoadID: 32) (Maintenance)	1,859.47
RR005	Balkuling North Rd (RoadID: 177) (Maintenance)	0.00
RR006	Bally-Bally Countypeak Rd (RoadID: 25) (Maintenance)	5,681.04
RR007	Bally-Bally Rd (RoadID: 9) (Maintenance)	11,297.06
RR008	Barrington Rd (RoadID: 13) (Maintenance)	3,722.25
RR009	Batemans Rd (RoadID: 78) (Maintenance)	671.78
RR010	Batys Rd (RoadID: 60) (Maintenance)	0.00
RR011	Bellrock Rd (RoadID: 158) (Maintenance)	1,071.95
RR012	Bennetts Rd (RoadID: 91) (Maintenance)	4,637.35
RR013	Beringer Rd (RoadID: 29) (Maintenance)	9,297.12
RR014	Bethany Rd (RoadID: 148) (Maintenance)	3,155.82
RR015	Billabong Rd (RoadID: 179) (Maintenance)	0.00
RR016	Blackburn Rd (RoadID: 46) (Maintenance)	1,350.24
RR017	Bremner Rd (RoadID: 6) (Maintenance)	2,400.84
RR018	Buckingham Rd (RoadID: 94) (Maintenance)	3,447.60
RR019	Bushhill Road (RoadID: 183) (Maintenance)	90.00
RR020	Butchers Rd (RoadID: 20) (Maintenance)	5,761.79
RR021	Cannon Hill Rd (RoadID: 176) (Maintenance)	347.62
RR022	Carrs Rd (RoadID: 47) (Maintenance)	1,622.79
RR023	Cattle Station Road (RoadID: 181) (Maintenance)	0.00
RR024	Caudle Rd (RoadID: 140) (Maintenance)	0.00
RR025	Chocolate Hills Rd (RoadID: 138) (Maintenance)	0.00
RR026	Clulows Rd (RoadID: 16) (Maintenance)	738.77
RR027	Collins Rd (RoadID: 66) (Maintenance)	1,588.56
RR028	Cookes Rd (RoadID: 61) (Maintenance)	715.65
RR029	Corberding Rd (RoadID: 43) (Maintenance)	3,580.89
RR030	County Peak Rd (RoadID: 96) (Maintenance)	266.70
RR031	Dale Kokeby Rd (RoadID: 10) (Maintenance)	37,146.26
RR032	Dalebin North Rd (RoadID: 24) (Maintenance)	6,768.86
RR033	Deep Pool Rd (RoadID: 82) (Maintenance)	6,665.14
RR034	Dobaderry Rd (RoadID: 102) (Maintenance)	16,089.30
RR035	Dongadilling Rd (RoadID: 18) (Maintenance)	4,288.26
RR036	Drapers Rd (RoadID: 79) (Maintenance)	646.93



<b>SHIRE OF BEVERLEY ROAD MAINTENANCE REPORT FOR THE PERIOD ENDING 31 January 2020</b>		
<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
RR037	East Lynne Rd (RoadID: 52) (Maintenance)	0.00
RR038	Edison Mill Rd (RoadID: 5) (Maintenance)	52,636.70
RR039	Ewert Rd (RoadID: 27) (Maintenance)	19,125.34
RR040	Fergusons Rd (RoadID: 64) (Maintenance)	336.87
RR041	Fishers Rd (RoadID: 75) (Maintenance)	4,161.97
RR042	Glencoe Rd (RoadID: 33) (Maintenance)	2,674.60
RR043	Gors Rd (RoadID: 30) (Maintenance)	1,766.10
RR044	Greenhills South Rd (RoadID: 36) (Maintenance)	1,346.53
RR045	Heals Rd (RoadID: 95) (Maintenance)	348.34
RR046	Hills Rd (RoadID: 76) (Maintenance)	612.83
RR047	Hobbs Rd (RoadID: 40) (Maintenance)	4,087.99
RR048	Jacksons Rd (RoadID: 57) (Maintenance)	0.00
RR049	Jacobs Well Rd (RoadID: 15) (Maintenance)	886.51
RR050	Jas Rd (Maintenance)	0.00
RR051	Johnsons Rd (RoadID: 73) (Maintenance)	665.93
RR052	Jones Rd (RoadID: 48) (Maintenance)	1,284.65
RR053	K1 Rd (RoadID: 85) (Maintenance)	3,777.12
RR054	Kennedys Rd (RoadID: 92) (Maintenance)	96.81
RR055	Kevills Rd (RoadID: 69) (Maintenance)	0.00
RR056	Kieara Rd (RoadID: 55) (Maintenance)	1,085.61
RR057	Kilpatrick Rd (RoadID: 74) (Maintenance)	1,147.10
RR058	Kokeby East Rd (RoadID: 4) (Maintenance)	5,034.20
RR059	Kokendin Rd (RoadID: 11) (Maintenance)	16,279.55
RR060	Lennard Rd (RoadID: 58) (Maintenance)	2,704.41
RR061	Little Hill Rd (RoadID: 180) (Maintenance)	0.00
RR062	Luptons Rd (RoadID: 22) (Maintenance)	6,230.04
RR063	Maitland Rd (RoadID: 39) (Maintenance)	17,248.55
RR064	Mandiakon Rd (RoadID: 87) (Maintenance)	1,247.70
RR065	Manns Rd (RoadID: 59) (Maintenance)	9,694.23
RR066	Manuels Rd (RoadID: 37) (Maintenance)	0.00
RR067	Mawson Rd (RoadID: 100) (Maintenance)	3,254.11
RR068	Mawson North Rd (RoadID: 167) (Maintenance)	441.83
RR069	Mcdonalds Rd (RoadID: 54) (Maintenance)	833.00
RR070	Mckellars Rd (RoadID: 93) (Maintenance)	499.91
RR071	Mclean Rd (RoadID: 84) (Maintenance)	0.00
RR072	Millers Rd (RoadID: 49) (Maintenance)	1,280.56
RR073	Mills Rd (RoadID: 80) (Maintenance)	621.35
RR074	Morbinning Rd (RoadID: 1) (Maintenance)	8,843.45

**SHIRE OF BEVERLEY  
ROAD MAINTENANCE REPORT  
FOR THE PERIOD ENDING  
31 January 2020**

<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
RR075	Murrays Rd (RoadID: 71) (Maintenance)	1,870.14
RR076	Negus Rd (RoadID: 50) (Maintenance)	965.82
RR077	Northbourne Rd (RoadID: 28) (Maintenance)	4,793.78
RR078	Oakdale Rd (RoadID: 17) (Maintenance)	3,359.94
RR079	Patten Rd (RoadID: 53) (Maintenance)	742.67
RR080	Petchells Rd (RoadID: 38) (Maintenance)	581.82
RR081	Piccadilly Rd (RoadID: 70) (Maintenance)	1,220.19
RR082	Pike Rd (RoadID: 45) (Maintenance)	2,366.32
RR083	Potts Rd (RoadID: 14) (Maintenance)	4,853.33
RR084	Qualandary Rd (RoadID: 19) (Maintenance)	3,243.39
RR085	Rickeys Rd (RoadID: 35) (Maintenance)	1,883.20
RR086	Rickeys Siding Rd (RoadID: 137) (Maintenance)	2,119.71
RR087	Rifle Range Rd (RoadID: 56) (Maintenance)	970.39
RR088	Rigoll Rd (RoadID: 157) (Maintenance)	0.00
RR089	Rogers Rd (RoadID: 62) (Maintenance)	997.55
RR090	Rossi Rd (RoadID: 156) (Maintenance)	586.41
RR091	Rumble Rd (Maintenance)	561.32
RR092	Schillings Rd (RoadID: 65) (Maintenance)	992.86
RR093	Shaw Rd (RoadID: 184) (Maintenance)	2,796.43
RR094	Sheahans Rd (RoadID: 90) (Maintenance)	1,268.93
RR095	Simmons Rd (RoadID: 101) (Maintenance)	3,377.21
RR096	Sims Rd (RoadID: 155) (Maintenance)	539.11
RR097	Ski Rd (RoadID: 83) (Maintenance)	1,984.13
RR098	Smith Rd (RoadID: 72) (Maintenance)	4,747.28
RR099	Southern Branch Rd (RoadID: 41) (Maintenance)	1,464.20
RR100	Spavens Rd (RoadID: 44) (Maintenance)	323.46
RR101	Springhill Rd (RoadID: 23) (Maintenance)	5,443.91
RR102	Steve Edwards Drv (RoadID: 173) (Maintenance)	1,009.18
RR103	St Jacks Rd (RoadID: 34) (Maintenance)	1,077.48
RR104	Talbot West Rd (RoadID: 12) (Maintenance)	3,785.07
RR105	Thomas Rd (RoadID: 31) (Maintenance)	1,270.74
RR106	Top Beverley York Rd (RoadID: 8) (Maintenance)	4,142.08
RR107	Turner Gully Rd (RoadID: 169) (Maintenance)	459.87
RR108	Vallentine Rd (RoadID: 21) (Maintenance)	0.00
RR109	Walgy Rd (RoadID: 42) (Maintenance)	1,156.96
RR110	Walkers Rd (RoadID: 86) (Maintenance)	0.00
RR111	Wansbrough Rd (RoadID: 77) (Maintenance)	1,439.60
RR112	Warradale Rd (RoadID: 67) (Maintenance)	1,215.61

<b>SHIRE OF BEVERLEY ROAD MAINTENANCE REPORT FOR THE PERIOD ENDING 31 January 2020</b>		
<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
RR113	Waterhatch Rd (RoadID: 2) (Maintenance)	7,936.16
RR114	Westdale Rd (RoadID: 166) (Maintenance)	4,454.10
RR115	Williamsons Rd (RoadID: 63) (Maintenance)	404.34
RR116	Woods Rd (RoadID: 68) (Maintenance)	1,293.49
RR117	Woonderlin Rd (RoadID: 175) (Maintenance)	1,993.84
RR118	Wyalgima Rd (RoadID: 154) (Maintenance)	768.59
RR119	Yenyening Lakes Rd (RoadID: 7) (Maintenance)	6,423.82
RR120	York-Williams Rd (RoadID: 3) (Maintenance)	4,561.93
RR121	Young Rd (RoadID: 81) (Maintenance)	0.00
RR777	Contract Road Side Spraying	24,340.91
RR888	Tree Lopping - Rural Roads (Maintenance)	40,062.00
RR999	Rural Roads Various (Maintenance)	36,105.16
WANDRRA	Disaster Recovery Works	0.00
<b>Sub Total</b>	<b>Rural Road Maintenance</b>	<b>504,213.07</b>
	<b>Town Street Maintenance</b>	
TS001	Barnsley St (RoadID: 162) (Maintenance)	0.00
TS002	Bartram St (RoadID: 114) (Maintenance)	432.57
TS003	Brockman St (RoadID: 129) (Maintenance)	0.00
TS004	Brooking St (RoadID: 122) (Maintenance)	694.83
TS005	Broun St (RoadID: 144) (Maintenance)	0.00
TS006	Chestillion Ct (RoadID: 139) (Maintenance)	0.00
TS007	Chipper St (RoadID: 126) (Maintenance)	0.00
TS008	Council Rd (RoadID: 149) (Maintenance)	380.54
TS009	Courtney St (RoadID: 153) (Maintenance)	0.00
TS010	Dawson St (RoadID: 106) (Maintenance)	376.37
TS011	Delisle St (RoadID: 120) (Maintenance)	200.63
TS012	Dempster St (RoadID: 111) (Maintenance)	85.82
TS013	Duffield St (RoadID: 160) (Maintenance)	1,190.76
TS014	Edward St (RoadID: 107) (Maintenance)	82.21
TS015	Elizabeth St (RoadID: 131) (Maintenance)	363.67
TS016	Ernest Drv (RoadID: 135) (Maintenance)	24.22
TS017	Forrest St (RoadID: 103) (Maintenance)	8,659.84
TS018	George St North (RoadID: 161) (Maintenance)	268.79
TS019	George St South (RoadID: 145) (Maintenance)	0.00
TS020	Grigson St (RoadID: 172) (Maintenance)	0.00
TS021	Hamersley St (RoadID: 130) (Maintenance)	4,651.41

<b>SHIRE OF BEVERLEY ROAD MAINTENANCE REPORT FOR THE PERIOD ENDING 31 January 2020</b>		
<b>Job #</b>	<b>Job Description</b>	<b>YTD Actual 2019/20</b>
TS022	Harper St (RoadID: 109) (Maintenance)	829.38
TS023	Hope St (RoadID: 115) (Maintenance)	185.39
TS024	Hopkin St (RoadID: 128) (Maintenance)	0.00
TS025	Horley St (RoadID: 127) (Maintenance)	1,002.92
TS026	Hunt Rd (Maintenance)	1,431.73
TS027	Husking St (RoadID: 117) (Maintenance)	0.00
TS028	Hutchinson St (RoadID: 168) (Maintenance)	0.00
TS029	John St (RoadID: 105) (Maintenance)	599.90
TS030	Langsford St (RoadID: 152) (Maintenance)	519.47
TS031	Lennard St (RoadID: 113) (Maintenance)	194.36
TS032	Ludgate St (RoadID: 143) (Maintenance)	0.00
TS033	Lukin St (RoadID: 104) (Maintenance)	2,665.90
TS034	Mcneil St (RoadID: 141) (Maintenance)	4,210.64
TS035	Monger St (RoadID: 116) (Maintenance)	0.00
TS036	Morrison St (RoadID: 112) (Maintenance)	0.00
TS037	Nicholas St (RoadID: 123) (Maintenance)	913.22
TS038	Prior Pl (RoadID: 174) (Maintenance)	0.00
TS039	Queen St (RoadID: 110) (Maintenance)	1,914.03
TS040	Railway Pde (RoadID: 147) (Maintenance)	588.71
TS041	Railway St (RoadID: 146) (Maintenance)	6,805.30
TS042	Richardson St (RoadID: 124) (Maintenance)	149.44
TS043	Seabrook St (RoadID: 118) (Maintenance)	179.16
TS044	Sewell St (RoadID: 119) (Maintenance)	0.00
TS045	Shed St (RoadID: 136) (Maintenance)	48.41
TS046	Short St (RoadID: 121) (Maintenance)	49.67
TS047	Smith St (RoadID: 108) (Maintenance)	489.75
TS048	Taylor St (RoadID: 165) (Maintenance)	0.00
TS049	Vincent St (RoadID: 125) (Maintenance)	4,774.30
TS050	Wright St (RoadID: 150) (Maintenance)	0.00
TS051	Great Southern Hwy (Maintenance)	0.00
TS888	Tree Lopping - Town Streets (Maintenance)	34.51
TS999	Town Streets Various (Maintenance)	2,490.85
<b>Sub Total</b>	<b>Town Streets Maintenance</b>	<b>47,488.70</b>
<b>Total</b>	<b>Road Maintenance</b>	<b>551,701.77</b>



<b>SHIRE OF BEVERLEY</b> <b>INVESTMENT OF SURPLUS FUNDS</b> <b>AS AT 31 January 2020</b>						
<b>Account #</b>	<b>Account Name</b>	<b>Amount Invested (\$)</b>	<b>Total</b>	<b>Term</b>	<b>Interest Rate</b>	<b>Maturation</b>
<b>3027830</b>	<b>Reserve Funds Bendigo</b>					
	Long Service Leave	43,740.51				
	Office Equipment	95.16				
	Airfield Emergency	39,638.10				
	Plant	493,110.86				
	Bush Fire Fighters	127,574.61				
	Building	356,217.46				
	Recreation Ground	424,104.42				
	Cropping Committee	135,500.11				
	Avon River Development	25,640.73				
	Annual Leave	137,975.49				
	Community Bus	36,441.05				
	Road Construction	500,771.96				
	Senior Housing	76,144.15	2,396,954.60	6 mnths	1.60%	29/06/2020
<b>3152801</b>	<b>Term Deposit Bendigo</b>	405,300.33		3 mnths	1.85%	15/04/2020
<b>3194294</b>	<b>Term Deposit Bendigo</b>	304,363.32		3 mnths	1.65%	28/04/2020
<b>312599</b>	<b>Term Deposit Bendigo</b>	303,698.63		6 mnths	1.62%	24/03/2020
<b>3236190</b>	<b>Term Deposit Bendigo</b>	301,654.52		4 mnths	1.50%	4/05/2020
<b>3103195</b>	<b>Term Deposit Bendigo</b>	300,000.00		5 mnths	1.65%	3/02/2020
<b>3103197</b>	<b>Term Deposit Bendigo</b>	300,000.00		6 mnths	1.65%	3/03/2020
<b>9145-40222</b>	<b>ANZ Term Deposit</b>	301,241.58	2,216,258.38	3 mnths	1.45%	2/04/2020
	<b>Total</b>		<b>4,613,212.98</b>			

### **11.3 Accounts Paid by Authority – December 2019**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>31 January 2020</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>N/A</b>
<b>AUTHOR:</b>	<b>S.K. Marshall, Deputy Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>December 2019 – List of Accounts</b>

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#### **SUMMARY**

Council to consider authorising the payment of accounts.

#### **BACKGROUND**

The following list represents accounts paid by authority for the month ending 31 December 2019.

#### **COMMENT**

Unless otherwise identified, all payments have been made in accordance with Council's 2019/20 Budget.

#### **STATUTORY ENVIRONMENT**

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

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

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

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

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

### FINANCIAL IMPLICATIONS

Unless otherwise identified, all payments have been made in accordance with Council's 2019/20 Budget.

### STRATEGIC IMPLICATIONS

Strategic Community Plan

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

### POLICY IMPLICATIONS

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

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That the List of Accounts as presented, be received:

#### December 2019:

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

##### Cheque vouchers

06 December 19	1753-1753	(1)	\$	954.38	(authorised by CEO S Gollan and DCEO S Marshall)
13 December 19	1754-1754	(1)	\$	74.00	(authorised by CEO S Gollan and DCEO S Marshall)
16 December 19	1755-1756	(2)	\$	2,976.64	(authorised by CEO S Gollan and DCEO S Marshall)
23 December 19	1757-1757	(1)	\$	19,545.91	(authorised by CEO S Gollan and Cr D White)
Total of cheque vouchers for December 2019 incl				\$ 23,550.93 previously paid	

##### EFT vouchers

06 December 19	EFT 5324-5342	(19)	\$	92,656.89	(authorised by CEO S Gollan and DCEO S Marshall)
11 December 19	EFT 1-40	(40)	\$	54,257.87	(authorised by CEO S Gollan and DCEO S Marshall)
13 December 19	EFT 5343-5349	(7)	\$	14,753.06	(authorised by CEO S Gollan and DCEO S Marshall)
16 December 19	EFT 5350-5358	(9)	\$	69,025.89	(authorised by CEO S Gollan and DCEO S Marshall)
23 December 19	EFT 1-41	(41)	\$	53,565.48	(authorised by CEO S Gollan and Cr D White)
23 December 19	EFT 5359-5414	(56)	\$	375,248.81	(authorised by CEO S Gollan and Cr D White)
Total of EFT vouchers for December 2019 incl				\$ 659,508.00 previously paid.	

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

##### Cheque vouchers

13 December 19	1511-1511	(1)	\$	50.00	(authorised by CEO S Gollan and DCEO S Marshall)
Total of cheque vouchers for December 2019 incl				\$ 50.00 previously paid.	

##### EFT vouchers

Nil vouchers

Total of EFT vouchers for December 2019 incl \$ 0.00 previously paid.

(3) **Direct Debit** Payments totalling \$ 80,984.34 previously paid.

(4) **Credit Card** Payments totalling \$ 1,617.69 previously paid.

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Cheque #	1753	06-Dec-2019	Water Corporation	Water use - Balkuling Rd Standpipe & Town Hall Trade Waste Permit	(954.38)	(954.38)
Cheque #	1754	13-Dec-2019	Origin Energy Retail Ltd	2020 Cylinder Rental x 2: 45kg LP Gas cylinders (Expiry: 27 Nov 2020)	(74.00)	(74.00)
Cheque #	1755	16-Dec-2019	ATO - Australian Tax Office	2019-11 Nov BAS Obligation	(1,070.00)	
Cheque #	1756	16-Dec-2019	Telstra	2019-12 Dec Telephone Accounts	(1,906.64)	(2,976.64)
Cheque #	1757	23-Dec-2019	Water Corporation	2019-12 Dec Water Accounts	(19,545.91)	(19,545.91)
EFT Pymt	EFT 5324	06-Dec-2019	AAA Asphalt Surfaces	Various Rds: 1T Cold mix	(434.50)	
EFT Pymt	EFT 5325	06-Dec-2019	Avon Waste	2,024 Bin Collection FE 22 Nov 19 inc Recycling Bins & 3 x Recycling Collections	(4,622.45)	
EFT Pymt	EFT 5326	06-Dec-2019	BOC Limited	2019-11 Nov Cylinder Rental: Medical oxygen C size	(5.90)	
EFT Pymt	EFT 5327	06-Dec-2019	Beverley Dome Fuel & Hire (BDF)	4,000 L Diesel @ \$1.4042/L GST incl	(5,616.80)	
EFT Pymt	EFT 5328	06-Dec-2019	C & D Cutri	Various bridges: Preventative maintenance	(32,406.00)	
EFT Pymt	EFT 5329	06-Dec-2019	Country Copiers Northam	Copier iR8595: 1 pk x P1 saddleback staples	(92.40)	
EFT Pymt	EFT 5330	06-Dec-2019	Eds Sheds Solutions	AS11053 (LBS1905) Westdale Fire Shed: Erection of	(8,660.00)	
EFT Pymt	EFT 5331	06-Dec-2019	Game On Contracting P/L	RRG 2001 - Westdale Rd: Water carting 14 - 21 Jan 2019	(17,490.00)	
EFT Pymt	EFT 5332	06-Dec-2019	Michael Wilson	2019-12 Dec: Photocopying & Delivery of the Blarney, Edition 422	(250.00)	
EFT Pymt	EFT 5333	06-Dec-2019	Midalia Steel Northam	Depot: 11.90m Colourbond trim deck	(143.61)	
EFT Pymt	EFT 5334	06-Dec-2019	Northam Betta Home Living	Councillors: 9 x Tablets with keyboard & carry case	(3,960.00)	
EFT Pymt	EFT 5335	06-Dec-2019	PCS - Perfect Computer Solutions	2019-11 Nov Medical Computer Support	(255.00)	
EFT Pymt	EFT 5336	06-Dec-2019	Remote Industrial Training Services P/L	Various Bldgs: Sep-Oct 2019 Test & Tag of RCDs, Exit Lights & Equipment	(4,035.90)	
EFT Pymt	EFT 5337	06-Dec-2019	Shire of Kellerberrin	LG Professionals Conference Dinner - 7 Nov 2019: CEO apportion	(75.00)	
EFT Pymt	EFT 5338	06-Dec-2019	Shire of Koorda	Co-contribution to Wheatbelt Secondary Freight Network - Stage 1 Priority Works	(6,600.00)	
EFT Pymt	EFT 5339	06-Dec-2019	Allison Leigh Bowman	Reimbursement - DoT Trellis Training 18 - 22 Nov 2019: Refreshments	(98.10)	
EFT Pymt	EFT 5340	06-Dec-2019	Synergy	2019-12 Dec Self read accts, Cpark & Street Lights: 25 Aug - 24 Nov 19 adjusted	(5,663.54)	



TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 5341	06-Dec-2019	Toll Ipec P/L (Courier Aust)	Freight Charges: 05 - 22 Nov 2019	(102.69)	
EFT Pymt	EFT 5342	06-Dec-2019	WALGA - WA Loc Gov Assoc	Oct 2019 Electoral advertising programme	(2,145.00)	(92,656.89)
EFT Pymt	EFT 5343	13-Dec-2019	Avon Express	2019-11 Nov Freight Charges	(330.00)	
EFT Pymt	EFT 5344	13-Dec-2019	BSL - Department of Mines, Industry Regulations and Safety (DMIRS)	2019-11 Nov 19 Collections x 4 (Lics 19/20: 14, 15, 16, 17)	(453.33)	
EFT Pymt	EFT 5345	13-Dec-2019	Dalene Nicola Davies	Heroic Bike Ride - 13 Oct 2019: Catering for Afternoon Tea (funds to be donated to the Youth Park)	(2,000.00)	
EFT Pymt	EFT 5346	13-Dec-2019	JR & A Hersey P/L	Protective Equipment: Anti fog googles	(234.43)	
EFT Pymt	EFT 5347	13-Dec-2019	Phoenix Shed Assembly	AS11055 (LBN2003) Community Bus Shed: Deposit	(11,056.80)	
EFT Pymt	EFT 5348	13-Dec-2019	Staff - David Arthur Rattue	Reimbursement: 5L water jug	(24.00)	
EFT Pymt	EFT 5349	13-Dec-2019	WA Contract Ranger Services	Ranger Services: 22 - 29 Nov 2019	(654.50)	(14,753.06)
EFT Pymt	EFT 5350	16-Dec-2019	Amor Kare Moulton	2019 Christmas Party - 19 Dec 2019: Catering for 70	(2,100.00)	
EFT Pymt	EFT 5351	16-Dec-2019	Australia Post	2019-11 Nov Postage	(434.33)	
EFT Pymt	EFT 5352	16-Dec-2019	Beverley Country Kitchen (BCK)	Fire on Williamson Rd 11-12 Dec 2019: Catering	(1,532.70)	
EFT Pymt	EFT 5353	16-Dec-2019	Beverley Electrical Services (BES)	Firefighting: Portable mobile booster for use on firegrounds	(1,525.54)	
EFT Pymt	EFT 5354	16-Dec-2019	Bradley Peter Jovanovic	Rates refund (withdrawal) for Ass 51187 - L8274 Jacobs Well Rd Morbinning 6304	(1,500.00)	
EFT Pymt	EFT 5355	16-Dec-2019	CAS - Contract Aquatic Services	2 of 5 install of Contract Management for 2019/20 swim year	(14,608.00)	
EFT Pymt	EFT 5356	16-Dec-2019	OTS Electrical - Oceanic Technology Services P/L	AS11021 (LBS2002) Lighting Towers Maintenance	(12,578.50)	
EFT Pymt	EFT 5357	16-Dec-2019	Unique Strokes WA	AS11011 (LBS2003) - Rlwy Stn Painting External & Internal: Final payment	(17,480.00)	
EFT Pymt	EFT 5358	16-Dec-2019	WA Treasury Corporation	Loans 117 & 119 (Bowling Club & Stormwater collection ): Dec 2019 repayments	(17,266.82)	(69,025.89)
EFT Pymt	EFT 5359	23-Dec-2019	AAA Asphalt Surfaces	Various Rds: 1T bulkabag Coldmix	(1,303.50)	
EFT Pymt	EFT 5360	23-Dec-2019	AITs Specialists P/L	2019-11 Nov Fuel Tax Credits	(273.79)	
EFT Pymt	EFT 5361	23-Dec-2019	ASB Marketing P/L	Councillors and Staff: Name Badges & Desk plates	(179.30)	
EFT Pymt	EFT 5362	23-Dec-2019	Afgri Equipment Aust P/L	BE001 (PGRD04): Parts	(54.08)	

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 5363	23-Dec-2019	Avon Trading Pty Ltd	2019-11 Nov Hardware Purchases	(1,075.39)	
EFT Pymt	EFT 5364	23-Dec-2019	Avon Waste	2,024 Bin Collection FE 06 Dec 19 inc Recycling Bins & 3 x Recycling Collections	(4,622.45)	
EFT Pymt	EFT 5365	23-Dec-2019	Baileys Fertilisers	Rec Grnd - Oval: Fertiliser	(1,405.25)	
EFT Pymt	EFT 5366	23-Dec-2019	Beverley Community Resource Centre (Bev CRC)	2019-12 Dec (Ed 422): Blarney Compilation for Production	(1,000.00)	
EFT Pymt	EFT 5367	23-Dec-2019	Beverley Country Kitchen (BCK)	Council Meet - 17 Dec 2019: Catering	(450.00)	
EFT Pymt	EFT 5368	23-Dec-2019	Beverley Dome Fuel & Hire (BDF)	8,000 L Diesel @ \$1.4136/L GST incl	(11,308.80)	
EFT Pymt	EFT 5369	23-Dec-2019	Beverley Golf Club	Community Grant: Power to Workshop Shed	(1,485.00)	
EFT Pymt	EFT 5370	23-Dec-2019	Beverley Post News and Gifts (BPNG)	2019-11 Nov Newspaper subscriptions & Stationery purchases	(73.49)	
EFT Pymt	EFT 5371	23-Dec-2019	Beverley Supermarket & Liquor (IGA)	2019-11 Nov Purchases	(2,277.49)	
EFT Pymt	EFT 5372	23-Dec-2019	Beverley Tyre Service (BTS)	2019-11 Nov Tyre Purchases	(209.00)	
EFT Pymt	EFT 5373	23-Dec-2019	Bunnings Building Supplies P/L	Various: Hardware supplies	(476.00)	
EFT Pymt	EFT 5374	23-Dec-2019	Colas WA P/L	RRG2001 - Westdale Rd: Bitumen sealing work	(34,547.98)	
EFT Pymt	EFT 5375	23-Dec-2019	Country Copiers Northam	Copy Charges - IRA 8595: 05 Nov - 18 Dec 2019	(320.66)	
EFT Pymt	EFT 5376	23-Dec-2019	Countryside Pest Control	Avondale Machinery Museum: Spider control	(363.00)	
EFT Pymt	EFT 5377	23-Dec-2019	DORMAKABA Australia P/L	2019/20 Bi Annual Service of Automatic Front Doors - November 2019	(132.00)	
EFT Pymt	EFT 5378	23-Dec-2019	Dawsons Concrete & Reinforcing	FC2001 (Footpath Renewal): Forrest St - progress payment 2	(44,244.40)	
EFT Pymt	EFT 5379	23-Dec-2019	Dept of Fire & Emergency Services (DFES)	2019/20 ESL (Option B) 2nd Quarterly Payment	(35,803.88)	
EFT Pymt	EFT 5380	23-Dec-2019	Desert Telephone & Power Services	FC2001 - Footpath Renewal (Forrest St): Telstra pit extension	(660.00)	
EFT Pymt	EFT 5381	23-Dec-2019	Filters Plus	BE028 (PTRK02): Parts	(36.96)	
EFT Pymt	EFT 5382	23-Dec-2019	Focus Networks	Computer Support - Additional Charges: Oct 2019	(572.00)	
EFT Pymt	EFT 5383	23-Dec-2019	Frederick Symmons	Rates refund (sale of property) for Ass 560 - 4 Forrest Street, Beverley 6304	(155.24)	
EFT Pymt	EFT 5384	23-Dec-2019	Garrards P/L	Mosquito Control: Chemical product	(689.55)	
EFT Pymt	EFT 5385	23-Dec-2019	Grants Empire	Consultancy re Vincent Street Streetscape Project Application: Payment 2 of 2	(1,980.00)	
EFT Pymt	EFT 5386	23-Dec-2019	Guildford Garden Machinery	PSP99 (Sundry Plant): Repairs	(248.00)	

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 5387	23-Dec-2019	Hanson Construction Materials Pty Ltd	RRG2001 - Westdale Rd: 171.06 T 10mm washed granite	(7,289.56)	
EFT Pymt	EFT 5388	23-Dec-2019	JR & A Hersey P/L	Various: Supplies	(1,044.50)	
EFT Pymt	EFT 5389	23-Dec-2019	Jason Signmakers	Various roads & Refuse site: Signage	(839.91)	
EFT Pymt	EFT 5390	23-Dec-2019	Kathryn Joyce Badger	Rates refund (credit balance) for Ass 33 - 94 Vincent Street, Beverley 6304	(500.00)	
EFT Pymt	EFT 5391	23-Dec-2019	Kilma WA Pty Ltd	Rates refund (o/pymt) for Ass 51671 - 126 Vincent Street, Beverley 6304	(247.24)	
EFT Pymt	EFT 5392	23-Dec-2019	Landgate	Valuation Fees (Rural UV Interim Shd): 17 Aug - 28 Oct 19 x 2 values	(151.61)	
EFT Pymt	EFT 5393	23-Dec-2019	Little Eco Hill	AS11053 (LBS1905) Westdale Fire Shed: Groundworks for the Entry & Exit	(726.00)	
EFT Pymt	EFT 5394	23-Dec-2019	Malcolm James McCallum	Rates refund (o/pymt) for Ass 1556 - L103 Steve Edwards Drive Bally Bally 6304	(85.30)	
EFT Pymt	EFT 5395	23-Dec-2019	McNaughtans P/L	Various plant: Locks	(360.93)	
EFT Pymt	EFT 5396	23-Dec-2019	Napa Parts - Midland (Division of GPC Asia Pacific P/L)	BE016 (PUTE08): Parts	(558.25)	
EFT Pymt	EFT 5397	23-Dec-2019	Officeworks Ltd	2019-12 Dec: Paper & Stationery Order	(1,642.88)	
EFT Pymt	EFT 5398	23-Dec-2019	Practical Products P/L	Town Hall: Kitchen supplies	(308.00)	
EFT Pymt	EFT 5399	23-Dec-2019	RA-AN Enterprises	MUN2007 - Morbinning Rd: Equipment hire for drainage	(4,180.00)	
EFT Pymt	EFT 5400	23-Dec-2019	Remote Industrial Training Services P/L	Various blgs & plant: Sep & Oct 2019 Test & tag of Fire Extinguishers & Equipment	(1,018.60)	
EFT Pymt	EFT 5401	23-Dec-2019	Road Seal (WA) Pty Ltd	MUN2007 - Morbinning Rd: Sealing of road	(17,969.60)	
EFT Pymt	EFT 5402	23-Dec-2019	Shazmac Plumbing	Bally Bally Hall: Installation of new toilets	(371.00)	
EFT Pymt	EFT 5403	23-Dec-2019	Staff - Stefan de Beer	Reimbursements: Nov to Dec 2019 Landline & Internet costs	(81.41)	
EFT Pymt	EFT 5404	23-Dec-2019	Synergy	Various x 4, Power use: Nov - Dec 2019	(3,400.26)	
EFT Pymt	EFT 5405	23-Dec-2019	The Two J Group P/L t/a Millers Home Improvements WA	Vincent St Paving: Repairs	(6,820.00)	
EFT Pymt	EFT 5406	23-Dec-2019	Total Eden P/L	Admin Bldg: Front garden retic	(441.53)	
EFT Pymt	EFT 5407	23-Dec-2019	Total Tools Midland	Minor Plant Purchases: Demolition Hammer	(1,149.00)	
EFT Pymt	EFT 5408	23-Dec-2019	Truckline, Specialist Wholesalers P/L ta	BE021 (PLDR05): Parts	(51.11)	
EFT Pymt	EFT 5409	23-Dec-2019	Turn It Up Electrical (TIU)	30A Dawson St: Wiring for replacement cooktop & oven	(99.18)	

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 5410	23-Dec-2019	WA Contract Ranger Services	Ranger Services: 05 - 17 Dec 2019 (incl Firebreak Inspections)	(794.75)	
EFT Pymt	EFT 5411	23-Dec-2019	WA Treasury Corporation	Loan 118 (New Sporting Complex) - DEB 13 of 33 Repayment : Dec 2019	(39,629.21)	
EFT Pymt	EFT 5412	23-Dec-2019	Western Stabilisers P/L	RRG2001 - Westdale Rd & MUN2007 Morbinning Rd: Stabilisation	(137,168.47)	
EFT Pymt	EFT 5413	23-Dec-2019	Workhouse Advertising P/L	2018/19 Annual Report: Prep for publication	(2,310.00)	
EFT Pymt	EFT 5414	23-Dec-2019	ZircoData Pty Ltd	2019-11 Nov: Storage of Archives 138 x A1 Storage Boxes (Std Ctn)	(63.30)	(375,248.81)
Direct Debit	DD 2488.01	10-Dec-2019	Shadforth Portfolio Service - Super	Superannuation contributions	(827.72)	
Direct Debit	DD 2488.02	10-Dec-2019	UniSuper	Superannuation contributions	(203.63)	
Direct Debit	DD 2488.03	10-Dec-2019	WA Super	Superannuation contributions	(6,662.02)	
Direct Debit	DD 2488.04	10-Dec-2019	Australian Super	Superannuation contributions	(731.51)	
Direct Debit	DD 2488.05	10-Dec-2019	Superwrap - Personal Super Plan	Superannuation contributions	(58.71)	
Direct Debit	DD 2488.06	10-Dec-2019	BT Super For Life	Superannuation contributions	(358.99)	
Direct Debit	DD 2488.07	10-Dec-2019	MLC MasterKey Personal Super	Superannuation contributions	(64.58)	
Direct Debit	DD 2488.08	10-Dec-2019	Sunsuper Superannuation Fund	Superannuation contributions	(111.81)	
Direct Debit	DD 2488.09	10-Dec-2019	Colonial First State Super (Gibson Daniel)	Superannuation contributions	(229.07)	
Direct Debit	DD 2488.10	10-Dec-2019	Cbus Super Fund	Superannuation contributions	(202.54)	(9,450.58)
Direct Debit	DD 2507.01	24-Dec-2019	Shadforth Portfolio Service - Super	Superannuation contributions	(827.72)	
Direct Debit	DD 2507.02	24-Dec-2019	AMP Lifetime Super	Superannuation contributions	(74.25)	
Direct Debit	DD 2507.03	24-Dec-2019	UniSuper	Superannuation contributions	(207.46)	
Direct Debit	DD 2507.04	24-Dec-2019	WA Super	Superannuation contributions	(6,693.87)	
Direct Debit	DD 2507.05	24-Dec-2019	Australian Super	Superannuation contributions	(687.28)	
Direct Debit	DD 2507.06	24-Dec-2019	Superwrap - Personal Super Plan	Superannuation contributions	(11.74)	
Direct Debit	DD 2507.07	24-Dec-2019	BT Super For Life	Superannuation contributions	(358.99)	
Direct Debit	DD 2507.08	24-Dec-2019	MLC MasterKey Personal Super	Superannuation contributions	(33.76)	
Direct Debit	DD 2507.09	24-Dec-2019	Sunsuper Superannuation Fund	Superannuation contributions	(111.81)	



TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Direct Debit	DD 2507.10	24-Dec-2019	Colonial First State Super (Gibson Daniel)	Superannuation contributions	(235.92)	
Direct Debit	DD 2507.11	24-Dec-2019	Cbus Super Fund	Superannuation contributions	(202.54)	(9,445.34)
Direct Debit	52	02-Dec-2019	8 - ANZ Transactive	ANZ Transactive Merchant Fee	(2.54)	
Direct Debit	52	03-Dec-2019	7 - CBA Merchant Fee	CBA Merchant Fee	(309.92)	
Direct Debit	52	05-Dec-2019	12 - ANZ BPAY	ANZ - BPAY Txn Fees	(78.38)	
Direct Debit	52	05-Dec-2019	8 - ANZ Transactive	ANZ Transactive Bpay	(87.20)	
Direct Debit	52	05-Dec-2019	8 - ANZ Transactive	ANZ Transactive	(77.00)	(555.04)
Direct Debit	52	02-Dec-2019	3 - Payments for DoT	Payments for DoT	(773.90)	
Direct Debit	52	03-Dec-2019	3 - Payments for DoT	Payments for DoT	(2,640.95)	
Direct Debit	52	04-Dec-2019	3 - Payments for DoT	Payments for DoT	(3,837.60)	
Direct Debit	52	05-Dec-2019	3 - Payments for DoT	Payments for DoT	(1,976.65)	
Direct Debit	52	06-Dec-2019	3 - Payments for DoT	Payments for DoT	(3,189.10)	
Direct Debit	52	09-Dec-2019	3 - Payments for DoT	Payments for DoT	(6,278.00)	
Direct Debit	52	09-Dec-2019	3 - Payments for DoT	Payments for DoT	(450.00)	
Direct Debit	52	09-Dec-2019	3 - Payments for DoT	Payments for DoT	6,278.00	
Direct Debit	52	09-Dec-2019	3 - Payments for DoT	Payments for DoT	450.00	
Direct Debit	52	09-Dec-2019	3 - Payments for DoT	Payments for DoT	(6,728.00)	
Direct Debit	52	10-Dec-2019	3 - Payments for DoT	Payments for DoT	(6,518.85)	
Direct Debit	52	11-Dec-2019	3 - Payments for DoT	Payments for DoT	(2,111.30)	
Direct Debit	52	12-Dec-2019	3 - Payments for DoT	Payments for DoT	(1,480.85)	
Direct Debit	52	13-Dec-2019	3 - Payments for DoT	Payments for DoT	(2,936.65)	
Direct Debit	52	16-Dec-2019	3 - Payments for DoT	Payments for DoT	(4,093.80)	
Direct Debit	52	17-Dec-2019	3 - Payments for DoT	Payments for DoT	(9,518.20)	
Direct Debit	52	18-Dec-2019	3 - Payments for DoT	Payments for DoT	(1,864.65)	
Direct Debit	52	19-Dec-2019	3 - Payments for DoT	Payments for DoT	(3,397.60)	
Direct Debit	52	20-Dec-2019	3 - Payments for DoT	Payments for DoT	(5,433.05)	
Direct Debit	52	23-Dec-2019	3 - Payments for DoT	Payments for DoT	(1,708.60)	

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Direct Debit	52	24-Dec-2019	3 - Payments for DoT	Payments for DoT	(1,795.20)	
Direct Debit	52	27-Dec-2019	3 - Payments for DoT	Payments for DoT	(406.30)	(60,411.25)
Direct Debit	EFT 5323	02-Dec-2019	Exetel P/L	2019-11 Nov: 2nd NBN service SMB NBN 50/20 unlimited - 0861471366	(70.00)	(70.00)
Direct Debit	EFT 5416	31-Dec-2019	Ixom Operations P/L [Chemicals Aust Operations P/L (nee Orica)]	2019-11 Nov: 2 x Chlorine gas 70kg cylinders & Nov 2019 Cylinder rental	(1,052.13)	(1,052.13)
Direct Debit	EFT 5415	27-Dec-2019	Credit Card - Shire of Beverley	Nov 2019 Credit Card Purchases	(1,671.69)	(1,671.69)
<b>PAYMENTS RAISED IN CURRENT MONTH</b>					<b>(657,891.61)</b>	<b>(657,891.61)</b>
<b>WAGES &amp; SALARIES</b>						
EFT Pymt		12-Dec-2019	Wages & Salaries	FE - 10 Dec 2019	(54,257.87)	
EFT Pymt		23-Feb-2019	Wages & Salaries	FE - 24 Dec 2019	(53,565.48)	
<b>WAGES &amp; SALARIES</b>					<b>(107,823.35)</b>	<b>(107,823.35)</b>
<b>UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT</b>						
<b>UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT</b>					<b>0.00</b>	<b>0.00</b>
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>						
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>					<b>0.00</b>	<b>0.00</b>
<b>TRANSFERS to TRUST</b>						
<b>TRANSFERS to TRUST</b>					<b>0.00</b>	<b>0.00</b>
<b>OTHER AMENDMENTS/GENERAL JOURNALS</b>						
<b>OTHER AMENDMENTS/GENERAL JOURNALS</b>					<b>0.00</b>	<b>0.00</b>
<b>INVESTMENTS</b>						
<b>INVESTMENTS</b>					<b>0.00</b>	<b>0.00</b>
<b>TOTAL EXPENDITURE for MUNICIPAL ACCOUNT</b>						<b>(765,714.96)</b>

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
<b>CREDIT CARD PAYMENT SUMMARY for CURRENT BANK STATEMENT</b>						
Credit card	20010006671	07-Nov-2019	Northam Betta Home Living	CEO: 11.6 notebook	478.00	
Credit card	295640	08-Nov-2019	Crown Towers	LG Professionals Conference 07 - 08 Nov 2019: CEO S Gollan	732.69	
Credit card	1524257	25-Nov-2019	Statewide Bearings	Sundry Plant: Parts	53.00	
Credit card	1-2276763851137	27-Nov-2019	Telstra Online	Payroll Obligation Mobile: Recharge	70.00	
Credit card	1978190	28-Nov-2019	Hares & Forbes	Minor plant purchase: Pallet jack	330.00	<b>1,663.69</b>
<b>AVONDALE PURCHASES (Machinery Shed Museum)</b>						
Credit card	2180/00253162	13-Nov-2019	Bunnings	Parts (10L demineralised water Klearwave)	8.00	<b>8.00</b>
<b>CREDIT CARD PAYMENT SUMMARY for CURRENT BANK STATEMENT</b>					<b>1,671.69</b>	<b>1,671.69</b>
<b>TRUST ACCOUNT DETAILS</b>						
<b>PAYMENTS RAISED IN CURRENT MONTH</b>						
Cheque #	1511	13-Dec-2019	Colleen Dallas Garnett	Refund of Gym Key Bond (Rec 21770)	(50.00)	
<b>PAYMENTS RAISED IN CURRENT MONTH</b>					<b>(50.00)</b>	<b>(50.00)</b>
<b>PAYMENTS UNPRESENTED IN CURRENT BANK #</b>						
Cheque #	1511	13-Dec-2019	Colleen Dallas Garnett	Refund of Gym Key Bond (Rec 21770)	50.00	
<b>PAYMENTS UNPRESENTED IN CURRENT BANK #</b>					<b>50.00</b>	<b>50.00</b>
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>						
Cheque #	1510	28-Nov-2019	Mr Brian Sims	Refund of Bonds - Hall Hire, Booking 23 Nov 2019 (Rec 23762)	(200.00)	
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>					<b>(200.00)</b>	<b>(200.00)</b>
<b>OTHER AMENDMENTS/GENERAL JOURNALS</b>						
<b>OTHER AMENDMENTS/GENERAL JOURNALS</b>					<b>0.00</b>	<b>0.00</b>
<b>TOTAL EXPENDITURE for TRUST ACCOUNT</b>						<b>(200.00)</b>

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
<b>TOTAL EXPENDITURE as reconciled to the DECEMBER 2019 BANK STATEMENTS</b>						
				Municipal Account Expenditure		(765,714.96)
				Trust Account Expenditure		(200.00)
				<b>TOTAL EXPENDITURE for DECEMBER 2019</b>		<b>(765,914.96)</b>



#### **11.4 Accounts Paid by Authority – January 2020**

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**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 18 February 2020  
**APPLICANT:** N/A  
**FILE REFERENCE:** N/A  
**AUTHOR:** S.K. Marshall, Deputy Chief Executive Officer  
**ATTACHMENTS:** January 2020 – List of Accounts

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#### **SUMMARY**

Council to consider authorising the payment of accounts.

#### **BACKGROUND**

The following list represents accounts paid by authority for the month ending 31 January 2020.

#### **COMMENT**

Unless otherwise identified, all payments have been made in accordance with Council's 2019/20 Budget.

#### **STATUTORY ENVIRONMENT**

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

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

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

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

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

### FINANCIAL IMPLICATIONS

Unless otherwise identified, all payments have been made in accordance with Council's 2019/20 Budget.

### STRATEGIC IMPLICATIONS

Strategic Community Plan

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

### POLICY IMPLICATIONS

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

### VOTING REQUIREMENTS

Simple Majority

### OFFICER'S RECOMMENDATION

That the List of Accounts as presented, be received:

#### January 2020:

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

##### Cheque vouchers

17 January 20	1758-1760	(3)	\$	25,627.34	(authorised by CEO S Gollan and DCEO S Marshall)
				Total of cheque vouchers for January 2020 incl	\$ 25,627.34 previously paid

##### EFT vouchers

07 January 20	EFT 1-39	(39)	\$	53,213.93	(authorised by CEO S Gollan and DCEO S Marshall)
17 January 20	EFT 5418-5459	(42)	\$	85,380.22	(authorised by CEO S Gollan and DCEO S Marshall)
22 January 20	EFT 1-40	(40)	\$	55,438.68	(authorised by CEO S Gollan and DCEO S Marshall)
23 January 20	EFT 5461-5478	(18)	\$	50,161.99	(authorised by CEO S Gollan and DCEO S Marshall)
30 January 20	EFT 5480-5496	(17)	\$	65,318.86	(authorised by CEO S Gollan and DCEO S Marshall)
				Total of EFT vouchers for January 2020 incl	\$ 309,513.68 previously paid.

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

##### Cheque vouchers

13 January 20	1512-1512	(1)	\$	30.00	(authorised by CEO S Gollan and DCEO S Marshall)
				Total of cheque vouchers for January 2020 incl	\$ 30.00 previously paid.

##### EFT vouchers

21 January 20	EFT 5460-5460	(1)	\$	200.00	(authorised by DCEO S Marshall and Cr D White)
				Total of EFT vouchers for January 2020 incl	\$ 200.00 previously paid.

(3) **Direct Debit** Payments totalling \$ 69,243.51 previously paid.

(4) **Credit Card** Payments totalling \$1,138.16 previously paid.

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Cheque #	1758	17-Jan-2020	ATO - Australian Tax Office	2019-12 Dec BAS Obligation (incl FBT contribution)	(22,331.00)	
Cheque #	1759	17-Jan-2020	Telstra	2020-01 Jan Telephone Accounts	(3,251.74)	
Cheque #	1760	17-Jan-2020	Water Corporation	Water use - Mens Shed (Vincent St) - Service Fees: Jan - Feb 20	(44.60)	(25,627.34)
EFT Pymt	EFT 5418	17-Jan-2020	AITs Specialists P/L	2019-12 Dec Fuel Tax Credits	(219.23)	
EFT Pymt	EFT 5419	17-Jan-2020	AMD Chartered Accountants	Financial Management Systems Review	(7,460.64)	
EFT Pymt	EFT 5420	17-Jan-2020	ASB Marketing P/L	Uniforms: Admin Staff	(401.28)	
EFT Pymt	EFT 5421	17-Jan-2020	Afgri Equipment Aust P/L	BE036 (PLDR03): Repairs	(2,902.78)	
EFT Pymt	EFT 5422	17-Jan-2020	Australia Post	2019-12 Dec Postage	(377.34)	
EFT Pymt	EFT 5423	17-Jan-2020	Avon Express	2019-12 Dec Freight Charges	(286.00)	
EFT Pymt	EFT 5424	17-Jan-2020	Avon Waste	4,048 Bin Collection ME 03 Jan 20 inc Recycling Bins & 3 x Recycling Collections	(9,244.90)	
EFT Pymt	EFT 5425	17-Jan-2020	BOC Limited	2019-12 Dec Cylinder Rental: Medical oxygen C size	(6.09)	
EFT Pymt	EFT 5426	17-Jan-2020	BSL - Department of Mines, Industry Regulations and Safety (DMIRS)	2019-12 Dec 19 Collections x 1 (Lics 19/20: 18)	(386.74)	
EFT Pymt	EFT 5427	17-Jan-2020	Bev Community Resource Centre (Bev CRC)	Cleaning, Building, Library Services & Visitors Centre Management Fees (Oct - Dec 2019)	(12,162.93)	
EFT Pymt	EFT 5428	17-Jan-2020	Bev Football Club	Community Grant: Wireless sound system	(2,984.00)	
EFT Pymt	EFT 5429	17-Jan-2020	Bev Post News and Gifts (BPNG)	2019-12 Dec Newspaper subscriptions & Stationery Purchases	(76.23)	
EFT Pymt	EFT 5430	17-Jan-2020	Bev Supermarket & Liquor (IGA)	2019-12 Dec Purchases	(1,715.14)	
EFT Pymt	EFT 5431	17-Jan-2020	Bev Tyre Service (BTS)	2019-12 Dec Tyre Purchases	(605.50)	
EFT Pymt	EFT 5432	17-Jan-2020	Bunnings Building Supplies P/L	Caravan Park & Town Hall: LED globes	(190.00)	
EFT Pymt	EFT 5433	17-Jan-2020	Claudia Holschuh	Rates refund (overpayment) for Ass 51182 - L2553 York Williams Rd, Dale 6304	(103.66)	
EFT Pymt	EFT 5434	17-Jan-2020	Country Copiers Northam	New printer: Kyocera 2235DN & toner	(315.81)	
REJECTED	EFT 5435	17-Jan-2020	Covs Northam	PSP99 (Sundry Plant): Parts	(30.83)	
EFT Pymt	EFT 5436	17-Jan-2020	Daniel John David Fleay	Rates refund (overpayment) for Ass 1231 - L125 Westdale Rd, Beverley 6304	(117.18)	
EFT Pymt	EFT 5437	17-Jan-2020	Darryl Brian Sims	Rates refund (overpayment) for Ass 291 - 630 Potts Rd, Beverley 6304	(863.54)	

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 5438	17-Jan-2020	David Alexander John Fleay	Rates refund (overpayment) for Ass 51491 - 4396 Talbot West Rd, Talbot West 6304	(1,173.26)	
EFT Pymt	EFT 5439	17-Jan-2020	Focus Networks	2019-12 Dec Computer Support, Purchase of new pc & upgrade of software	(6,317.27)	
EFT Pymt	EFT 5440	17-Jan-2020	Frontline Fire & Rescue	ESL Fire Fighting Equipment: Fire fighting foam & Fire fighting clothing	(5,649.05)	
EFT Pymt	EFT 5441	17-Jan-2020	Hanson Construction Materials Pty Ltd	MUN2007 - Morbinning Rd: 7mm & 10mm washed single granite	(2,980.47)	
EFT Pymt	EFT 5442	17-Jan-2020	IT Vision	Purchase Order Module: Adjustment to display costings	(247.50)	
EFT Pymt	EFT 5443	17-Jan-2020	Jason Signmakers	Various: Guide posts & various signage	(3,184.50)	
EFT Pymt	EFT 5444	17-Jan-2020	Kimberley Leonard Boulton	Onsite Archiving & Keyword Training: 06 - 10 Jan 2020	(2,490.47)	
EFT Pymt	EFT 5445	17-Jan-2020	Kleenheat Gas	59 Smith St: 2019/20 Cylinder Rental - 2 x 45kg VAP	(79.20)	
EFT Pymt	EFT 5446	17-Jan-2020	LGIS Risk Management	2019/20 Regional Risk Coordination Programme - 1st Instalment	(4,247.10)	
EFT Pymt	EFT 5447	17-Jan-2020	Landgate	Valuation Fees (GRV Chargeable - Min charge): 02 - 29 Nov 19 x 1 value	(67.85)	
EFT Pymt	EFT 5448	17-Jan-2020	McIntosh & Son - REDCLIFFE	BE030 (PBH02): Parts	(368.83)	
EFT Pymt	EFT 5449	17-Jan-2020	Michael Wilson	2020-01 Jan: Photocopying & Delivery of the Blarney, Edition 423	(250.00)	
EFT Pymt	EFT 5450	17-Jan-2020	Officeworks Ltd	Rates PC replacement: Cabling	(93.95)	
EFT Pymt	EFT 5451	17-Jan-2020	PCS - Perfect Computer Solutions	Bev Med Practice: 2019-12 Dec Daily Monitoring, Mngment & Resolution of Disaster Recovery Options	(85.00)	
EFT Pymt	EFT 5452	17-Jan-2020	Phoenix Shed Assembly	AS11055 (LBN2003) Community Bus Shed: 2nd payment	(9,674.70)	
EFT Pymt	EFT 5453	17-Jan-2020	Royal Life Saving Society WA Inc	Nov 2019 - Swimming Pool Safety Inspection	(241.23)	
EFT Pymt	EFT 5454	17-Jan-2020	Shazmac Plumbing	Cstone Bldg: Repairs to Backflow preventor	(548.00)	
EFT Pymt	EFT 5455	17-Jan-2020	TQuip	PSP99 (Sundry Plant): Parts	(143.50)	
EFT Pymt	EFT 5456	17-Jan-2020	Toll Ipec P/L (Courier Aust)	Freight Charges: 12 - 13 Dec 2019	(98.95)	
EFT Pymt	EFT 5457	17-Jan-2020	Unique Strokes WA	AS11011 (LBS2003) - Rlwy Stn Painting External & Internal: Fence painting	(1,100.00)	
EFT Pymt	EFT 5458	17-Jan-2020	WA Treasury Corporation	Guarantee Fee on Loans 117, 118, 119 & 120 to 31 Dec 2019	(5,703.57)	
EFT Pymt	EFT 5459	17-Jan-2020	Wandu Electrical Services	Refund of credit balance of Debtor 4734	(186.00)	(85,380.22)



TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 5461	23-Jan-2020	Afgri Equipment Aust P/L	BE036 (PLDR03): Parts	(553.32)	
EFT Pymt	EFT 5462	23-Jan-2020	Avon Trading Pty Ltd	2019-12 Dec Hardware Purchases (Maintenance Officer)	(10.53)	
EFT Pymt	EFT 5463	23-Jan-2020	Avon Valley Windscreens	BE000 (PUTE12): Repairs	(429.00)	
EFT Pymt	EFT 5464	23-Jan-2020	Bev Community Resource Centre (Bev CRC)	2020-01 Jan (Ed 423): Blarney Compilation for Production & Aust Day Pool Celebration posters	(1,042.00)	
EFT Pymt	EFT 5465	23-Jan-2020	Chemdry Betta Finish	Admin Bldg & Rec Centre: Carpet & chair cleaning	(2,542.00)	
EFT Pymt	EFT 5466	23-Jan-2020	Correring P/L	Gravel Royalties: Jul - Dec 2019	(448.80)	
EFT Pymt	EFT 5467	23-Jan-2020	Covs Northam	PSP99 (Sundry Plant): Parts	(30.83)	
EFT Pymt	EFT 5468	23-Jan-2020	Dept of Planning, Lands & Heritage	Lease M252204 - Res Avon 28804, Kokeby East Rd & Lease M355805 - Res L27959 Bethany Rd: Jan - Jun 2020	(3,712.50)	
EFT Pymt	EFT 5469	23-Jan-2020	EA Strange & Co	Gravel Royalties: Jul - Dec 2019	(12,601.60)	
EFT Pymt	EFT 5470	23-Jan-2020	FD & SR Aynsley & Co	Gravel Royalties: Jul - Dec 2019	(739.20)	
EFT Pymt	EFT 5471	23-Jan-2020	Fleet Fitness (O'Shaughnessy Family Trust)	2020-01 Jan: Servicing of Gym Equipment	(91.30)	
EFT Pymt	EFT 5472	23-Jan-2020	Guildford Garden Machinery	Minor Plant Purchase: Fertiliser spreader	(899.00)	
EFT Pymt	EFT 5473	23-Jan-2020	Kimberley Leonard Boulton	Onsite Archiving: 13 - 21 Jan 2020	(3,429.73)	
EFT Pymt	EFT 5474	23-Jan-2020	Lynette Joy Isaacs	Rates refund (rebate applied) for Ass 379 - 94 Harper St, Beverley 6304	(40.00)	
EFT Pymt	EFT 5475	23-Jan-2020	RA-AN Enterprises	Gravel Royalties: Jul - Dec 2019	(10,893.30)	
EFT Pymt	EFT 5476	23-Jan-2020	Shacks Holden	BE1 (PSDN14): 12,000km service & replace windscreen	(1,210.00)	
EFT Pymt	EFT 5477	23-Jan-2020	Synergy	2020-01 Jan Electricity Accounts	(11,425.58)	
EFT Pymt	EFT 5478	23-Jan-2020	ZircoData Pty Ltd	2019-12 Dec: Storage of Archives 138 x A1 Storage Boxes (Std Ctn)	(63.30)	(50,161.99)
EFT Pymt	EFT 5480	30-Jan-2020	Afgri Equipment Aust P/L	BE029 (PGRD05): Supplies & BE036 (PLDR03): Parts	(259.28)	
EFT Pymt	EFT 5481	30-Jan-2020	Asset Infrastructure Management P/L	10% Progress pymt: Updating RAMM dbase & developing Roads & Path capital works programme	(4,752.00)	
EFT Pymt	EFT 5482	30-Jan-2020	Avon Trading Pty Ltd	2019-12 Dec Hardware purchases (Manager of Works)	(871.27)	
EFT Pymt	EFT 5483	30-Jan-2020	BT Equipment P/L ta Tutt Bryant Equipment	BE026 (PROL02): Parts	(156.12)	

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 5484	30-Jan-2020	Bev Dome Fuel & Hire (BDF)	8,004 L Diesel @ \$1.3889/L GST incl	(11,116.75)	
EFT Pymt	EFT 5485	30-Jan-2020	Bunnings Building Supplies P/L	Dale West BFB Shed: Keyless entrance lock	(215.64)	
EFT Pymt	EFT 5486	30-Jan-2020	Caravan Industry Association WA (Inc)	2020 Perth Caravan & Camping Show: 40% site fees (final invoice)	(1,398.82)	
EFT Pymt	EFT 5487	30-Jan-2020	Dawsons Concrete & Reinforcing	FC2001 (Footpath Renewal): Smith St - final payment	(27,497.00)	
EFT Pymt	EFT 5488	30-Jan-2020	Fleet Fitness (O'Shaughnessy Family Trust)	Purchasing new gym equipment	(11,000.00)	
EFT Pymt	EFT 5489	30-Jan-2020	Focus Networks	2020-01 Jan Computer Support	(3,461.59)	
EFT Pymt	EFT 5490	30-Jan-2020	JSF Brushes	Road broom (PSP03): Parts	(2,112.00)	
EFT Pymt	EFT 5491	30-Jan-2020	Kimberley Leonard Boulton	Onsite Archiving: 23 Jan 2020	(664.13)	
EFT Pymt	EFT 5492	30-Jan-2020	Mandurah Tile & Stone Co	AS12009 (LBN2001) 59 Smith St - Bathroom Refurb: Supplies	(706.00)	
EFT Pymt	EFT 5493	30-Jan-2020	Staff - Daryle E Burton	Reimbursement for fuel for Narrogin trip, 23 Jan 2020	(50.00)	
EFT Pymt	EFT 5494	30-Jan-2020	Toll Ipec P/L (Courier Aust)	Freight Charges: 27 Dec 2019	(62.76)	
EFT Pymt	EFT 5495	30-Jan-2020	WA Contract Ranger Services	Ranger Services: 09, 14 Jan 2020	(748.00)	
EFT Pymt	EFT 5496	30-Jan-2020	Wren Oil	Refuse Site: Disposal of Waste Oil - 4,300 L	(247.50)	(65,318.86)
Direct Debit	DD 2513.01	07-Jan-2020	Shadforth Portfolio Service - Super	Superannuation contributions	(827.72)	
Direct Debit	DD 2513.02	07-Jan-2020	WA Super	Superannuation contributions	(6,736.12)	
Direct Debit	DD 2513.03	07-Jan-2020	Australian Super	Superannuation contributions	(692.33)	
Direct Debit	DD 2513.04	07-Jan-2020	BT Super For Life	Superannuation contributions	(358.99)	
Direct Debit	DD 2513.05	07-Jan-2020	REST	Superannuation contributions	(46.59)	
Direct Debit	DD 2513.06	07-Jan-2020	Sunsuper Superannuation Fund	Superannuation contributions	(111.81)	
Direct Debit	DD 2513.07	07-Jan-2020	Colonial First State Super (Gibson Daniel)	Superannuation contributions	(235.91)	
Direct Debit	DD 2513.08	07-Jan-2020	Cbus Super Fund	Superannuation contributions	(202.54)	
Direct Debit	DD 2513.09	07-Jan-2020	UniSuper	Superannuation contributions	(216.86)	(9,428.87)
Direct Debit	DD 2531.01	21-Jan-2020	Shadforth Portfolio Service - Super	Superannuation contributions	(827.72)	

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Direct Debit	DD 2531.02	21-Jan-2020	UniSuper	Superannuation contributions	(201.76)	
Direct Debit	DD 2531.03	21-Jan-2020	WA Super	Superannuation contributions	(6,812.41)	
Direct Debit	DD 2531.04	21-Jan-2020	Australian Super	Superannuation contributions	(687.28)	
Direct Debit	DD 2531.05	21-Jan-2020	BT Super For Life	Superannuation contributions	(358.99)	
Direct Debit	DD 2531.06	21-Jan-2020	REST	Superannuation contributions	(23.29)	
Direct Debit	DD 2531.07	21-Jan-2020	Sunsuper Superannuation Fund	Superannuation contributions	(177.03)	
Direct Debit	DD 2531.08	21-Jan-2020	Colonial First State Super (Gibson Daniel)	Superannuation contributions	(229.07)	
Direct Debit	DD 2531.09	21-Jan-2020	Cbus Super Fund	Superannuation contributions	(202.54)	
Direct Debit	DD 2531.10	21-Jan-2020	AMP Lifetime Super	Superannuation contributions	(65.59)	(9,585.68)
Direct Debit	53	02-Jan-2020	8 - ANZ Transactive	ANZ Transactive Merchant Fee	(6.47)	(6.47)
Direct Debit	53	03-Jan-2020	7 - CBA Merchant Fee	CBA Merchant Fee	(215.92)	(215.92)
Direct Debit	53	06-Jan-2020	12 - ANZ - BPay	ANZ - BPay	(77.00)	(77.00)
Direct Debit	53	06-Jan-2020	12 - ANZ - BPay	ANZ - BPay	(39.60)	(39.60)
Direct Debit	53	06-Jan-2020	8 - ANZ Transactive	ANZ Transactive Merchant Fee	(70.40)	(70.40)
Direct Debit	53	06-Jan-2020	3 - Payments for DoT	Payments for DoT	(2,648.50)	
Direct Debit	53	07-Jan-2020	3 - Payments for DoT	Payments for DoT	(3,598.90)	
Direct Debit	53	08-Jan-2020	3 - Payments for DoT	Payments for DoT	(6,967.60)	
Direct Debit	53	09-Jan-2020	3 - Payments for DoT	Payments for DoT	(3,279.50)	
Direct Debit	53	10-Jan-2020	3 - Payments for DoT	Payments for DoT	(1,825.95)	
Direct Debit	53	13-Jan-2020	3 - Payments for DoT	Payments for DoT	(3,211.70)	
Direct Debit	53	14-Jan-2020	3 - Payments for DoT	Payments for DoT	(5,054.50)	
Direct Debit	53	15-Jan-2020	3 - Payments for DoT	Payments for DoT	(1,562.85)	
Direct Debit	53	16-Jan-2020	3 - Payments for DoT	Payments for DoT	(1,275.55)	
Direct Debit	53	17-Jan-2020	3 - Payments for DoT	Payments for DoT	(849.05)	
Direct Debit	53	20-Jan-2020	3 - Payments for DoT	Payments for DoT	(1,850.65)	
Direct Debit	53	21-Jan-2020	3 - Payments for DoT	Payments for DoT	(2,215.05)	
Direct Debit	53	22-Jan-2020	3 - Payments for DoT	Payments for DoT	(3,172.80)	

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
Direct Debit	53	23-Jan-2020	3 - Payments for DoT	Payments for DoT	(1,471.05)	
Direct Debit	53	24-Jan-2020	3 - Payments for DoT	Payments for DoT	(2,153.35)	
Direct Debit	53	28-Jan-2020	3 - Payments for DoT	Payments for DoT	(892.60)	
Direct Debit	53	29-Jan-2020	3 - Payments for DoT	Payments for DoT	(2,206.60)	
Direct Debit	53	30-Jan-2020	3 - Payments for DoT	Payments for DoT	(3,545.65)	
Direct Debit	53	31-Jan-2020	3 - Payments for DoT	Payments for DoT	(1,883.15)	
Direct Debit	53	31-Jan-2020	3 - Payments for DoT	Payments for DoT - Wrong posting period used	1,883.15	
Direct Debit	53	31-Jan-2020	3 - Payments for DoT	Payments for DoT	(1,883.15)	(49,665.00)
Direct Debit	EFT 5417	03-Jan-2020	Exetel P/L	2019-12 Dec: 2nd NBN service SMB NBN 50/20 unlimited - 0861471366	(70.00)	(70.00)
Direct Debit	EFT 5497	31-Jan-2020	Ixom Operations P/L [Chemicals Aust Operations P/L (nee Orica)]	2019-12 Dec: 2 x Chlorine gas 70kg Cylinder Rental	(84.57)	(84.57)
Direct Debit	EFT 5479	23-Jan-2020	Credit Card - Shire of Bev	Dec 2019 Credit Card Purchases	(1,138.16)	(1,138.16)
<b>PAYMENTS RAISED IN CURRENT MONTH</b>					<b>(296,870.08)</b>	<b>(296,870.08)</b>
<b>WAGES &amp; SALARIES</b>						
EFT Pymt		08-Jan-2020	Wages & Salaries	FE - 07 Jan 2020	(53,213.93)	
EFT Pymt		22-Jan-2020	Wages & Salaries	FE - 21 Jan 2020	(55,438.68)	
<b>WAGES &amp; SALARIES</b>					<b>(108,652.61)</b>	<b>(108,652.61)</b>
<b>UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT</b>						
<b>UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT</b>					<b>0.00</b>	<b>0.00</b>
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>						
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>					<b>0.00</b>	<b>0.00</b>
<b>TRANSFERS to TRUST</b>						
<b>TRANSFERS to TRUST</b>					<b>0.00</b>	<b>0.00</b>



TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
<b>OTHER AMENDMENTS/GENERAL JOURNALS</b>						
<b>OTHER AMENDMENTS/GENERAL JOURNALS</b>					<b>0.00</b>	<b>0.00</b>
<b>INVESTMENTS</b>						
<b>INVESTMENTS</b>					<b>0.00</b>	<b>0.00</b>
<b>TOTAL EXPENDITURE for MUNICIPAL ACCOUNT</b>						<b>(405,522.69)</b>
<b>CREDIT CARD PAYMENT SUMMARY for CURRENT BANK STATEMENT</b>						
Credit card	18898163	28-Nov-2019	Coates Hire	Coates Hire - Admin Garden Beds: Rotary hoe hire	165.44	
Credit card	01881112031 9132019	03-Dec-2019	CPP #6 - Cultural Centre	Parking for WALGA Presidents' Christmas Function, 03 Dec 2019 - 2 attendees	12.12	
Credit card	TABLE#40	10-Dec-2019	Mundaring Hotel	Plant Purchase Meeting, 10 Dec 2019: Refreshments x 4	162.50	
Credit card	22060105730 6	13-Dec-2019	Godfreys Kelmscott	Vacuum Cleaner	399.00	
Credit card	BE020/DEC1 9	17-Dec-2019	DoT	BE020 (PUTE10) - Vehicle registration to 31 Mar 2020	116.10	
Credit card	BE016/DEC1 9	17-Dec-2019	DoT	BE016 (PUTE08) - Vehicle registration to 31 Mar 2020	109.10	
Credit card	BE037/DEC1 9	17-Dec-2019	DoT	BE037 (PTRK05) - Vehicle registration to 31 Mar 2020	109.10	
Credit card	BE030/DEC1 9	17-Dec-2019	DoT	BE030 (PBH02) - Vehicle registration to 31 Mar 2020	32.40	
Credit card	BE036/DEC1 9	17-Dec-2019	DoT	BE036 (PLDR03) - Vehicle registration to 31 Mar 2020	32.40	<b>1,138.16</b>
<b>AVONDALE PURCHASES (Machinery Shed Museum)</b>						<b>0.00</b>
<b>CREDIT CARD PAYMENT SUMMARY for CURRENT BANK STATEMENT</b>					<b>1,138.16</b>	<b>1,138.16</b>
<b>TRUST ACCOUNT DETAILS</b>						
<b>PAYMENTS RAISED IN CURRENT MONTH</b>						

TYPE	NUM	DATE	PAYEE	DETAILS	AMT PAID	TOTALS
EFT Pymt	EFT 5460	21-Jan-2020	Erica Mae Murray	Refund of Bonds - Hall Hire, Booking 19 Dec 2019 (Rec 24141)	(200.00)	
Cheque #	1512	23-Jan-2020	Dennis James Cox	Refund of Gym Key Bond (Rec QB 3562)	(30.00)	
<b>PAYMENTS RAISED IN CURRENT MONTH</b>					<b>(230.00)</b>	<b>(230.00)</b>
<b>PAYMENTS UNPRESENTED IN CURRENT BANK #</b>						
Cheque #	1512	23-Jan-2020	Dennis James Cox	Refund of Gym Key Bond (Rec QB 3562)	30.00	
<b>PAYMENTS UNPRESENTED IN CURRENT BANK #</b>					<b>30.00</b>	<b>30.00</b>
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>						
Cheque #	1511	13-Dec-2019	Colleen Dallas Garnett	Refund of Gym Key Bond (Rec 21770)	(50.00)	
<b>PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS</b>					<b>(50.00)</b>	<b>(50.00)</b>
<b>OTHER AMENDMENTS/GENERAL JOURNALS</b>						
<b>OTHER AMENDMENTS/GENERAL JOURNALS</b>					<b>0.00</b>	<b>0.00</b>
<b>TOTAL EXPENDITURE for TRUST ACCOUNT</b>						<b>(250.00)</b>
<b>TOTAL EXPENDITURE as reconciled to the JANUARY 2020 BANK STATEMENTS</b>						
Municipal Account Expenditure						(405,522.69)
Trust Account Expenditure						(250.00)
<b>TOTAL EXPENDITURE for JANUARY 2020</b>						<b>(405,772.69)</b>

### **11.5 Agreement for Disbursement of SEAVROC Funds**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>6 January 2020</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>ADM 0242</b>
<b>AUTHOR:</b>	<b>S.P. Gollan, Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>Agreement for Distribution of SEAVROC Funds</b>

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#### **SUMMARY**

Council to consider the approval of the proposed agreement for disbursement of remaining funds held by the Shire of York on behalf of member Councils of the South East Avon Voluntary Regional Organisation of Councils (SEAVROC).

#### **BACKGROUND**

SEAVROC was initiated in 2006 by the Shires of Beverley, Brookton, Cunderdin, Quairading and York and was later joined by the Shire of Tammin. Significant funding was sought from various sources including the Department of Local Government to deliver collaborative projects across the region.

In 2014, the Shires of Cunderdin, Quairading and Tammin withdrew their membership from SEAVROC and the group soon after disbanded, prior to all the projects being completed and funds fully expended.

At the 9 July 2019 Corporate Strategy Committee Meeting it was requested that the Chief Executive Officer contact Dominic Carbone to enquire and initiate distribution of any remaining SEAVROC funds. Dominic Carbone advised that SEAVROC funds were being held by the Shire of York on behalf of member Councils.

#### **COMMENT**

Representatives from the Shires involved with SEAVROC met during Local Government Week 2019 and agreed in principle, to dispersing the funds equally between all local governments that were at some stage members of SEAVROC.

This was conditioned upon:

1. An agreement being prepared which is presented to each of the local governments involved, for consideration and approval by each Council.
2. The Shire President and Chief Executive Officer of each local government signing the agreement.
3. Each local government being provided with a copy of the agreement when signed by every representative.
4. A copy being sent to the Department of Local Government, Sport and Communities for information.

The current balance of unspent SEAVROC funds held by the Shire of York in the Tied Funds Reserve 40 comprises of:

Awareness Training Grant	\$11,373.55
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You're Welcome Grant	\$11,602.69
Connecting Local Governments	\$44,054.00
Business Case Funds	\$13,117.00
Workforce Plan	\$18,185.00
Zero Waste Plan	\$ 6,118.76
<b>Total</b>	<b>\$104,451.00</b>

The attached agreement outlines the obligations and responsibilities of each Council with regard to payment of the funds. Accordingly the Shire of York will relinquish responsibility for the funds and the associated liability.

It is further recommended that the costs for preparing the agreement by McLeods be deducted from the funds prior to distribution.

#### **STATUTORY ENVIRONMENT**

N/A

#### **FINANCIAL IMPLICATIONS**

It is expected that the Shire of Beverley's portion of the remaining funds will be approximately \$15,000 - \$17,000 after the costs for preparation of the agreement are shared equally by the six shires and deducted from the remaining SEAVROC funds.

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

#### **POLICY IMPLICATIONS**

Use of the Common Seal

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council:

1. Accepts the agreement as prepared by McLeods as an instrument for the disbursement of the remaining SEAVROC funds.
2. Authorises the Shire President and the Chief Executive Officer to sign the agreement and apply the common seal on behalf of the Shire of Beverley.
3. Returns the signed agreement to the Shire of York, with appreciation.
4. Agrees the Shire of York to forward a copy of the signed agreement to the Department of Local Government, Sport and Cultural Industries for information purposes.



# Distribution Agreement – SEAVROC Funds

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Shire of York

Shire of Beverley

Shire of Brookton

Shire of Cunderdin

Shire of Quairading

Shire of Tammin



**McLEODS**

Barristers & Solicitors

Stirling Law Chambers | 220 Stirling Highway | CLAREMONT WA 6010

Tel: (08) 9383 3133 | Fax: (08) 9383 4935

Email: [mcleods@mcleods.com.au](mailto:mcleods@mcleods.com.au)

Ref: JL:YORK-45001

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# Details

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## Parties

### **Shire of York**

of PO Box 22, York, Western Australia  
(**Shire of York**)

### **Shire of Beverley**

of PO Box 20, Beverley, Western Australia  
(**Shire of Beverley**)

### **Shire of Brookton**

of PO Box 42, Brookton, Western Australia  
(**Shire of Brookton**)

### **Shire of Cunderdin**

of PO Box 100, Cunderdin, Western Australia  
(**Shire of Cunderdin**)

### **Shire of Quairading**

of PO Box 38, Quairading, Western Australia  
(**Shire of Quairading**)

### **Shire of Tammin**

of PO Box 53, Tammin, Western Australia  
(**Shire of Tammin**)

## Background

- A On 22 June 2007, the Shires of Beverley, Brookton, Cunderdin, Quairading and York entered into a memorandum of understanding (**MOU**) to establish the principles, objectives and rules of the South East Avon Voluntary Regional Organisation of Councils (**SEAVROC**), an organisation initiated by those Shires in July 2006.
- B The Shire of Tammin was joined as a party to SEAVROC on 18 November 2010.
- C Funding was sought from various sources including the former Department of Local Government (**DLG**) to deliver collaborative projects through SEAVROC.
- D On 4 September 2014, the Shires of Cunderdin, Quairading and Tammin withdrew as parties to SEAVROC and SEAVROC was subsequently disbanded.
- E At the time SEAVROC was disbanded, there were outstanding projects with unexpended funds.
- F The current balance of the unused SEAVROC funds is \$104,451.00, comprising –
 

(1) Awareness Training Grant	\$11,373.55
------------------------------	-------------



(2)	You're Welcome Grant	\$11,602.69
(3)	Connecting Local Governments	\$44,054.00
(4)	Business Case Funds	\$13,117.00
(5)	Workforce Plan	\$18,185.00
(6)	Zero Waste Plan	\$6,118.76

**(Current SEAVROC Funds).**

- G The SEAVROC Funds are held on SEAVROC's behalf by the Shire of York in its Tied Funds Reserve 40.
- H The Shire of York contacted the DLG (now known as the Department of Local Government, Sport and Cultural Industries (**DLGSC**)) on 21 March 2017 and 21 March 2019, to obtain the Department's advice on how to deal with the SEAVROC Funds.
- I On 17 May 2017, the Shire of York repaid \$11,000.00 of the SEAVROC Funds (specifically related to amalgamation proceedings) to DLGSC, under DLGSC's instruction.
- J The DLGSC has not provided any other advice or guidance on how the Parties should deal with the SEAVROC Funds.
- K The Parties have now agreed in principle to distribute the SEAVROC Funds equally between the Parties, subject to –
- “(a) An agreement being prepared and presented to each of the local governments involved, for consideration and approval of Council.*
  - (b) The Shire President and Chief Executive Officer of each local government signing the agreement (if approved to do so by their Council).*
  - (c) Each local government being provided with a copy of the agreement when signed by every representative.*
  - (d) A copy being sent to the DLGSC for information.”*
- L The Parties enter into this Agreement to record the terms and conditions of their agreement for the distribution of the SEAVROC Funds.

# Agreed Terms

---

## 1. Definitions and Interpretation

### 1.1 Defined Terms

In this Agreement -

**Agreement** means this document, as varied, novated or replaced from time to time;

**Commencement Date** means the date that the last of the Parties executes this Deed;

**Current SEAVROC Funds** is defined in **Recital G** of this Agreement;

**DLG** is defined in **Recital C** of this Agreement;

**DLGSC** is defined in **Recital I** of this Agreement;

**MOU** is defined in **Recital A** of this Agreement;

**Original Parties** means the Shires referred to in Recital A of this Agreement;

**Parties** means the parties to this Agreement;

**Remaining SEAVROC Funds** mean the amount of the SEAVROC Funds that remain after the deduction of legal fees under clause 5(1) of this Agreement;

**SEAVROC** is defined in **Recital A** of this Agreement; and

**SEAVROC Funds** means the funds held on SEAVROC's behalf by the Shire of York in its Tied Funds Reserve 40, as adjusted by interest and bank charges and fees.

### 1.2 Interpretation

In this Agreement, unless inconsistent with the context -

- (1) words denoting -
  - (a) the singular includes the plural and vice versa; and
  - (b) a gender or genders include each other gender;
- (2) if a word or phrase is assigned a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
- (3) a reference to –
  - (a) a person includes a firm, an unincorporated association, an incorporated association, a corporation and a government or statutory body or authority;
  - (b) a person includes their legal personal representatives, successors and assigns;

- (c) a statute, regulation, local law or any other written law, code or policy includes subsidiary legislation or an instrument made under it, and consolidations, amendments, re-enactments or replacements of any of them;
- (d) a right includes a benefit, remedy, discretion, authority or power;
- (e) an obligation includes a warranty or representation, and a reference to a failure to observe or perform an obligation includes a breach of warranty or representation;
- (f) provisions or terms of this Agreement, or another document, agreement, understanding or arrangement, include a reference to both express and implied provisions and terms;
- (g) time is to local time in Perth, Western Australia;
- (h) \$ or dollars is a reference to the lawful currency of Australia;
- (i) this Agreement or any other document includes this Agreement or other document as amended or replaced and despite any change in the identity of the parties;
- (j) writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes facsimile transmissions or other electronic mail or transmissions;
- (k) any thing (including any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them;
- (l) a clause, paragraph, schedule or annexure is a reference to a clause, paragraph, schedule or annexure to this Agreement; and
- (m) the meaning of general words or phrases is not limited by specific examples introduced by 'including', 'for example' or similar expressions.

### **1.3 Headings**

Headings do not affect the interpretation of this Agreement.

## **2. Distribution of SEAVROC Funds**

The Parties agree that the Remaining SEAVROC Funds are to be distributed between the Parties in equal shares under clause 3 of this Agreement.

## **3. Shire of York's obligations**

As soon as reasonably practicable after the Commencement Date, the Shire of York must transfer and distribute the Remaining SEAVROC Funds to each of the Parties in equal shares.

## **4. Limitation of liability and indemnity**

- (1) Each Party acknowledges and agrees that it will receive and accept its share of the Remaining SEAVROC Funds at its own risk and without any reliance on any representation made by the Shire of York, or any employee of the Shire of York, and that it cannot make any claim against the Shire of York, or any employee of the Shire of York, in connection with any such reliance or representation.

- (2) Each Party further acknowledges and agrees that it is the responsibility of each local government to make its own investigations and enquiries into the permitted use of the SEAVROC Funds.
- (3) Each Party (other than the Shire of York) agrees to indemnify the Shire of York against any claim, demand or liability of any kind arising from the receipt, acceptance or use of the SEAVROC Funds.

## 5. Costs of this Agreement

- (1) The legal costs in relation to the preparation, negotiation and execution of this Agreement are to be deducted from the SEAVROC Funds prior to the distribution of those funds under clause 3.
- (2) Each Party is to bear its own legal costs (if any) in relation to the review of this Agreement.

## 6. Authority

Each Party enters into this Agreement under the authority of its Council.

## 7. Dispute resolution

- (1) If a dispute arises between any of the Parties in connection with this Agreement, the affected Party must give notice of the dispute to the other Party identifying the dispute and providing details of it.
- (2) The Parties to a dispute must endeavour to settle the dispute by mediation conducted by a independent mediator appointed by agreement of the Parties or, failing agreement, by a person appointed by the Chair of Resolution Institute or her or his nominee.
- (3) The Resolution Institute Mediation Rules are to apply to the mediation.
- (4) It is a condition precedent to the right of any Party to arbitrate or litigate the dispute that it has first complied with the mediation process in this **clause 7(1)**.

## 8. General provisions

### 8.1 Further assurance

Each Party must promptly execute all documents and do all things that any other Party from time to time reasonably requires of it to effect, perfect or complete under the provisions of this Agreement and any transaction contemplated by it.

### 8.2 No fetter on discretion

Nothing in this Agreement is to fetter or limit, or is to be construed as an attempt to fetter or limit, the discretion or the powers of the Shire of York under any written law.

### 8.3 Notices

- (1) Any notice, direction or other communication which must or may be given in connection with this Agreement -
  - (a) must be in writing in order to be valid;



- (b) is sufficient if executed by the Party giving the notice or on its behalf by any director, secretary, duly authorised officer or solicitor of that Party;
  - (c) in order to be valid must be given to a Party by -
    - (i) delivering or sending it by prepaid post to, or leaving it at, the ‘notice details’ address of that Party as set out in subclause (2);
    - (ii) sending it to the email address or facsimile number of that Party as set out in subclause (2);
    - (iii) delivering or sending it to another address, email address or facsimile number as is notified in writing by that Party to the other Party from time to time; and
  - (d) if given in accordance with paragraph (c), will be deemed to take effect -
    - (i) in the case of prepaid post, on the second business day after the date of posting;
    - (ii) in the case of facsimile, on receipt of a transmission report from the sending machine confirming successful transmission;
    - (iii) in the case of delivery by hand, on delivery; and
    - (iv) in the case of email at the time or receipt as defined in section 14 of the *Electronics Transactions Act 2011*.
- (2) The following notice details apply for the purposes of subclause (1) -

Shire of York

Postal address PO Box 22, York, Western Australia

Facsimile number (08) 9641 2202

Email address [records@york.wa.gov.au](mailto:records@york.wa.gov.au)

Shire of Beverley

Postal address PO Box 20, Beverley, Western Australia

Facsimile number (08) 9646 1409

Email address [admin@beverley.wa.gov.au](mailto:admin@beverley.wa.gov.au)

Shire of Brookton

Postal address PO Box 42, Brookton, Western Australia

Facsimile number N/A

Email address [mail@brookton.wa.gov.au](mailto:mail@brookton.wa.gov.au)

Shire of Cunderdin

Postal address PO Box 100, Cunderdin, Western Australia

Facsimile number (08) 9635 1464

Email address [admin@cunderdin.wa.gov.au](mailto:admin@cunderdin.wa.gov.au)

Shire of Quairading

Postal address PO Box 38, Quairading, Western Australia

Facsimile number (08) 9645 1126

Email address [shire@quairading.wa.gov.au](mailto:shire@quairading.wa.gov.au)

Shire of Tammin

Postal address PO Box 53 Tammin, Western Australia

Facsimile number N/A

Email address [shire@tammin.wa.gov.au](mailto:shire@tammin.wa.gov.au)

#### **8.4 Relationship between the Parties**

The Parties acknowledge and agree that no relationship of partnership, agency or employment is expressly intended or to be implied into this Agreement.

#### **8.5 Entire agreement**

- (1) The Parties acknowledge that they have entered into this Agreement in full reliance on their own enquiries, investigations, examinations and advice and not in reliance on or as a result of any statement, claim, representation or warranty (expressed or implied) made or given by the Shire of York or any employee, agent or other person on behalf of the Shire of York in respect of any matter whatsoever affecting this Agreement.
- (2) The Parties agree that this Agreement constitutes the whole and entire agreement between them with respect to the distribution of Remaining SEAVROC Funds and supersedes all previous negotiations and agreements written or oral.

#### **8.6 Severability**

In the event of part of this Agreement being or becoming void or unenforceable then that part is to be severed from this Agreement with the intention that the balance of this Agreement is to remain in full force and effect, unaffected by the severance.

#### **8.7 Amendment and waiver**

- (1) This Agreement may not be modified, amended or varied except by a document in writing signed by or on behalf of each of the Parties.
- (2) Any modification to a term or condition of this Agreement, or waiver or relinquishment of the performance of any term or condition of this Agreement, will be effective only if made in writing and executed by or on behalf on the Parties granting the waiver.
- (3) No waiver of any one breach of any term or condition of this Agreement is to operate as a waiver of any other breach of the same or other term or condition of this Agreement.

## **8.8 Laws of Western Australia apply**

This Agreement is to be construed and interpreted in accordance with the laws of the State of Western Australia and the Parties agree to submit to the jurisdiction of the courts of that State and of courts competent to hear appeals from them.

# Signing page

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**EXECUTED** by the Parties as a Deed on **2019.**

**THE COMMON SEAL** of **SHIRE OF YORK** was  
affixed by authority of a resolution of the  
Council in the presence of -

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
(Print Full Name)

**THE COMMON SEAL** of the **SHIRE OF  
BEVERLEY** was affixed by authority of a  
resolution of Council in the presence of -

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
(Print Full Name)

**THE COMMON SEAL** of the **SHIRE OF** )  
**BROOKTON** was affixed in the presence of - )  
)

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
(Print Full Name)



The **COMMON SEAL** of the **SHIRE OF** )  
**CUNDERDIN** was affixed in the presence )  
of - )

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
(Print Full Name)

**THE COMMON SEAL** of the **SHIRE OF**  
**QUAIRADING** was affixed by authority of a  
resolution of Council in the presence of -

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
(Print Full Name)

**THE COMMON SEAL** of the **SHIRE OF**  
**TAMMIN** was affixed by authority of a  
resolution of Council in the presence of -

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
(Print Full Name)

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
(Print Full Name)

## **11.6 Standpipe Charge Review**

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**SUBMISSION TO:** Ordinary Council Meeting  
**REPORT DATE:** 7 January 2020  
**APPLICANT:** N/A  
**FILE REFERENCE:** ADM 0275 & ADM 0196  
**AUTHOR:** S.K. Marshall, Deputy Chief Executive Officer  
**ATTACHMENTS:** Standpipe Water Supply Charge Review (Confidential-Under Separate Cover)

---

### **SUMMARY**

Council to consider increasing the Standpipe Water charge to cover an increase in Water Corporation water supply charges.

### **BACKGROUND**

Council set a charge of \$8.35 per 1,000L (1kL) in the 2019/20 Budget to reflect an increase in standpipe water supply charges. This charge was based on advice from Water Corporation distributed material, however the charge is insufficient to cover current standpipe costs.

Council also set an administration charge of \$5.00 per invoice to make the charge more transparent and equitable across all water users and to cover the cost of staff time in collating data and processing invoices.

### **COMMENT**

For the provision of the standpipe service to be cost neutral, a charge of \$9.270 per kL would be required.

Currently Council is charged on average \$7.601 per kL with service charges on average being \$0.811 per kL and average maintenance costs (based on previous 4 years) being \$0.858 per kL (based on first four months of standpipe usage in 2019/20).

A contribution to future capital renewal should also be factored into the kL charge. Allowing for this, a charge of \$9.350 per kL, an increase of \$1.00 per kL on the adopted charge, will be recommended and any surplus generated from the provision of standpipe water be transferred to the Building Reserve for future asset renewal as required.

Also, the Standpipe Access Card fee was inadvertently omitted from the 2019/20 schedule of fees and charges. It will be recommended that a charge of \$20 per card be imposed to cover the cost of supply and setup.

### **STATUTORY ENVIRONMENT**

Section 6.16 of the Local Government Act provides that:

(1) a local government may impose (by absolute majority) and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

(2) A fee or charge may be imposed for the following

- a. Providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government
- b. Supplying a service or carrying out work at the request of a person
- c. Subject to section 5.94, providing information from local government records;
- d. Receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorization or certificate;
- e. Supplying goods;
- f. Such other service as may be prescribed.

(3) Fees and charges are to be imposed when adopting the annual budget but may be –

- a. Imposed (by absolute majority) during a financial year; and
- b. Amended (by absolute majority) from time to time during a financial year.

Section 6.17 further provides:

(1) In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors –

- a. The cost to the local government of providing the service or goods;
- b. The importance of the service or goods to the community; and
- c. The price at which the service or goods could be provided by an alternative provider.

(2) A high fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.

(3) The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service –

- a. Under section 5.96;
- b. Under section 6.16 (2) (d); or
- c. Prescribed under section 6.16 (2) (f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service

(4) Regulations may –

- a. Prohibit the imposition of a fee or charge in prescribed circumstances; or
- b. Limit the amount of a fee or charge in prescribed circumstances.

Regulation 2 of the Local Government (Financial Management) Regulations (2) provides that the CEO is to —

- (a) ensure that the resources of the local government are effectively and efficiently managed;
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and

Section 6.19 of the Local Government Act provides that if a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

### **FINANCIAL IMPLICATIONS**

Cost recovery of Standpipe service provision.

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Absolute Majority

### **OFFICER'S RECOMMENDATION**

That:

1. the Standpipe Water Supply charge be increased to \$9.350 per kL, applicable from 1 March 2019;
2. a Standpipe Access Card fee of \$20 per card be imposed, applicable from 1 March 2019;
3. any surplus funds generated from the provision of standpipe water supply be transferred to the Building Reserve for future asset renewal.
4. the intention to impose the increased Standpipe Water Supply charge be advertised in the Beverley Bulletin, on the Shire of Beverley Website, on the Shire of Beverley Facebook page and in the March 2020 edition of the Beverley Blarney.



## **11.7 2019 Financial Management Systems and Procedures Review**

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**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 12 February 2020  
**APPLICANT:** N/A  
**FILE REFERENCE:** ADM 0291  
**AUTHOR:** S.K. Marshall, Deputy Chief Executive Officer  
**ATTACHMENTS:** 2019 Financial Management Systems Review  
(Under Separate Cover)

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### **SUMMARY**

As recommended by the Audit and Risk Committee, Council to receive the 2019 Financial Management Systems and Procedures Review as prepared by AMD Chartered Accountants.

### **BACKGROUND**

The Chief Executive Officer is required to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government not less than every three financial years and report to Council the results of those reviews. The last review was undertaken by AMD Chartered Accountants in October 2016.

### **COMMENT**

To comply with the requirements of the Regulations, AMD Chartered Accountants was commissioned to undertake the review again and report on Council's financial management systems and procedures in November 2019.

The financial management review provides the Chief Executive Officer and the Council with an independent assessment of the appropriateness and effectiveness of the Shire's financial management systems.

The review procedures undertaken included documentation, analysis and testing of financial internal controls. The Shire's financial records were examined to ascertain the level of effectiveness of the financial systems including the following: -

- Collection of money;
- Custody and security of money;
- Maintenance and security of financial records;
- Accounting for municipal or trust transactions;
- Authorisation for incurring liabilities and making payments;
- Maintenance of payroll, stock control and costing records; and
- Preparation of budgets, budget reviews, accounts and reports required by the Act or the Regulations.

A summary of the Review's findings are as follows:

The following tables provide a summary of the findings raised in this report:

	Significant Risk	Moderate Risk	Minor Risk
Number of new issues reported	-	3	5
For details on the review rating criteria, please refer to Section 9.			

Ref	Issue	Risk Rating
<b>2. Collection of money</b>		
	We have no findings to raise in respect to the collection of money.	
<b>3. Custody and security of money</b>		
	We have no findings to raise in respect to the custody and security of money.	
<b>4. Maintenance and security of financial records</b>		
4.2.1	<b>IT Policies</b> Recommend further enhancement to Council's existing IT policies.	Moderate
4.2.2	<b>Key Security and Register</b> No documented procedure in respect to access of motor vehicle machinery and building keys at the Depot. Key cabinet at the Shire Depot was unlocked during the onsite visit. Currently no key register is maintained at the Shire Depot. Key cabinet at the Admin Office remains unlocked throughout the day.	Moderate
<b>5. Accounting for municipal or trust transactions</b>		
	We have no findings to raise in respect to the accounting for municipal or trust transactions.	
<b>6. Authorisation for incurring liabilities and making payments</b>		
6.2.1	<b>Post Tender Performance Evaluation</b> No formal post tender / service contract performance evaluation process for major contracts and services.	Moderate
<b>7. Maintenance of payroll, stock control and costing records</b>		
7.2.1	<b>Arrangement and Maintenance of Consumable Stocks</b> The recording and enhancing security of consumable stocks is recommended.	Minor
7.2.2	<b>Depot Security</b> Depot gates and sheds remain unlocked and easily accessible to anyone.	Minor
7.2.3	<b>Staff Performance Reviews</b> Inquiries indicated staff performance reviews are not performed for works team members, other than gardening staff.	Minor
7.2.4	<b>Fuel Usage</b> Currently there is no overall analysis of fuel usage completed.	Minor
<b>8. Preparation of budget, budget reviews, accounts and reports required by Regulations</b>		
8.2.1	<b>Audit Committee</b> Audit Committee meetings are currently not being held quarterly per best practice guidelines.	Minor

Management's comments relating to the Review's findings are included in the full report (attached under separate cover).

## **STATUTORY ENVIRONMENT**

Local Government Act 1995, Section 6.10, Financial Management Regulations  
Regulations may provide for —

- (a) The security and banking of money received by a local government; and
- (b) The keeping of financial records by a local government; and
- (c) The management by a local government of its assets, liabilities and revenue; and
- (d) The general management of, and the authorisation of payments out of —
  - (i) The municipal fund; and
  - (ii) The trust fund,  
of a local government.

Local Government (Financial Management) Regulations 1996  
Section 5 CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
  - (a) For the proper collection of all money owing to the local government; and
  - (b) For the safe custody and security of all money collected or held by the local government; and
  - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
  - (d) To ensure proper accounting for municipal or trust —
    - (i) Revenue received or receivable; and
    - (ii) Expenses paid or payable; and
    - (iii) Assets and liabilities; and
  - (e) To ensure proper authorisation for the incurring of liabilities and the making of payments; and
  - (f) For the maintenance of payroll, stock control and costing records; and
  - (g) To assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to —
  - (a) Ensure that the resources of the local government are effectively and efficiently managed; and
  - (b) Assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
  - (c) Undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

## **FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

**POLICY IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**COMMITTEE'S RECOMMENDATION**

That Council receive the 2019 Financial Management Systems and Procedures Review completed by AMD Chartered Accountants.





# Shire of Beverley 2019 Financial Management System Review





18 December 2019

**Mr Stephen Gollan**  
**Chief Executive Officer**  
**Shire of Beverley**  
**136 Vincent Street**  
**BEVERLEY WA 6304**

Dear Stephen

**2019 FINANCIAL MANAGEMENT SYSTEMS REVIEW**

We are pleased to present the findings and recommendations resulting from our Shire of Beverley (the "Shire") Local Government (Financial Management) Regulation 1996, Financial Management System Review.

The primary objective of our Financial Management System Review was to assess the adequacy and effectiveness of systems and controls in place within the Shire of Beverley; in accordance with our proposal.

We would like to thank Simon, Gaye and the finance team for their co-operation and assistance whilst conducting our review.

Should there be matters outlined in our report requiring clarification or any other matters relating to our review, please do not hesitate to contact Rebecca Broad or myself.

Yours sincerely  
**AMD Chartered Accountants**

A handwritten signature in black ink, appearing to read 'Tim Partridge', with a long horizontal flourish extending to the right.

**TIM PARTRIDGE FCA**  
**Director**

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### Inherent limitations

Due to the inherent limitations of any internal control structure, it is possible that fraud, error or non-compliance with laws and regulations may occur and not be detected. Further, the internal control structure, within which the control procedures that have been subject to review, has not been reviewed in its entirety and, therefore, no opinion or view is expressed as to its effectiveness of the greater internal control structure. This review is not designed to detect all weaknesses in control procedures as it is not performed continuously throughout the period and the tests performed on the control procedures are on a sample basis. Any projection of the evaluation of control procedures to future periods is subject to the risk that the procedures may become inadequate because of changes in conditions, or that the degree of compliance with them may deteriorate.

We believe that the statements made in this report are accurate, but no warranty of completeness, accuracy or reliability is given in relation to the statements and representations made by, and the information and documentation provided by the Shire of Beverley management and personnel. We have indicated within this report the sources of the information provided. We have not sought to independently verify those sources unless otherwise noted with the report. We are under no obligation in any circumstance to update this report, in either oral or written form, for events occurring after the report has been issued in final form unless specifically agreed with the Shire of Beverley. The review findings expressed in this report have been formed on the above basis.

### Third party reliance

This report was prepared solely for the purpose set out in this report and for the internal use of the management of the Shire of Beverley. This report is solely for the purpose set out in the 'Scope and Approach' of this report and for the Shire of Beverley's information, and is not to be used for any other purpose or distributed to any other party without AMD's prior written consent. This review report has been prepared at the request of the Shire of Beverley Chief Executive Officer or its delegate in connection with our engagement to perform the review as detailed in the 2019 Financial Management System Review Services Proposal. Other than our responsibility to the Council and management of the Shire of Beverley, neither AMD nor any member or employee of AMD undertakes responsibility arising in any way from reliance placed by a third party, including but not limited to the Shire of Beverley external auditor, on this review report. Any reliance placed is that party's sole responsibility.

## 1. Executive Summary

### 1.1. Background and Objectives

The primary objective of our Financial Management System Review (FMSR) was to assess the adequacy and effectiveness of systems and controls in place within the Shire; in accordance with our 2019 Financial Management System Review Proposal (the “Review”).

The responsibility of determining the adequacy of the procedures undertaken by us is that of the Chief Executive Officer (CEO). The procedures were performed solely to assist the CEO in satisfying his duty under Section 6.10 of the Local Government Act 1995 and Regulation 5(1) of the Local Government (Financial Management) Regulations 1996.

Our findings included within this report are based on the site work completed by us on 25<sup>th</sup> to the 27<sup>th</sup> of November 2019. Findings are based on information provided and available to us during and subsequent to this site visit.

### 1.2. Summary of Findings

The procedures performed and our findings on each of the focus areas are detailed in the following sections of the report:

- Section 2 – Collection of money;
- Section 3 - Custody and security of money;
- Section 4 - Maintenance and security of the financial records;
- Section 5 - Accounting for municipal or trust transactions;
- Section 6 - Authorisation for incurring liabilities and making payments;
- Section 7 - Maintenance of payroll, stock control and costing records; and
- Section 8 - Preparation of budgets, budget reviews, accounts and reports required by the Act or the Regulations.

Following the completion of our review and subject to the recommendations outlined within sections 2 to 8, we are pleased to report that in context of the Shire’s overall internal control environment, policies, procedures and processes in place are appropriate, and have been operating effectively at the time of the review.

Findings reported by us are on an exceptions basis, and do not take into account the many focus areas tested during our review where policies, procedures and processes were deemed to be appropriate and in accordance with better practice.

The following tables provide a summary of the findings raised in this report:

	Significant Risk	Moderate Risk	Minor Risk
Number of new issues reported	-	3	5

*For details on the review rating criteria, please refer to Section 9.*

Ref	Issue	Risk Rating
<b>2. Collection of money</b>		
	We have no findings to raise in respect to the collection of money.	
<b>3. Custody and security of money</b>		
	We have no findings to raise in respect to the custody and security of money.	
<b>4. Maintenance and security of financial records</b>		
4.2.1	<b>IT Policies</b> Recommend further enhancement to Council's existing IT policies.	Moderate
4.2.2	<b>Key Security and Register</b> No documented procedure in respect to access of motor vehicle machinery and building keys at the Depot. Key cabinet at the Shire Depot was unlocked during the onsite visit. Currently no key register is maintained at the Shire Depot. Key cabinet at the Admin Office remains unlocked throughout the day.	Moderate
<b>5. Accounting for municipal or trust transactions</b>		
	We have no findings to raise in respect to the accounting for municipal or trust transactions.	
<b>6. Authorisation for incurring liabilities and making payments</b>		
6.2.1	<b>Post Tender Performance Evaluation</b> No formal post tender / service contract performance evaluation process for major contracts and services.	Moderate
<b>7. Maintenance of payroll, stock control and costing records</b>		
7.2.1	<b>Arrangement and Maintenance of Consumable Stocks</b> The recording and enhancing security of consumable stocks is recommended.	Minor
7.2.2	<b>Depot Security</b> Depot gates and sheds remain unlocked and easily accessible to anyone.	Minor
7.2.3	<b>Staff Performance Reviews</b> Inquiries indicated staff performance reviews are not performed for works team members, other than gardening staff.	Minor
7.2.4	<b>Fuel Usage</b> Currently there is no overall analysis of fuel usage completed.	Minor
<b>8. Preparation of budget, budget reviews, accounts and reports required by Regulations</b>		
8.2.1	<b>Audit Committee</b> Audit Committee meetings are currently not being held quarterly per best practice guidelines.	Minor



## **2. Collection of money**

### **2.1. Scope and approach**

We completed site visits to the following locations operated by the Shire:

- Beverley Administration Office;
- Beverley Caravan Park; and
- Beverley Waste Facility.

During the visits to each site we:

- Documented internal controls, procedures and reconciliations in relation to all sources of income;
- Counted petty cash and float on hand ensuring materially correct;
- Reviewed fees and charges schedule and ensure adequate internal controls in place over receipting;
- Tested collection, receipting, invoicing and posting procedures over cash receipts on a sample basis; and
- Reviewed credit control procedures in respect to sundry debtors and rate debtors.

### **2.2. Detailed findings and recommendations**

Following completion of our procedures as outlined within the above scope, we have no recommendations to raise in respect to the collection of money.

### **3. Custody and security of money**

#### **3.1. Scope and approach**

- Conducted site visits of cash collection points to review the controls and procedures over the collection, receipting, recording and banking of cash collected offsite;
- Sites visited included the Beverley Administration Office, Caravan Park, Waste Facility and Depot. We also discussed, documented and tested cash collection controls and procedures in respect to the Beverley Swimming Pool with the Pool Manager; and
- Reviewed the security of cash and banking procedures to ensure the appropriate controls and procedures are in place.

#### **3.2. Detailed findings and recommendations**

We have no recommendations to raise in respect to the custody and security of money.

## 4. Maintenance and security of the financial records

### 4.1. Scope and approach

- Reviewed information technology systems to assess physical security, access security, data backups, contingency plans, compliance and systems development; and
- Reviewed registers maintained (including key register, tender register, gifts and travel registers etc.) and Council minutes.

### 4.2. Detailed findings and recommendations

#### 4.2.1 IT Policies

##### ***Finding Rating: Moderate***

Our inquiries indicated that the Shire of Beverley policies and procedures relating to IT could be further enhanced, by providing documented guidance on;

- Bring your Own Device , including personally owned devices utilised for work purposes;
- Email and Internet Usage; and
- Shire issued tablet and mobile phone personal usage.

##### **Implication**

Risk that existing procedures and practices in respect to information technology are not formally documented.

##### **Recommendation**

We recommend existing IT policies be further enhanced to provide documented guidance on the above areas.

##### **Management Comment**

Recommendations noted. Significant investment has been made in Council's IT infrastructure over the last 12 months. Further policies will be developed in consultation with our IT Services provider.

**Responsible Officer:** Deputy CEO

**Completion Date:** December 2020

#### 4.2.2 Depot Key Security and Register

**Finding Rating: Moderate**

Our observations and enquiries indicated the following in respect to key security and key registers:

- There is no documented procedure in respect to the access of motor vehicles, machinery and building keys at the Depot;
- There is no lockable key cabinet at the Shire Depot retaining all plant and machinery keys;
- There is no key register maintained at the Shire Depot recording access of keys and use of Shire vehicles.
- Keys at the Administration Office are kept in an open safe throughout the day with any employee physically able to access these; and

#### **Implication / Risks**

Increased risk of theft and vehicle misuse.

Risk of un-authorised access.

#### **Recommendation**

We recommend:

- A documented procedure be developed and implemented in respect to the access of motor vehicles, machinery and building keys for the Depot;
- The Depot keys to be secured and locked in a cabinet restricting access;
- A Depot key register be maintained to ensure an accurate record of current vehicle use.
- Keys maintained at the Administration Office should be stored in a lockable cabinet to ensure that access to the keys is restricted.

#### **Management Comment**

Recommendations noted. Staff will investigate alternative measures and systems to controlling access to vehicle and building keys. An audit of current keys will be undertaken to ensure all keys are current and still required.

**Responsible Officer:** Deputy CEO and Manager of Works.

**Completion Date:** December 2020

## **5. Accounting for municipal or trust transactions**

### **5.1. Scope and approach**

- Reviewed all monthly reconciliations including bank, sundry debtors, sundry creditors, fixed assets, rates debtors and rateable value reconciliations ensuring correctly reconciled and reviewed;
- Reviewed and tested in detail most recent municipal and trust bank reconciliations prepared;
- Reviewed processes in respect to BAS, FBT Return and other statutory returns preparation;
- Reviewed use of reserve funds and determined whether changes in reserve purposes have been budgeted or public notice was provided;
- Reviewed self-supporting loan transactions ensuring debtor invoices raised in accordance with payment schedule;
- Reviewed trust ledger balances; and
- Reviewed policies and procedures in respect to insurance, recording claims and insuring newly acquired assets.

### **5.2. Detailed findings and recommendations**

We have no recommendations to raise in respect to accounting for municipal or trust transactions.



## 6. Authorisation for incurring liabilities and making payments

### 6.1. Scope and approach

- Reviewed controls and procedures over the authorisation of purchase orders and approval of payments;
- Tested sample of payments to ensure compliance with stated procedures;
- Reviewed credit card processes and procedures, and testing transactions on a sample basis;
- Reviewed petty cash processes and procedures, and testing transactions on a sample basis;
- Completed sample testing of asset additions and asset disposals;
- Reviewed asset capitalisation and depreciation policy and ensure compliance with stated policies; and
- Reviewed new loans received ensuring budgeted for or public notice provided.

### 6.2. Detailed findings and recommendations

#### 6.2.1 Post Tender Performance Evaluation

##### ***Finding Rating: Minor***

We noted Shire of Beverley does not have a formal post tender / service contract performance evaluation process for major contracts and services.

##### **Implication**

Lack of formalised documentation evidencing tender performance assessment.

##### **Recommendation**

WALGA best practice guidelines recommend formal performance management assessments be completed at the end of the tender period once goods or services have been tendered. We recommend the Shire of Beverley develop and implement a formal post tender service contract performance evaluation process. We suggest it may be useful for the process to include standard a contract compliance checklist, in particular for the monitoring of ongoing service contracts.

##### **Management Comment**

Recommendation noted. A Post Tender Evaluation system will be investigated and if deemed to have merit, will be implemented.

**Responsible Officer:** Manager of Planning and Development Services.

**Completion Date:** December 2020

## 7. Maintenance of payroll, stock control and costing

### 7.1. Scope and approach

- Completed site visit to the Beverley Depot including the fuel bowers to review security over stocks held and allocation / costings of stocks used (including fuel and inventory stocks);
- Reviewed of the allocation of public works overheads, plant operating costs and administration overheads completed;
- Reviewed payroll controls and procedures to ensure effective controls are in place, and complete tests on a sample basis to ensure these controls were operating effectively;
- Reviewed procedures and policies in place in respect of human resource management legislative and compliance requirements, recruitment, performance appraisal, disciplinary and termination procedures and leave entitlements;
- Reviewed listing of leave taken by employees ensuring authorised leave forms completed; and
- Reviewed annual leave balances and identify employees with more than eight weeks annual leave.

### 7.2. Detailed findings and recommendations

#### 7.2.1. Arrangement and Maintenance of Consumable Stock

##### ***Finding Rating: Low***

Stock items held in the depot yard, shed and workshop identified as consumable stocks (e.g. quickset cement, sign poles) are not recorded in a perpetual inventory record nor are such stocks regularly physically counted or securely locked away

##### **Implication**

Increased risk of fraud and error over consumable stocks.

##### **Recommendation**

We recommend consideration be given to maintaining consumable stocks in a perpetual inventory record and performing regular physical counts.

##### **Management Comment**

Recommendation noted. Consumable stock is relatively low in quantity and value and the risk of theft or misuse is deemed to be relatively minor.

A Consumable stock inventory system will be investigated and if deemed to have merit, will be implemented.

**Responsible Officer:** Manager of Works

**Completion Date:** December 2020

### 7.2.2 Depot Security

#### **Finding Rating: Minor**

During our site visit to the Shire of Beverley Depot we identified that during the day both gates and sheds are left open with limited personnel at the Depot at periods throughout the day. At the time of our visit the Depot premises was unattended.

#### **Implication**

Risk of unauthorised access.

#### **Recommendation**

We recommend the Shire consider further securing the Depot sheds, and access to the Depot throughout the day.

#### **Management Comment**

Recommendation noted. The need for increased security of the Depot has been an identified risk for some time, however the cost versus benefit of any additional measures to date as well as practicalities involving the movement of staff has meant that no suitable changes have been identified.

However, a review of the Depot Access and other security issues will be conducted and if deemed to have merit, will be implemented.

**Responsible Officer:** Manager of Works

**Completion Date:** June 2021

### 7.2.3 Staff Performance Reviews

#### **Finding Rating: Minor**

Our inquiries indicated staff performance reviews are not performed for works team members (with exception of the Gardeners).

#### **Implication**

Risk staff performance is not managed appropriately.

#### **Recommendation**

As best practice we recommend works staff undertake an annual performance review similar to all other Shire of Beverley team members.

#### **Management Comment**

Recommendation noted. Reviews to be conducted annually.

**Responsible Officer:** Manager of Works

**Completion Date:** June 2020

#### **7.2.4 Fuel Usage**

##### ***Finding Rating: Minor***

The Shire is currently not holistically analysing fuel usage by asset for inappropriate use i.e. there is no analysis to review fuel usage on an overall basis for each asset, on a periodic or sample basis.

##### **Implications / Risks**

Increased risk of fuel misappropriation.

##### **Recommendation**

We recommend the Shire investigate an appropriate method to analyse the use of fuel holistically, i.e. create a spreadsheet that combines the fuel purchased on fuel cards and fuel issued from the Depot by vehicle and consider unusual and abnormal fuel usage patterns.

##### **Management Comment**

The Shire of Beverley does not utilise fuel cards and all fuel usage is recorded and balanced back to a fuel dip at the end of each month by the Manager of Works.

Abnormal usage is identified through this reconciliation process e.g. it was recently found that the flow rate calibration on the diesel bowser was out resulting in issues with the fuel reconciliation.

Therefore, it is Managements opinion that the treatment of fuel is currently appropriate, and renewal of the fuel bowsers will proceed in the 2020/21 financial year.

**Responsible Officer:** Manager of Works

**Completion Date:** June 2021

## **8. Preparation of budgets, budget reviews, accounts and reports required by the Act or the Regulations**

### **8.1. Scope and approach**

- Reviewed policy and procedure manual;
- Reviewed the procedures for preparation of the monthly financial statements, annual financial statements and annual Budget, including assessment of accounting policy, notes and applicable reporting requirements and efficiency of the process;
- Reviewed monthly financial statements ensuring presented to Council within two months and information contained within monthly financial statements in accordance with Regulation 34 of Local Government (Financial Management) Regulations 1996;
- Reviewed the mid-year budget review to ensure compliance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 and assessment of budgetary expenditure controls in place;
- Ensured prior year audit report and management letter have been presented to audit committee and Council; and
- Reviewed compliance with Part 6 of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

### **8.2. Detailed findings and recommendations**

#### **8.2.1 Audit Committee Meetings**

***Finding Rating: Minor***

We understand audit committee meetings are held bi-annually.

#### **Implication**

Risk of governance and oversight responsibilities not being met.

#### **Recommendation**

Local Government Operational Guideline Number 9 'Audit in Local Government' outlines best practice for the Audit Committee to meet on at least a quarterly basis.

#### **Management Comment**

Recommendation noted. Council runs four committees, including the Audit and Risk Committee, plus other project specific working groups as the need arises. All Councillors sit on all Committees.

Given the voluntary nature of elected members service, it is managements opinion that the current Committee structure provides an adequate base for Councillors to participate in and fulfil their governance and oversight responsibilities.

**Responsible Officer:** CEO

**Completion Date:** On Going



## Guidance on Risk Assessment

Risk is uncertainty about an outcome. It is the threat that an event, action or non-action could affect an organisation's ability to achieve its business objectives and execute its strategies successfully. Risk is an inherent component of all service activities and includes positive as well as negative impacts. As a result not pursuing an opportunity can also be risky. Risk types take many forms – business, economic, regulatory, investment, market, and social, just to name a few.

Risk management involves the identification, assessment, treatment and ongoing monitoring of the risks and controls impacting the organisation. The purpose of risk management is not to avoid or eliminate all risks. It is about making informed decisions regarding risks and having processes in place to effectively manage and respond to risks in pursuit of an organisation's objectives by maximising opportunities and minimising adverse effects.

Our guidance to risk classification in accordance with Risk Management- Principles and Guidelines Standard AS ISO 31000-2018 is as follows:

Risk is the probability that an event or action may adversely affect the organisation. Risk is assessed based on the relationship between consequence and likelihood.

- Likelihood is the chance that the event may occur given knowledge of the organisation and its environment.
- Consequence is the severity of the impact that would result if the event were to occur.

Our risk rating for each finding was based on the following table:

		CONSEQUENCES		
		Insignificant	Significant	Highly Significant
LIKELIHOOD	Low	Minor	Moderate	Moderate
	Medium	Minor	Moderate	Significant
	High	Minor	Significant	Significant

Any compliance breaches identified have been communicated within our report.

## **11.8 Community Grants**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>13 February 2020</b>
<b>APPLICANT:</b>	<b>Various Applicants</b>
<b>FILE REFERENCE:</b>	<b>ADM 0428</b>
<b>AUTHOR:</b>	<b>S.P Gollan, Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>

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### **SUMMARY**

Council to consider awarding various grants as recommended by the Community Grants Working Group.

### **BACKGROUND**

At the July 2013 Council meeting, it was agreed to set up a Community Grants scheme to assist Individuals, Not for Profit and Incorporated local organisations in the development of their respective interests. Council have two rounds of applications being July and January each financial year. Personal Development Grants for individuals are open year round.

At the 11 February 2020 Audit and Risk Committee meeting it was established that a Grants Working Group comprising of the Chief Executive Officer, Shire President and Audit and Risk Chairman would review and recommend the applications.

### **COMMENT**

The second round of Community Grants for 2019/20 financial year was advertised in the January 2020 edition of the Beverley Blarney and on the Shire of Beverley website. Applications opened on 2<sup>nd</sup> January and closed on 31<sup>st</sup> January 2020. A total of 7 applications were received, three being for Major Grants, three for minor Grants and one Personal Development Grant. The working group determined that all applications met the eligibility and compliance criteria. Along with meeting the compliance criteria, when considering the funding amount, the areas of membership base, benefit of the grant and area of interest are considered.

After the first round of Grants were awarded in August 2019 there is now \$10,000 remaining for Minor Grants and \$3,531.00 for Major Grants. It is recommended by the Working Group that the balances be pooled together to assist as many groups as possible. Council has previously done this in several other January rounds.

The Community Grants this round was oversubscribed. The Working Group have chosen to awards funds to all applicants, however the awarded amounts may not necessarily be the amount requested by each applicant.

The table on the following page outlines the Grant Applications, the activities groups wish to use the money for, the amount they requested and the amount recommended with reasoning by the working group.

Club/Group	Members	Activity	Amount Requested	Amount Recommended	Reasoning
<b>MINOR FUNDING (No matching funding required)</b>					
Beverley Garden and Tree Society	25 (declined on previous years)	Minor Category: Environment Total Project Cost: \$382.00  Project as described by Applicant: External Plumbing Project – The installation of a second tap and hose fittings on the Southern wall will facilitate hand watering of the gardens in the grounds of the Dead Finish Museum.	\$382.00	\$382.00	Project will assist volunteers who regularly maintain the garden beds and bird baths, in turn making a garden area for locals and visitors to enjoy.  Assists in maintaining a Shire Asset.
Beverley Agricultural Society	155 Remains steady	Minor Category: Tourism Total Project Cost: \$971.22  Project as described by Applicant: to purchase rubber cable protector to be used around the show grounds and at other events to eliminate risk or trips and falls.	\$971.22	\$971.22	Supports largest event in Beverley.  Ag Society willing to lend to other events.  Addresses safety issues.
Beverley Early Years Network	20 Newly formed group	Minor Category: Early Years (0 – 4 years) Total Project Cost: \$1700.00  Project as described by Applicant: Beverley Toy Library – New Toy and Storage Container Project to support families and encourage togetherness, social interaction and quality time spent with children.	\$1000.00	\$1000.00	Enhances the functionality of the toy store in the Cornerstone.  Encourages new members to join, visit the library and attend Storytime. Assists with keeping membership costs lower.  Council in support of Early Years Network from previous presentations in 2018.
<b>PERSONAL DEVELOPMENT GRANT</b>					
Kasey Ashworth	N/A	Category: Sport and Recreation Total Cost: \$1805.00 Representation: School Netball Tour to Queensland. Benefits: to work within a Team Environment and extend skills and abilities.	\$200.00	\$200.00	All criteria met. Demonstrated fund raising and personal contribution.

Club/Group	Members	Activity	Amount Requested	Amount Recommended	Reasoning
<b>MAJOR FUNDING (50:50 Matching Funds)</b>					
BORMSA	81	<p>Major Category: Sport and Recreation Total Project Cost: \$10,500.00</p> <p>Project as described by Applicant: To build a new toilet facility that has the ability to cater for disability access and is family friendly. It will replace the two old trailer mounted chemical toilets that have holes in the roof and do not cater for the needs of members and spectators.</p>	\$5000.00	\$4000.00	<p>Enhances member and spectator experience. May help to assist increase member and visitor numbers.</p> <p>Reduced \$ amount due to oversubscription of grant round.</p>
Beverley CRC	63	<p>Major Category: Minor Infrastructure / Equipment / Development Total Project Cost: \$8000.00</p> <p>Project as described by Applicant – Beverley Community Garden Stage 1. To build a welcoming garden where citizens of all abilities and ages will build friendships. It will promote health, well-being, sustainability and focus on people, sustainable gardens, learning, teaching and healthy food choices.</p>	\$4000.00	\$4000.00	<p>Promotes healthy living, getting outdoors, and community participation.</p> <p>Requested \$ amount agreed as heavily supported by the Community and various organisations.</p>
Beverley P & C	86	<p>Major Category: Education and Training Total Project Cost: \$14,052.80</p> <p>Project as described by Applicant – STEAM (Science, Technology, Engineering, Arts, Mathematics) Implementation Project. STEAM is a project based way of teaching that encourages students in Years 1 – 6 to find problems, issues and puzzles that need solving and to then use the skills that they have been taught to create solutions.</p>	\$5000.00	\$4000.00	<p>Enhances education for students.</p> <p>Assist with skills for the changing employment landscape.</p> <p>Contributes to Councils desire to assist Beverley youth.</p> <p>Reduced \$ amount due to oversubscription of grant round</p>

## **STATUTORY ENVIRONMENT**

N/A

## **FINANCIAL IMPLICATIONS**

Community Grant Program

2019/20 Total Major Grants \$10,000.00 – Available funding balance: \$3,531.00

2019/20 Total Minor Grants \$10,000.00 – Available funding balance: \$10,000.00

2019/20 Total Personal Development Grants \$1,200.00 – Available funding balance: \$1,200.00

\$822.22 Unbudgeted expense

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan

Goal 7 - Increase all forms of club participation

Goal 8 – Beverley continues to be an inclusive, friendly and caring community

Goal 9 – We have a safe and healthy community

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

## **POLICY IMPLICATIONS**

Community Grant Policy

## **VOTING REQUIREMENTS**

Absolute Majority

## **OFFICER'S RECOMMENDATION**

That Council award the following Community Grants under the second round of submissions for the 2019/20 financial year:

- |                                     |            |
|-------------------------------------|------------|
| 1. Beverley Garden and Tree Society | \$ 382.00  |
| 2. Beverley Agricultural Society    | \$ 971.22  |
| 3. Beverley Early Years Network     | \$1,000.00 |
| 4. BORMSA                           | \$4,000.00 |
| 5. Beverley P & C                   | \$4,000.00 |
| 6. Beverley CRC                     | \$4,000.00 |
| 7. Kasey Ashworth                   | \$ 200.00  |



## **11.9 2018-19 Audit Report – Significant Adverse Trend**

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**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 12 February 2020  
**APPLICANT:** N/A  
**FILE REFERENCE:** ADM 0455  
**AUTHOR:** S.K. Marshall, Deputy Chief Executive Officer  
**ATTACHMENTS:** 2018/19 Audit Report

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### **SUMMARY**

Council to endorse this report regarding the significant adverse finding reported in the 2018/19 Audit Report relating to Council's Operating Surplus ratio for that year as recommended by the Audit and Risk Committee.

### **BACKGROUND**

In the 2018/19 Audit Report, Council's Auditors, AMD Chartered Accountants, reported a significant adverse trend in the financial position of the Shire of Beverley being:

*Operating surplus ratio as reported in Note 19 of the financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSSC) standard of zero for the current year (2017:0.11, 2018: 0.16 and 2019: -0.20).*

As a result, under Section 7.12A(1) – (4) of the Local Government Act 1995, Council is required to respond to this significant finding, via the Audit and Risk Committee, and forward the response to the Minister for Local Government.

### **COMMENT**

The Operating Surplus Ratio is calculated using the following formula:

$$\frac{\text{Operating Revenue minus Operating Expenditure}}{\text{Own Source Operating Revenue}}$$

Operating Revenue includes Rates, Operating Grants, Subsidies and Contributions, Fees and Charges, Interest Earnings, Profit on Asset Disposal and Other Revenue.

Operating Expenditure includes Employee Costs, Materials and Contracts, Utility Charges, Depreciation on Non Current Assets, Interest Expenses, Insurance Expenses, Loss on Asset Disposal and Other Expenditure.

Own Source Operating Revenue includes Rates, Fees and Charges, Interest Earnings, Reimbursements, Profit on Asset Disposal and Other Revenue.

Depreciation is a significant factor in the calculation of this ratio and has negatively affected the ratio since the addition of bridge, drainage, footpath and parks and ovals infrastructure assets were brought to account in 2017/18.

Following recognition of these asset classes, Councils operating depreciation expense increased from \$1,854,567 in 2017/18 to \$2,452,839 in 2018/19 or an increase in operating expenditure of \$598,272. Further there was a significant reduction in Council's Operating Grants, Subsidies and Contributions which fell from \$3,022,275 in 2017/18 to \$1,683,236 in 2018/19 reflecting a fall in operating revenue of \$1,339,039 relating to Disaster Relief funding.

Consequently, Council's Operating Surplus Ratio for 2018/19 calculated as follows:

$$\frac{(\$833,232)}{\$4,158,387} = (0.20)$$

It is the opinion of Staff that the Operating Surplus Ratio is a slightly flawed measure of operational performance given the variations in depreciation (due the revaluation of Assets undertaken up to every five years) and fluctuating advanced payments of operating grant funding. Also depreciation is more closely linked to Council's Capital Asset Renewal program rather than Council's Operations.

Taking this into account, for example, if the non-cash depreciation expense, loss on disposal expense and profit on disposal revenue were left out of the calculation, Council's Operating Surplus Ratio would be:

$$\frac{\$1,680,251}{\$4,158,387} = 0.40$$

To improve the ratio, Council could look at increasing Rates and Fees and Charges by a higher percentage than the 2.5% increases that have been applied each year over the three subsequent financial years. However, justifying significant rate increases to satisfy a ratio benchmark may not be overly palatable to the Community.

It is proposed that the Operating Surplus Ratio be monitored over the next two financial years (2019/20 and 2020/21) to determine if the trend has plateaued or is improving and examine operating expenses to identify any cost savings where possible during that time. Further, Council continue to operate on a balance Budget basis and that the overall cash position is continued to be effectively monitored and managed.

The expectation is that the Operating Surplus Ratio position shouldn't worsen over this time.

At its 11 February 2020 meeting, the Audit and Risk Committee resolved to endorse this report and forward it to the Department of Local Government.

## **STATUTORY ENVIRONMENT**

Section 7.12A of the Local Government Act 1995 provides the following:

### **7.12A. Duties of local government with respect to audits**

- (1) A local government is to do everything in its power to —
  - (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and

- (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
  - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
  - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
  - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
  - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

Section 7.9 of the Local Government Act 1995 provides the following:

**7.9. Audit to be conducted**

- (1) An auditor is required to examine the accounts and annual financial report submitted for audit and, by the 31 December next following the financial year to which the accounts and report relate or such later date as may be prescribed, to prepare a report thereon and forward a copy of that report to —
  - (a) the mayor or president; and
  - (b) the CEO of the local government; and
  - (c) the Minister.
- (2) Without limiting the generality of subsection (1), where the auditor considers that —
  - (a) there is any error or deficiency in an account or financial report submitted for audit; or
  - (b) any money paid from, or due to, any fund or account of a local government has been or may have been misapplied to purposes not authorised by law; or
  - (c) there is a matter arising from the examination of the accounts and annual financial report that needs to be addressed by the local government, details of that error, deficiency, misapplication or matter, are to be included in the report by the auditor.
- (3) The Minister may direct the auditor of a local government to examine a particular aspect of the accounts and the annual financial report submitted for audit by that local government and to —
  - (a) prepare a report thereon; and

- (b) forward a copy of that report to the Minister, and that direction has effect according to its terms.
- (4) If the Minister considers it appropriate to do so, the Minister is to forward a copy of the report referred to in subsection (3), or part of that report, to the CEO of the local government to be dealt with under section 7.12A.

#### **FINANCIAL IMPLICATIONS**

Future Budgets

#### **STRATEGIC IMPLICATIONS**

Consideration for future operations and Rate increases.

Strategic Community Plan

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

#### **POLICY IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **COMMITTEE'S RECOMMENDATION**

That Council:

1. endorse this report in response to the Significant Adverse Trend regarding Council's Operating Surplus Ratio reported in the 2018/19 Audit Report;
2. forward this report to the Minister of Local Government as required under section 7.12A of the Local Government Act 1995; and
3. monitor the Operating Surplus Ratio trend over the next two financial years (2020/21 and 2021/22) to determine if the trend has plateaued or improved.

## INDEPENDENT AUDITOR'S REPORT

### To the Councillors of the Shire of Beverley

### Report on the Audit of the Financial Report

#### **Opinion**

We have audited the annual financial report of the Shire of Beverley which comprises the Statement of Financial Position as at 30 June 2019, the Statement of Comprehensive Income by Nature or Type, Statement of Comprehensive Income by Program, Statement of Changes in Equity, Statement of Cash Flows and Rate Setting Statement for the year then ended, and notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by the Chief Executive Officer.

In our opinion the annual financial report of the Shire of Beverley:

- (i) is based on proper accounts and records; and
- (ii) fairly represents, in all material respects, the results of the operations of the Shire of Beverley for the year ended 30 June 2019 and its financial position at the end of that period in accordance with the *Local Government Act 1995* (the Act) and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.

#### **Basis for Opinion**

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of our report. We are independent of the Shire of Beverley in accordance with the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report. We have also fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### **Emphasis of Matter – Basis of Accounting**

We draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Shire of Beverley's financial reporting responsibilities under the Act. Regulation 16 of the Local Government (Financial Management) Regulations 1996 (Regulations), does not allow a local government to recognise some categories of land, including land under roads, as assets in the annual financial report. Our opinion is not modified in respect of this matter.

#### **Responsibilities of the Chief Executive Officer and Council for the Financial Report**

The Chief Executive Officer (CEO) of the Shire of Beverley is responsible for the preparation and fair presentation of the annual financial report in accordance with the requirements of the Act, the Regulations and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards. The CEO is also responsible for such internal control as the CEO determines is necessary to enable the preparation of a financial report that is free from material misstatement, whether due to fraud or error.



In preparing the financial report, the CEO is responsible for assessing the Shire of Beverley's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the State government has made decisions affecting the continued existence of the Shire of Beverley.

The Council is responsible for overseeing the Shire of Beverley's financial reporting process.

***Auditor's Responsibility for the Audit of the Financial Report***

The objectives of our audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial report.

As part of an audit in accordance with Australian Auditing Standards, We exercise professional judgment and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Shire of Beverley's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the CEO.
- Conclude on the appropriateness of the CEO's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Shire of Beverley's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report, as we cannot predict future events or conditions that may have an impact.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

We communicate with the Council and the CEO regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

## Report on Other Legal and Regulatory Requirements


In accordance with the *Local Government (Audit) Regulations 1996* we report that:

- (i) In our opinion, the following matters indicate significant adverse trends in the financial position of the Shire of Beverley:
  - a. Operating surplus ratio as reported in Note 19 of the financial report is below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard of zero for the current year (2017: 0.11, 2018: 0.16 and 2019: -0.20).
- (ii) There were no instances of non-compliance with Part 6 of the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* or applicable financial controls of any other written law identified during the course of our audit.
- (iii) All required information and explanations were obtained by us.
- (iv) All audit procedures were satisfactorily completed.
- (v) In our opinion, the asset consumption included in the annual financial report were supported by verifiable information and reasonable assumptions.
- (vi) In our opinion, the asset renewal funding ratio included in the annual financial report was not supported by verifiable information and reasonable assumptions.

## Matters Relating to the Electronic Publication of the Audited Financial Report

This auditor's report relates to the annual financial report of the Shire of Beverley for the year ended 30 June 2019 included on the Shire of Beverley's website. The Shire of Beverley's management is responsible for the integrity of the Shire of Beverley's website. This audit does not provide assurance on the integrity of the Shire of Beverley's website. The auditor's report refers only to the financial report described above. It does not provide an opinion on any other information which may have been hyperlinked to/from this financial report. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial report to confirm the information contained in this website version of the financial report.

## AMD Chartered Accountants



**MARIA CAVALLO CA**  
Director

28-30 Wellington Street, Bunbury, Western Australia  
5 November 2019

## **12. ADMINISTRATION**

### **12.1 Policy Manual – Amendment to C009 – Flag Pole**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>17 January 2020</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>ADM 0468</b>
<b>AUTHOR:</b>	<b>S.P. Gollan, Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>Policy C009</b>

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#### **SUMMARY**

Council to consider amending Policy C009 – Flag Pole to account for the new flag poles installed at the Shire Office.

#### **BACKGROUND**

Council previously adopted a policy in September 2014 for the use of its flag poles located at the Shire Office and Town Hall.

Previously the single pole at the Shire Office was used to fly the Shire Flag during office hours which also indicates to the public when the office is open.

The Town Hall was used to fly the Australian Flag as directed by various Government offices at times such as ANZAC Day and National Day's of mourning. The Shire also has a local tradition of flying the Australian Flag at half-mast as a mark of respect to a resident who has passed away.

#### **COMMENT**

As Council has installed three new flag poles, the Flag policy now needs to be amended.

The single pole will continue to be used to fly the Shire Flag.

The three new poles will fly the Australian Flag, Western Australian State Flag and the Aboriginal Flag daily, Monday to Friday during Shire office hours. The flags will fly in the listed order from left to right as you are looking at the Shire Building from Vincent Street. These flags will follow all protocol as directed by the Department of Premier and Cabinet.

The pole on the Town Hall will continue to be used as a memorial pole, however the Australian Flag will be replaced by the Shire Flag. The Australian Flag should not be flown at half-mast at night and if it is to be flown at night, should be illuminated and only at full height.

The single Shire Flag pole will still be used even if a memorial flag is being flown at half-mast on the Town Hall.

#### **STATUTORY ENVIRONMENT**

Australian National Flag Protocols – Department of Premier and Cabinet

**FINANCIAL IMPLICATIONS**

N/A

**STRATEGIC IMPLICATIONS**

Goal 8 – Beverley continues to be an inclusive, friendly and caring community

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

**POLICY IMPLICATIONS**

C009 - Amendment

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council adopt the amended policy C009 – Flag Poles.

## Attachment 12.1

### 3.9 Flag Poles

<b>Policy Type:</b>	Community	<b>Policy No:</b>	C009
<b>Date Adopted:</b>	September 2014	<b>Date Last Reviewed:</b>	27 August 2019
<b>Legal (Parent):</b>	1.	<b>Legal (Subsidiary):</b>	1.

ADOPTED POLICY	
<b>Title:</b>	FLAG POLES
<b>Objective:</b>	To establish guidelines for the flying of flags.

#### Policy

The single flag pole outside the Shire of Beverley Office is dedicated to flying the Shire Flag Monday – Friday during office hours.

The three grouped flag poles will fly the Australian Flag, the Western Australian State Flag and the Aboriginal Flag. These three flags will follow all protocol as directed by the Department of Prime Minister and Cabinet.

~~The flag pole on the Town Hall is reserved for flying the Australian Flag as instructed by the Department of Local Government.~~

The Shire of Beverley will fly the ~~Australian Flag~~ Shire Flag at Half Mast on the Town Hall to recognise residents and former residents of Beverley who have passed away. The flag will fly continually from time of notification to the the time of burial, cremation or memorial when it will be taken down. The notification ~~can only~~ must come from a family member of the deceased. The single flag pole at the Shire Office will continue to have the Shire Flag flown even if the Town Hall flag is at half-mast.



## **12.2 Avondale Agricultural Museum Collection Policy**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>13 February 2020</b>
<b>APPLICANT:</b>	<b>Shire of Beverley</b>
<b>FILE REFERENCE:</b>	<b>ADM 0156</b>
<b>AUTHOR:</b>	<b>S.P. Gollan, Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>Avondale Motor Museum Collection Policy</b>

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### **SUMMARY**

Council to consider the recommendation to adopt the Avondale Agricultural Museum at Avondale Farm, Collection Policy.

### **BACKGROUND**

The Avondale Agricultural Museum Collection is located at Avondale Farm.

The original Avondale Agricultural Museum Collection was comprised of items donated by farmers from around the State for the sesquicentenary celebrations in 1979. The exhibition concentrated on items of technological significance, much of which was restored by the Department of Agriculture's workshop. The collection was specifically put together to represent the historical equipment of all the processes in agricultural production and therefore tells the story of the development of farming in the Western Australian Wheatbelt.

The Shire of Beverley took over the collection from the Agriculture Department in 2009, at the same time management of the property was transferred to the National Trust.

### **COMMENT**

A collection policy guides the decision-making process the Museum Collection. It is essentially a set of principles that guide collecting, loans, deaccessioning, collection care and access.

The collection policy demonstrates to funding bodies and potential sponsors and partners that a logical and strategic approach to collection development has been implemented.

### **STATUTORY ENVIRONMENT**

N/A

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

Goal 2 – Community infrastructure of significance, economic value and history adds value to our identity.

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

**POLICY IMPLICATIONS**

N/A

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That the Avondale Agricultural Museum Collection Policy be adopted and reviewed annually as part of the Shire of Beverley Policy Manual.

## Attachment 12.2

### 3.16 Avondale Agricultural Museum Collection Policy

<b>Policy Type:</b>	Community	<b>Policy No:</b>	<b>C017</b>
<b>Date Adopted:</b>		<b>Date Last Reviewed:</b>	

<b>Legal (Parent):</b> 1.	<b>Legal (Subsidiary):</b> 1.
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ADOPTED POLICY	
<b>Title:</b>	AVONDALE AGRICULTURAL MUSEUM COLLECTION POLICY
<b>Objective:</b>	To provide guidelines on the development and management of the collection.

#### Background

The Avondale Agricultural Museum Collection is located at Avondale Farm, in the Shire of Beverley. Avondale farm is a 710ha property, located 6km west of the Town of Beverley on Waterhatch Road. The property comprises 520ha arable farming land and 190ha non arable land comprising a bush reserve (53.5ha), rocky grazing, treed water courses and a built heritage precinct.

Avondale farm was one of the earliest pastoral properties developed in the Beverley district in the 1830's. Avondale Farm is valued for its role in agricultural research and education. Established as a State Farm in 1919, Avondale Farm was held by the Agriculture Department of WA as a venue for agricultural research from 1924 until the 1990's and subsequently as a public education site until 2009, when the National Trust took over the management of the property.

The original Avondale Agricultural Museum Collection was comprised of items donated by farmers from around the State for the sesquicentenary celebrations in 1979. The exhibition concentrated on items of technological significance, much of which was restored by the Department of Agriculture's workshop. The collection was specifically put together to represent the historical equipment of all the processes in agricultural production and therefore tells the story of the development of farming in the Western Australian Wheatbelt.

The original museum building was constructed to house the donated farm machinery. The building was extended in the early 2000's to house the growing collection that represents some of Western Australia agricultural machinery dating back to the 1850's

The Shire of Beverley took over the collection from the Agriculture Department in 2009, at the same time management of the property was transferred to the National Trust.

#### Statement Of Purpose Or Mission Statement

The purpose of the Avondale Agricultural Museum Collection is to tell the story of the mechanisation and innovation in farming in the Western Australian Wheatbelt region from the early 1850's to 1979.

The Museum aims to provide an educational and tourism experience that is complementary to the interpretation of 'Avondale Farm' which tells the story of the development of Agriculture in WA, intertwining early European settlement, the culture and traditions of the Ballardong Aboriginal people and the natural environment.

## Attachment 12.2

The Museum will incorporate objects, history and stories associated with the development of Agriculture in Western Australia, the history of Avondale Farm and the significant contribution made to Agricultural from the research carried out at Avondale.

### **Purpose And Scope Of The Collection Policy**

The collection policy will be the guiding document for the development and management of the collection.

The policy will guide the formation of a management structure, museum funding, a review of the existing collection and subsequent inclusion of items into the Avondale Agricultural Museum collection.

The collection management policy will guide the procedures by which the museum is managed and funded. The procedures developed to implement these policies will be outlined in a separate document.

### **Museum Management**

The Shire of Beverley owns and is responsible for the Avondale Agriculture Museum Collection.

Museum governance, future planning and funding will be the responsibility of the Shire of Beverley.

The Shire of Beverley will be responsible for the operations of the Museum in accordance with the policies and procedures of the Museum.

### **What The Museum Will Collect**

The key theme of the Avondale Agricultural Museum Collection is to tell the story of the mechanisation and innovation in farming in the Western Australian Wheatbelt region. The collection was put together to represent the historical equipment of all the processes in agricultural production and therefore is representative of a class of artefacts important to the development of farming in the Wheatbelt of WA.

The Museum will incorporate objects, history and stories associated with the development of Agriculture in Western Australia, the history of Avondale farm and the significant contribution made to Agricultural research at Avondale.

Contributing significantly to the value of the Museum Collection are the operational vehicles. A large number of the tractors and vehicles are operational, enabling demonstrations of farm practices and differentiating the collection from similar collections throughout WA.

The environs in which the Museum is located at Avondale also adds value to the museum collection and is another differentiating feature. Avondale Farm was an Agricultural research facility which made a significant contribution to agricultural research in the State and is still a working farm.

The collection dates from the 1850's to 1979.

The types of objects to be collected include agricultural machinery, agricultural implements, operating manuals for historical machinery, photographs and written and oral histories.

The objects will reflect the development of Agriculture in WA and could include

- equipment used in agricultural research;
- vehicles and machinery in working order or able to be restored to working order for the purpose of demonstrations;
- historical equipment that contributes to the processes in agricultural production; and
- objects important to the development of farming in the south of WA

The collection is available for viewing at Avondale Farm, 505 Waterhatch Road Beverley. Opening hours are determined by the Shire in consultation with the National Trust (WA) who manage Avondale Farm. Access may be provided for special events by arrangement. Access to Museum records will be provided by appointment only.

Temporary exhibitions may be installed and objects used in demonstrations at special events.

### **How the Museum Will Collect**

## Attachment 12.2

### Method of Acquisition

The Museum will acquire objects for the permanent collection by donation, bequest, purchase or transfer.

All decisions regarding the acquisition of objects for the museum will be made by the Acquisition Committee.

The museum will not accept conditional donations.

Loans will be considered on a case by case basis, and would normally only be considered where the object is rare and adds significant value to the current museum collection or it would enhance a temporary exhibition or event display. Decisions on items to acquire by loan will be made by the Acquisition committee.

### Acquisition Committee

The Acquisition committee will be full Council for the Shire of Beverley. All recommendations made by the committee will be documented and retained in the Shire of Beverley Office.

### Acquisition Criteria

The Committee will consider the following criteria before approving acquisition of an object:

- **Relevance**  
The museum only collects objects that relate to the museum's purpose and key collecting areas
- **Significance**  
Priority is given to objects which are significant for their historic, aesthetic, scientific/research or social/spiritual value.
- **Provenance and Documentation**  
Priority will be given to objects from Avondale Farm and surrounding Wheatbelt Shires and where the history of the object is known and associated documentation and support material can be provided. Items can be obtained from other areas where it enhances the understanding of the key themes within the collection.
- **Condition, intactness, integrity**  
The condition of the object must be taken into consideration when acquiring material. Badly damaged material will not normally be accepted into the collection.
- **Interpretive Potential**  
Objects that tell a story that adds to the interpretation of museum themes will be prioritised.
- **Rarity**  
Objects may be prioritised if they are rare examples of a particular kind of object
- **Representativeness**  
Objects may be prioritised if they are an excellent representative example of a particular kind of object
- **Duplications**  
Objects that duplicate items already in the collection will not be accepted unless they are of superior condition and/or historic value. In such a case the duplicate may be considered for deaccessioning.
- **Legal Requirements**  
The museum only accept objects where the donor/vendor has legal title to the object
- **Resource Implications**  
The museum will consider its responsibility in relation to items that have highly specialised conservation, storage and display needs and the ability of personnel to care for these items, including the financial resources required to safely house such items.



## Attachment 12.2

### Legal / Ethical Obligations

#### Aboriginal Artefacts

Should objects that are traditional Aboriginal objects be offered to the museum for inclusion in its collection the Shire will comply with the Aboriginal Heritage Act 1972.

The Shire acknowledges that it has a mandatory obligations under the Aboriginal Heritage Act 1972 (WA) to provide notice in writing to the Minister of Aboriginal Affairs in relation to any object in its custody that may be classified as Aboriginal cultural material. The Shire shall give a description of that object and the manner in which it came to be in its custody or under its control.

#### Prohibited Weapons And Firearms

Should objects that could be considered to be prohibited or controlled weapons be offered to the Museum for inclusion in its collection, the Shire will comply with the Weapons Act 1999 and the Weapons Regulations 1999. Such weapons could include historical swords, blunt ceremonial swords, bayonets, batons, cat o'nine tails, and concealed weapons, firearms including longarms, pistols and handguns.

#### Storage & Conservation

The Museum aims to achieve high standards of collection care and storage based on the National Standards for Museum and Galleries v1.5.

Objects will be stored and conserved in accordance with the Collection Policy Procedures Manual.

### Deaccessioning And Disposal Procedures

#### Criteria For Deaccessioning

Deaccessioning is the administrative process of removing an item from the collection.

An object can be deaccessioned from the Museum's collection if

- It does not comply with the current collection policy of the Museum.
- It is damaged beyond repair.
- The conservation and storage costs for it are beyond the means of the museum.
- It is a lesser quality duplicate of an object the museum already owns and it is not required for changeover, education or other purposes.
- It lacks any supporting information to enable proper identification or to establish its relevance to the collection.
- It has disputed ownership and a substantiated request for the return of the object to its original owner is received

#### Deaccession Procedures

To formally de-accession an object from the Museum collection the following procedure should be followed:

- The object identified for removal from the collection must come before the Acquisition Committee for consideration with close reference to the criteria stated above (8.1)
- The object identified above for deaccession must be held for a twelve month 'cooling off' period before it is finally disposed of.
- Staff, volunteers, committee members and their families are prohibited from purchasing, or otherwise obtaining, a deaccessioned object, except by public auction or open tender process.
- Any funds acquired from the sale of the de-accessioned item should be used for acquisition or care of the collections.

## Attachment 12.2

### **Disposal Procedures**

Once a decision has been made by the Acquisition committee to deaccession an object, the object should be removed from the collection in the following priority order:

1. Returned to the donor or family. If after a thorough search this is impossible, the object should be;
2. Transferred to another appropriate institution;
3. Sold by public auction or open tender process, where appropriate;
4. Used as an education/interpretive tool;
5. Destroyed or recycled if appropriate

### **Winding-Up Procedures**

In the event that the Museum is to be wound up, a resolution of the Beverley Shire Council is required.

The museum will be wound up in accordance with the National Standards for Australian Museums and Galleries v1.5 (in particular A1.1.3 and A1.1.4) or the equivalent standards at the time.

The Shire of Beverley disposal of assets policy will also apply.

### **LOANS**

#### **Loan Procedures**

The Museum will consider the lending and borrowing of objects if by doing so it assists the Museum in meeting its purpose. The lending and borrowing of objects will be considered on a case by case basis, and would normally only be considered where the object is rare and adds significant value to the current museum collection or it would enhance a temporary exhibition or event display.

Decisions on items to acquire by loan will be made by the Acquisition committee who will consider the following

- Permanent and long term loans will not be accepted by the Museum.
- The Museum will loan and borrow material to help meet its purpose.
- The Museum holds separate forms for inward and outward loans
- The maximum loan period is 12 months.

The procedure for inward and outward loans is contained within the Collection Procedures manual.

#### **Oral History Policy**

Oral histories form an important part of the Avondale Agricultural Machinery Museum. When collecting oral histories

- An Oral History Agreement is signed by the person interviewed, which clearly states the purpose and intended uses of the interviews and what copyright provisions apply.
- The Museum abides by the Guidelines of Ethical Practice of the Oral History Association of Australia.

Oral histories will be collected, used and made available to the public in accordance to the procedures outlines in the Collection Procedures Manual.

#### **Access**

The collection is accessible to the public through regular opening hours and by appointments. Use of the Museum for special events is by arrangement with the MSC, with approval from the Shire of Beverley.

The collection records are accessible for research purposes by appointment.

#### **Review Your Collection Policy**

The museum collection policy will be reviewed annually as part of the Shire of Beverley Policy Manual annual review.

### **12.3 Avondale – Request for C30 International Truck by Matthews Family**

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**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 18 February 2020  
**APPLICANT:** Mr Geoff Matthews  
**FILE REFERENCE:** ADM 0554  
**AUTHOR:** S.P. Gollan, Chief Executive Officer  
**ATTACHMENTS:** Correspondence, Registration of Donation, Significance Assessment

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#### **SUMMARY**

Council to consider the request to deaccession the C30 International Truck from the Avondale Agricultural Museum and return it to the donor family, Matthews of Brookton.

#### **BACKGROUND**

Mr Geoff Matthews has made repeated request of Council for the return of the International C30 Truck from the Avondale Agricultural Museum.

The matter has been raised in Council on previous occasions. In August 2018 Council declined the request through the August Council briefing. Council found as the item was donated, it now belonged to the Avondale Museum and an item should only be returned after meeting an agreed formal deaccessioning criteria and disposal procedure, contained within a collection policy.

The Collection Management Policy is recommended for adoption in agenda item 12.2.

#### **COMMENT**

The Avondale Agricultural Museum Collection policy allows an object to be removed from the collection if:

- It does not comply with the current collection policy of the Museum.
- It is damaged beyond repair.
- The conservation and storage costs for it are beyond the means of the museum.
- It is a lesser quality duplicate of an object the museum already owns and it is not required for changeover, education or other purposes.
- It lacks any supporting information to enable proper identification or to establish its relevance to the collection.
- It has disputed ownership and a substantiated request for the return of the object to its original owner is received.

Once a decision has been made by the Acquisition Committee to deaccession an object, the object should be removed from the collection in the following priority order:

1. Returned to the donor or family. If after a thorough search this is impossible, the object should be;
2. Transferred to another appropriate institution;
3. Sold by public auction or open tender process, where appropriate;

4. Used as an education/interpretive tool;
5. Destroyed or recycled if appropriate.

The C30 International Truck should be considered for deaccession if any of the above criteria have been met.

Attached is the registration of donation, the letter to the Matthews family thanking them for their donation, the significance assessment and a letter from Mr John Hawke outlining the work undertaken by volunteers to date.

Upon reviewing the documentation, management do not believe the C30 International Truck meets the criteria for deaccession, however Council as the Acquisition Committee must make the determination.

#### **STATUTORY ENVIRONMENT**

N/A

#### **FINANCIAL IMPLICATIONS**

N/A

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

Goal 2 – Community infrastructure of significance, economic value and history adds value to our identity.

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

#### **POLICY IMPLICATIONS**

Draft Avondale Agricultural Museum Collection Policy

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

Council acting as the Acquisition Committee for the Avondale Machinery Museum are to determine if the C30 International Truck meets deaccession criteria to return the truck as requested by Mr Geoff Matthews.

## Attachment 12.3

### Avondale Discovery Farm Collection Significance Assessment

**Name:** International Truck  
**Theme:** 1920-45  
**Location:** Machinery Museum



*Bill Matthews still lives  
in Corrigan*

#### Historical Notes

Donated by Matthews family, Brookton  
1935

#### Significance

Assessment and Comparative Criteria	High					Low
Aesthetic Significance	1	2	3	4	5	
Historic Significance	1	2	3	4	5	
Social/ Spiritual Significance	1	2	3	4	5	
Science/Research	1	2	3	4	5	
Rarity value	1	2	3	4	5	
Condition	1	2	3	4	5	
Representativeness	1	2	3	4	5	
Interpretative Potential	1	2	3	4	5	
National Significance	State Significance					Local Significance ✓



Attachment 12.3



**Western Australian  
Department of Agriculture**

BARON-HAY COURT,  
South Perth 6151,  
Western Australia.  
Telephone (09) 368 3333. Telegrams AGDEP Perth. Telex AA 93304  
FAX 368 1205

Please address all letters to the Director-General of Agriculture, quoting our reference number to your correspondence.

**DONOR FORM - AVONDALE HISTORICAL MUSEUM**

Thank you for offering the article described below to the Museum. Its value will be much greater if you can provide as much information as possible about it. If you are in doubt please write 'unknown'.

BRIEF DESCRIPTION OF ARTICLE/S: INTERNATIONAL C30 TRUCK  
BO 309

NAME OF PREVIOUS OWNER: MATTHEWS FAMILY

ADDRESS: BROOKTON POST CODE: 6306

**DETAILS:**

- (a) Who made the article? INTERNATIONAL USA
- (b) When? 1935  
(Give approximate date, e.g. '1800-1900' if exact date unknown)
- (c) Where was the article used? COLLIS 1935-1938  
BROOKTON 1938-1979
- (d) Any other information \_\_\_\_\_

I, the undersigned, hereby acknowledge, without any right of revocation, the previous donation of the object or objects described in the Article Description above, to the Chief Executive Officer of the Department of Agriculture, a body corporate under the Agriculture Act 1988, for the purpose, at its discretion, of exhibition.

PRINT NAME: JOHN MATTHEWS

SIGNED: [Signature] WITNESS: [Signature]

DATE: 16.10.97 ADDRESS: Brookton

Box 20 Brookton 6306

### Attachment 12.3

The Matthews Family  
c/- John Matthews  
P O Box 40  
Brookton WA 6304

Dear All

#### **1935 INTERNATIONAL TRUCK**

I would like to thank you, on behalf of Agriculture WA, for donating the above truck. It really is in excellent condition and a substantial addition to our collection at Avondale.

We are at present re-arranging the displays in the Machinery Museum and will shortly be able to house the truck permanently with the rest of our display. I hope you will have the opportunity to come to our Harvest Festival on Sunday 23 November and see your truck in place.

I attach a copy of the donation form, for your records.

Thank you once again for your generosity.

Yours sincerely

Dina Barrett-Lennard  
TECHNICAL OFFICER

5 November 1997

New Telephone No. New Fax No.  
(08) 9646 1004 (08) 9646 1002

*copy*

Attachment 12.3

## **1935 INTERNATIONAL MODEL C30**

**Donated to Avondale Discovery Farm by  
the Matthews Family of Brookton**

### **Brief History:**

Purchased in 1935 by a produce merchant in Collie, WA who sold it three years later.

Purchased by the Matthews family of Brookton in 1938 for £245.

This truck was used as a farm truck by the Matthews family from 1938 until 1979 (last service record) it could carry 50 bags of wheat per load, and did a total of over 300,000 miles in its useful lifetime.

During WWII years (1941-1946) it had a gas producer attached, and did 106,000 miles on gas.

From 1979 to 1997 it was housed in a farm shed in Brookton, until it was donated to Avondale on 16 October 1997.

*Museum Inter-*

## Attachment 12.3

15<sup>th</sup> February 2020

John Hawke  
2867 Westdale Road  
Beverley, 6304, WA

Volunteer @ Avondale Discovery Farm Collection

Dear Shire Councillors,

I am writing regarding the International C30 Truck donated to the Avondale Discovery Farm Collection in 1997. I understand that the family would like the truck returned as they feel that no progress has been made on its restoration. I believe that progress is going ahead successfully on the truck and I wish to address its history of works, the resources and time needed to complete the project and the trucks significance to the Avondale Collection.

The history of the works completed on the to date are:

- From 1997 – 2012 the truck was on display in its original unrestored condition. On the donation paperwork there is no mention of restoration or a time frame.
- 2012 -2020 It was decided to get the truck operational as it was currently not running. The plan was to restore the truck to running condition but keep it in its original patina. Unfortunately, somehow the Matthew family collected the guards and had them restored and painted to new condition which then made a simple restoration into a large and expensive renovation, which was never the groups original intention.
- Therefore, the group had to re-evaluate the original restoration plan and work toward a more intensive, timely and expensive restoration.
- This then involved removing the body and front panels to allow access to the engine and gear box. Engine was removed, chassis was painted, break lines were repaired
- New cab was made using the template of the original due to white ant damage. This took a lot of time and skill to re-create the cab as old timber in the required sizes was difficult to source. This was completed by myself as a fully qualified cabinet maker and was honestly a labour of love as the templates were one offs and neither matched.
- All panels have been sandblasted. New running boards, valance, battery box have been handmade by a local steel fabricator.
- Tail shaft bearings have been replaced, starter motor rebuild, water pump rebuild, brake booster rebuilt, and the electrics have been started and are underway in preparation in starting the motor (which all the volunteers have worked so hard towards achieving).
- As the current rims and body panels were rusted or damaged beyond repair, replacement parts have been sourced from Denmark and Nungarin. This involved much searching, phone call and favours to locate these rare and specific items. Huge thanks to the Denmark Men's Shed who helped find the rims for the truck.



The resources needed to complete the project are:

- Complete the electrical works – wire purchased already and labour
- Refit the timber handmade cab – time and labour
- Finalise the body panels for fitting and painting – paint is purchased, labour and patience
- Source and purchase six tyres
- Finalise starting the motor – labour
- Replace the fuel system (new fuel lines) – purchase new fuel lines and labour

I believe that this project can be completed over the next two years, as 80% has already been completed.

## Attachment 12.3

The significance of the International C30 truck to the Avondale Discovery Farm Collection is that it currently holds a High Historical Significance and is recognised as having local significance as per the Avondale Discovery Farm Significance Assessment. It is also one of only two vehicles in the whole collection that was fitted with a gas producer. As it was built during the depression, the cab is extremely unique as it demonstrates the use of recycling found materials to create the current cab. Finally, the truck is the only vehicle in our collection from the 1930 time period and is invaluable to Avondale Discover Farm Collection.

In summary, I would personally be devastated if all the labour, money, time, skills, community help and significant history of this vehicle were taken from the Avondale Discovery Farm Collection. I feel that we can complete the project and have made fantastic progress considering we meet once a month and are a volunteer community group.

I look forward to continuing my work in this project and hearing that you support keeping the C30 International Truck in our museum.

Your Sincerely

John Hawke  
Volunteer Avondale Discovery Farm Collection



Attachment 12.3



**SHIRE OF BEVERLEY**  
BEVERLEY, WESTERN AUSTRALIA 6304

File Ref: ADM 0156  
Enquiries: CEO

Mr Geoff Matthews  
PO Box 56  
BROOKTON WA 6306

Dear Geoff

Thank you for your letter and email regarding the International C30 Truck and the request to take back ownership. The matter was discussed by Council at its briefing session on Tuesday 28 August 2018 and also included a visit to Avondale to view the truck on 14 August 2018.

Council concluded that it cannot return the donated International C30 truck without reference to a formal deaccession and disposal policy and procedure. Returning the truck or any item without formal protocols may diminish the overall significance of the collection and will set a precedent that Council does not wish to adopt.

The Shire acknowledges there has been limited activity at Avondale following the transfer of management of the property to the National Trust of Australia (WA) and the transfer of the Agricultural Machinery collection to the Shire of Beverley in 2009. In 2017, the Shire and the Trust reaffirmed its commitment to the property and are actively working towards repurposing and reactivating the place. The Agricultural Museum Collection remains an important collection at Avondale and continues to be valued by the Beverley and surrounding communities.

There are currently interim arrangements in place for Avondale, with a goal to reactive Avondale by March 2020. In the meantime, the Avondale Executive Liaison Officer is developing policies and procedures for the collection that adheres to the guiding principles of the National Standards for Museums and Galleries.

For your reference, I have attached the relevant section from the draft Collection policy. This policy is yet to be formally adopted but I hope it is useful in helping you understand the rationale for Council's decision.

While I know this is not the outcome you were hoping for, I trust you will understand Council's decision. Please do not hesitate to contact me if you have any further queries.

Yours sincerely

A blue ink signature of Stephen Gollan, written over a horizontal line.

Stephen Gollan  
Chief Executive Officer

4 September 2018

### Attachment 12.3

**From:** Geoff Matthews  
**Sent:** Monday, 10 September 2018 3:44 PM  
**To:** Stephen Gollan;  
**Subject:** Re: International C30 Truck

Dear Stephen,

Thank you for your email re the C30 International truck -- part restored at Avon Dale . My 87 year old brother Bill Matthews who paid money towards it's restoration thought the truck was to be returned to Coondee so did I--- as it is my truck -- our late brother John Matthews apparently arranged with some now deceased Avon Dale volunteers to restore it --- at their invitation too ! I had driven the truck to John's farm just South of Brookton many years ago as he intended to have it restored for the Matthews family . The truck sat in John's farm shed for some time --- then we were told it was at Avon Dale being restored -- but was to be returned home to Coondee [ the original Matthews farm now owned by my son Justin ] -- at West Brookton . As I own the truck & have "super 8 movie " of our old Dad sweeping off the tray & driving it around our sheds ready to go to John's farm for restoration we all feel aggrieved . While our family understand the Beverley Council's situation regarding this matter -- we wish to work with Council to resolve an apparent misunderstanding . Stephen how do we proceed down the Disputed Ownership path ? We all look forward to an amicable outcome .

Best Regards-- Geoff

### Attachment 12.3

**Sent:** Tuesday, 17 April 2018 4:03 PM  
**Subject:** Matthews International Truck.



Shire Council,  
Beverley. W.A.

Please note ...Matthews International Truck..ex Avon Research Station.

Dear Sir,

**" Facts become memories , and memories can fade away.**

Some 20 years ago, my brother, John Matthews, late of Brookton W.A.  
Bequeathed to Avon Research Station Museum,, on behalf of the  
Matthews Family, our retired International Truck: on the proviso it would  
be restored, to it's former glory.

Professionally the work was commenced with promising results....however  
In latter times work ceased and it remains in limbo...with a similar state of  
Premises ownership, it seems, on enquiry.

One Mr. Alan Parson's of Bunbury, recently visited the museum, and has  
established that the same truck was earlier , owned by his family..in Collie.  
Aware of the truck's combined history ..Mr. Parson's and myself , Bill  
Matthews, contributed, financially, to the restoration of mudguards on  
Said truck...but find work has ceased again.

With a Centenary event of the Brookton farm, from whence the truck came,  
pending ,the Matthews family has assured finance and desire readily  
available to., 'go it alone ' and finalise the job.

This would be with a view to returning the vehicle to it's old home place  
COONDEE to enhance a permanent display of like , aged pieces for  
Posterity.

We fully appreciate the situation of the original agreement, and the  
Excellent work done so far , but the seemingly uncertain future in Beverley  
Leads us to question , "is there any way the bequest could be reversed, and  
The Matthews Family could reclaim the vehicle?".

We have no documentation of the original arrangement...so must rely upon  
Your Committee to guide us from here on.

Yours, in anticipation of an early reply ,

## **12.4 Use of the Common Seal**

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**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 18 February 2020  
**APPLICANT:** N/A  
**FILE REFERENCE:** ADM 0265  
**AUTHOR:** S.P. Gollan, Chief Executive Officer  
**ATTACHMENTS:** Nil

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### **SUMMARY**

Council to endorse the use of the Common Seal.

### **BACKGROUND**

Allocation of the Common Seal requires accompanying signatures of both the Shire President (or Deputy) and Chief Executive Officer (or person acting in that position).

### **COMMENT**

The Common Seal has been recently attached to the following documents:

1. Lease Agreement, Childcare Room, Cornerstone Building between Shire of Beverley and Fun2BKids (M de Beer and J Copping).
2. Agreement for Services between Shire of Beverley and Avon Waste.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*, Part 9, Division 3, Execution of documents states:

- (1) A document is duly executed by a local government if -
  - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
  - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.
- (3) The common seal of the local government is to be affixed to a document in the presence of –
  - (a) the mayor or president; and
  - (b) the chief executive officer or a senior employee authorised by the chief executive officer,  
each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

#### **FINANCIAL IMPLICATIONS**

Nil

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

#### **POLICY IMPLICATIONS**

Delegation EO-D010

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council note and endorse the use of the Common Seal having been attached to:

1. Lease Agreement, Childcare Room, Cornerstone Building between Shire of Beverley and Fun2BKids (M de Beer and J Copping).
2. Agreement for Services between Shire of Beverley and Avon Waste.



## **12.5 Kinetic Sculpture**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>18 February 2020</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>ADM 0274</b>
<b>AUTHOR:</b>	<b>S.P. Gollan, Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>Nil</b>

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### **SUMMARY**

Council to consider the location of the Kinetic Sculpture.

### **BACKGROUND**

The idea of a Kinetic Sculpture came about in 2017-18 looking for something that would give Beverley a point of difference from our neighbours.

The Economic and Community Strategy (ECS) Committee at its 9 April 2019 meeting discussed a kinetic sculpture after viewing several videos at previous meetings. Locations given consideration: the side of the Great Southern Highway within the Hunt Road Village lot; within the dam at the Information Bay on Hunt Road; the garden of the Old CRC building; the station arts carpark and within the rose garden at Apex Park. It was recommended by the ECS Committee that Council commission Mr Grant Hobbs to design and construct a Kinetic Sculpture and that it be placed in the Beverley Station Arts carpark.

However, at the 30 April 2019 Ordinary Council Meeting, Council agreed on the design and construction of the Kinetic Sculpture but deferred a decision on the location of the sculpture to allow further thought time.

At the 14 May Corporate Strategy meeting it was documented: Further to the 30 April 2019 Ordinary Council Meeting, both Cr Pepper and Cr Ridgway have spoken to Grant Hobbs and passed on the idea of locating the kinetic sculpture in the dam at the Information Bay. Grant Hobbs liked the suggestion and has since met with Manager of Works, Steve Vincent and Shire Planner, Stefan de Beer who have reviewed the location and checked the ability to put it in the dam. All believe it to be suitable, gaining the eye of passing traffic and making it a difficult location should anyone want to try and take the copper home.

Outcome: Consensus that proposed dam location is acceptable.

At the 13 August 2019 ECS Committee Meeting it was advised that the Kinetic Sculpture was ready but would have to wait until summer to be installed in the dam. The Committee decided that it should be temporarily installed in the lawn at the Old School building to be on display for the Beverley Agricultural Show which was on 24 August 2019.

### **COMMENT**

After installation, the kinetic sculpture was met with favourable reception from the public and its popularity has grown. In hindsight it may have been prudent to let the community know by way an interpretation board at the sculpture itself that the old

school lawn was only ever a temporary location and was built at height for the Information Bay dam. It would seem some of the community who are unhappy with the move to the dam are unaware of the history.

Councillors were asked to gauge the public and consider the final location for the February Council meeting.

Shire staff need to know now while the dam is dry and conditions suitable if the kinetic sculpture is to be moved or not.

#### **STATUTORY ENVIRONMENT**

N/A

#### **FINANCIAL IMPLICATIONS**

2019/20 Budget

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

Goal 2 – Community infrastructure of significance, economic value and history adds value to our identity.

Goal 4 – Vincent Street is activated and aesthetically improved.

Goal 6 – Beverley has a unique identity in the region and is well visited.

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

#### **POLICY IMPLICATIONS**

N/A

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council select the final location of the Kinetic Sculpture and advise the community.

## **12.6 2019 Compliance Audit Return**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>13 February 2020</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>ADM 0237</b>
<b>AUTHOR:</b>	<b>S.P. Gollan, Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>2019 Compliance Audit Return</b>

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### **SUMMARY**

The *Local Government Act 1995* requires all Western Australian Local Authorities to complete a Compliance Audit Return (CAR), distributed by the Department of Local Government, in relation to activities undertaken by the local authority in the preceding calendar year.

### **BACKGROUND**

In 2006, participation in the program was made compulsory for all local authorities. In 2007, the return for 2006 was required to be completed online. Changes were made in 2009 to the structure of some of the questions to provide more clarity. The CAR is restricted to those areas considered high risk.

### **COMMENT**

Attached is a certified copy of the CAR for Council's consideration. The Audit and Risk Committee reviewed the document at its 11 February 2020 meeting and recommended that Council adopt and submit to the Department of Local Government smarthub (no later than the 31<sup>st</sup> March each year).

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995* and Regulation 13 of the *Local Government Audit Regulations*, Clauses 14 and 15

## **14. Compliance audit return to be prepared**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3) A compliance audit return is to be
  - (a) presented to the council at a meeting of the council;
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

## **15. Completion of compliance audit**

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with:

- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c) and
- (b) any additional information explaining or qualifying the compliance audit

is to be submitted to the Executive Director by 31 March next following the period to which the return relates.

(2) In this regulation:

Certified in relation to compliance audit return means signed by:

- (a) the mayor or president; and
- (b) The CEO

### **FINANCIAL IMPLICATIONS**

Nil

### **STRATEGIC IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

### **COMMITTEE'S RECOMMENDATION**

That:

1. the Compliance Audit Return 2019 be adopted; and
2. the Chief Executive Officer and Shire President be authorised to sign and forward the 2019 Compliance Audit Return to the Department of Local Government.

## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

### Beverley - Compliance Audit Return 2019

#### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of section of relevant minutes.

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2019?	N/A	No major trading undertaken.	Stephen P Gollan
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2019?	N/A	No major land transaction undertaken.	Stephen P Gollan
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2019?	N/A		Stephen P Gollan
4	s3.59(4)	Has the local government complied with public notice and publishing requirements of each proposal to commence a major trading undertaking or enter into a major land transaction for 2019?	N/A		Stephen P Gollan
5	s3.59(5)	Did the Council, during 2019, resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Stephen P Gollan



## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

Delegation of Power / Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority?	N/A	No committee has any delegation of power.	Stephen P Gollan
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing?	N/A		Stephen P Gollan
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17?	N/A		Stephen P Gollan
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations?	N/A		Stephen P Gollan
5	s5.18	Has Council reviewed delegations to its committees in the 2018/2019 financial year?	Yes		Stephen P Gollan
6	s5.42(1), 5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act?	Yes		Stephen P Gollan
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority?	Yes		Stephen P Gollan
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing?	Yes		Stephen P Gollan
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Stephen P Gollan
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority?	Yes		Stephen P Gollan
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees?	Yes		Stephen P Gollan
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2018/2019 financial year?	Yes		Stephen P Gollan
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required?	Yes		Stephen P Gollan
Disclosure of Interest					
No	Reference	Question	Response	Comments	Respondent
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68)?	Yes		Stephen P Gollan
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings?	Yes		Stephen P Gollan

## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made?	Yes		Stephen P Gollan
4	s5.73	Where the CEO had an interest relating to a gift under section 5.71A(1), was written notice given to the Council?	N/A	No interests in relation to gifts.	Stephen P Gollan
5	s5.73	Where the CEO had an interest relating to a gift in a matter in respect of a report another employee is providing advice on under section 5.71A (3), was the nature of interest disclosed when the advice or report was provided?	N/A		Stephen P Gollan
6	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day?	Yes		Stephen P Gollan
7	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day?	N/A	No new designated employees	Stephen P Gollan
8	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2019?	Yes		Stephen P Gollan
9	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2019?	Yes		Stephen P Gollan
10	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return?	Yes		Stephen P Gollan
11	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76?	Yes		Stephen P Gollan
12	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28?	Yes		Stephen P Gollan
13	s5.89A Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under section 5.71A, in the form prescribed in Administration Regulation 28A?	Yes		Stephen P Gollan
14	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76?	Yes		Stephen P Gollan
15	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee?	Yes		Stephen P Gollan

## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
16	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes?	Yes		Stephen P Gollan
17	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report?	Yes		Stephen P Gollan
18	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee?	Yes		Stephen P Gollan
19	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees?	Yes		Stephen P Gollan

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5))?	N/A	No property disposed	Stephen P Gollan
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	N/A		Stephen P Gollan

### Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1) (2)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates?	Yes	No disclosure of gift forms received by any candidates.	Stephen P Gollan
2	Elect Reg 30G(3) & (4)	Did the CEO remove any 'disclosure of gifts' forms relating to an unsuccessful candidate or a successful candidate that completed the term of office from the electoral gift register, and retain those forms separately for a period of at least 2 years?	N/A	No disclosure of gift forms received by any candidates.	Stephen P Gollan

## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

Finance					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes		Stephen P Gollan
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A	No powers delegated, only duties.	Stephen P Gollan
3	s7.3(1)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor, a registered company auditor?	Yes		Stephen P Gollan
4	s7.3(1), 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council?	Yes		Stephen P Gollan
5	Audit Reg 10	Was the Auditor's report(s) for the financial year(s) ended 30 June received by the local government within 30 days of completion of the audit?	Yes		Stephen P Gollan
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2019 received by the local government by 31 December 2019?	Yes		Stephen P Gollan
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government, ensure that appropriate action was undertaken in respect of those matters?	Yes	Minor - staff entitlements have been reduced.	Stephen P Gollan
8	S7.12A (4)	Where the auditor identified matters as significant in the auditor's report (prepared under s7.9(1) of the Act), did the local government prepare a report stating what action had been taken or it intended to take with respect to each of the matters and give a copy to the Minister within 3 months after receipt of the audit report?	Yes		Stephen P Gollan
9	S7.12A (4)	Within 14 days after the local government gave a report to the Minister under s7.12A(4) (b), did the CEO publish a copy of the report on the local government's official website?	Yes		Stephen P Gollan
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit?	Yes		Stephen P Gollan
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit?	Yes		Stephen P Gollan



## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit?	Yes		Stephen P Gollan
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor?	Yes		Stephen P Gollan
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor?	Yes		Stephen P Gollan

### Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	s5.56 Admin Reg 19DA (6)	Has the local government adopted a Corporate Business Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	25 February 2014	Stephen P Gollan
2	s5.56 Admin Reg 19DA (4)	Has the local government reviewed the Corporate Business Plan in the 2018-2019 Financial Year. If Yes, please provide date of Council meeting the review was adopted at?	No		Stephen P Gollan
3	s5.56 Admin Reg 19C	Has the local government adopted a Strategic Community Plan. If Yes, please provide adoption date of the most recent Plan in Comments?	Yes	22 May 2018	Stephen P Gollan
4	s5.56 Admin Reg 19C (4)	Has the local government reviewed the current Strategic Community Plan. If Yes, please provide date of most recent review by Council in Comments.  Note: If the current Strategic Community Plan was adopted after 1/1/2016, please respond N/A and provide adoption date in Comments?	N/A	22 May 2018	Stephen P Gollan
5	S5.56 Admin Reg 19DA (3)	Has the local government developed an Asset Management Plan(s) that covers all asset classes. If Yes, please provide the date of the most recent Plan adopted by Council in Comments?	Yes	21 February 2017  Plans are currently being updated but not yet adopted by Council.	Stephen P Gollan
6	S5.56 Admin Reg 19DA (3)	Has the local government developed a Long Term Financial Plan. If Yes, please provide the adoption date of the most recent Plan in Comments?	Yes	22 November 2019	Stephen P Gollan
7	S5.56 Admin Reg 19DA (3)	Has the local government developed a Workforce Plan. If Yes, please provide adoption date of the most recent Plan in comments?	Yes	25 June 2013	Stephen P Gollan



## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

Local Government Employees					
No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		Stephen P Gollan
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A?	N/A		Stephen P Gollan
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4)?	N/A		Stephen P Gollan
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only)?	N/A		Stephen P Gollan
5	s5.37(2)	Did the CEO inform Council of each proposal to employ or dismiss a designated senior employee?	N/A		Stephen P Gollan

## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

Official Conduct					
No	Reference	Question	Response	Comments	Respondent
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer?	Yes		Stephen P Gollan
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c)?	Yes		Stephen P Gollan
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made?	Yes		Stephen P Gollan
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint?	Yes		Stephen P Gollan
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred?	Yes		Stephen P Gollan
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c)?	Yes		Stephen P Gollan

## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

### Optional Questions

No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Local Government (Financial Management) Regulation 5 (2)(c) within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	Yes	Completed 18 December 2019.  For Council consideration 25 February 2020.	Stephen P Gollan
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Local Government (Audit) Regulation 17 within the 3 years prior to 31 December 2019? If yes, please provide date of Council resolution in comments?	Yes	17 December 2019 (for 2019) 26 February 2019 (for 2018) 27 February 2018 (for 2017)	Stephen P Gollan
3	Financial Management Reg 5A.	Did the local government provide AASB 124 related party information in its annual report(s) tabled at an electors meeting(s) during calendar year 2019?	Yes		Stephen P Gollan
4	S6.4(3)	Did the local government submit to its auditor by 30 September 2019 the balanced accounts and annual financial report for the year ending 30 June 2019?	Yes		Stephen P Gollan

### Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2))?	Yes		Stephen P Gollan
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract?	N/A		Stephen P Gollan
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice?	Yes		Stephen P Gollan
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16?	Yes		Stephen P Gollan

## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation?	N/A	No variations	Stephen P Gollan
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16?	Yes		Stephen P Gollan
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender?	Yes		Stephen P Gollan
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria?	Yes		Stephen P Gollan
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection?	Yes		Stephen P Gollan
10	F&G Reg 19	Did the CEO give each tenderer written notice advising particulars of the successful tender or advising that no tender was accepted?	Yes		Stephen P Gollan
11	F&G Reg 21 & 22	Did the local governments advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22?	N/A	No EOI sought.	Stephen P Gollan
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice?	N/A		Stephen P Gollan
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services?	N/A		Stephen P Gollan
14	F&G Reg 24	Did the CEO give each person who submitted an expression of interest, a notice in writing in accordance with Functions & General Regulation 24?	N/A		Stephen P Gollan
15	F&G Reg 24AC (1) & (2)	Has the local government established a policy on procurement of goods and services from pre-qualified suppliers in accordance with the regulations?	Yes		Stephen P Gollan
16	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice?	No		Stephen P Gollan
17	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE?	N/A		Stephen P Gollan

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## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit: Return



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
18	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application?	N/A		Stephen P Gollan
19	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, given notice of the variation?	N/A		Stephen P Gollan
20	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications?	N/A		Stephen P Gollan
21	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application(s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria?	N/A		Stephen P Gollan
22	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG?	N/A		Stephen P Gollan
23	F&G Reg 24AI	Did the CEO send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted?	N/A		Stephen P Gollan
24	F&G Reg 24E	Where the local government gave a regional price preference, did the local government comply with the requirements of F&G Reg 24E including the preparation of a regional price preference policy?	N/A		Stephen P Gollan
25	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy?	N/A		Stephen P Gollan
26	F&G Reg 11A	Does the local government have a current purchasing policy that comply with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less?	Yes		Stephen P Gollan



## Attachment 12.6

Department of Local Government, Sport and Cultural Industries - Compliance Audit Return



Department of  
**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
27	F&G Reg 11A	Did the local government comply with its current purchasing policy in relation to the supply of goods or services where the consideration under the contract is, or is expected to be \$150,000 or less or worth \$150,000 or less?	Yes		Stephen P Gollan

I certify this Compliance Audit return has been adopted by Council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor / President, Beverley

\_\_\_\_\_  
Signed CEO, Beverley

## **12.7 2019 Public Liability Risk Assessment Unsupervised Gym Member Access**

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<b>SUBMISSION TO:</b>	<b>Ordinary Council Meeting 25 February 2020</b>
<b>REPORT DATE:</b>	<b>12 February 2020</b>
<b>APPLICANT:</b>	<b>N/A</b>
<b>FILE REFERENCE:</b>	<b>ADM 0209 &amp; ADM 0163</b>
<b>AUTHOR:</b>	<b>S.K. Marshall, Deputy Chief Executive Officer</b>
<b>ATTACHMENTS:</b>	<b>2019 Public Liability Risk Assessment Unsupervised Gym Member Access (Under Separate Cover)</b>

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### **SUMMARY**

Council to receive the 2019 Public Liability Risk Assessment Unsupervised Gym Member Access Report prepared by LGIS as recommended by the Audit and Risk Committee.

### **BACKGROUND**

The purpose of the risk assessment is to identify hazards, potential risks and liability issues and to provide practical treatment options.

The Beverley Gymnasium has been open to the public on an unsupervised basis since September 2009. Members are required to provide a medical certificate and complete one induction session prior to receiving membership.

To date, there have been no serious accidents or injuries reported to the Shire.

The gym currently has 41 members. For the period 1 January 2019 – 31 December 2019 the gym was used 1,464 times, an average of 4.01 times a day.

### **COMMENT**

Recommendations from the report include security alarms for the building, CCTV with monitoring, steel mesh security flyscreens, security film treatment on windows, hard wired panic buttons, personal panic devices, pre-exercise orientation programs, restrictions on free weights, safe equipment options, updated policies and procedures and regular maintenance and inspection.

Management have reviewed the report and feel that some of the following suggestions may be achievable (some will require future budget allocations).

- Consider swipe card access including front, rear and toilets.
- Remove bench press and large free weights.
- Consider CCTV monitoring.
- Consider installing an AED (Defib).
- Install appropriate emergency exit doors.
- Replace existing fire extinguisher with larger CO2 type.
- Restock and monitor first aid kit.
- Fence off rear toilet area.
- Remove member information.
- Remove exercise instructions displayed outside of building.

Update evacuation diagram and install one in each room.

At the Audit and Risk Committee meeting 11 February 2020, the committee agreed that the gym was a necessary asset as it assists the Shire to promote healthy living and active lifestyles which can be an issue for smaller towns. Regular activity is proven to help with mental and physical well being.

Shire staff have already addressed several identified issues including member information and exercise instructions.

#### **STATUTORY ENVIRONMENT**

Risk Management in accordance with ISO AS/NZS 31000:2009

#### **FINANCIAL IMPLICATIONS**

Future Budgets

#### **STRATEGIC IMPLICATIONS**

Community Strategic Plan

Goal 9 - We have a healthy and safe community.

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

#### **POLICY IMPLICATIONS**

Nil

#### **VOTING REQUIREMENTS**

Simple Majority

#### **COMMITTEE'S RECOMMENDATION**

That Council receive the 2019 Public Liability Risk Assessment Unsupervised Gym Member Access Report as prepared by LGIS and make an allocation in the 2020/21 draft budget to meet some of the recommendations as selected by Council.

# Shire of Beverley

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Three large, overlapping geometric shapes in yellow, teal, and dark teal are positioned at the bottom of the slide.

**REPORT FOR:** Shire of Beverley

**LOCATION:** Beverley Gymnasium (Old Court House building)

**TYPE OF REPORT:** Public Liability Site Risk Assessment

**PREPARED BY:** LGIS  
Chiara Acciano, Regional Risk Coordinator,  
Avon / Central Midlands Region

**DATE OF INSPECTION:** 26 February 2019

**CONFERRED WITH:** Simon Marshall, Deputy Chief Executive Officer and Val Seeber, HR / OHS Officer, Shire of Beverley

## Foreword

This report is based on prevailing conditions at the time of the site visit and information provided by the Shire of Beverley. It does not imply that no other hazardous conditions exist and no liability shall be assumed by virtue of this advisory report.



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# Introduction

## Background

The Beverley Gymnasium (gym) is located in the Old Court House building situated at the corner of Vincent and Bartram Streets, Beverley. The gym can be accessed from Vincent Street with car parking facilities on the streets or in the car park off Vincent Street. Vincent Street is the main street of Beverley which encompasses other Beverley businesses.

The gym operates on set, unsupervised hours and promotes the availability of:

- Gym equipment; and
- Free weights.

The Shire has requested the assistance of LGIS in relation to potential exposures to liability with the provision of unsupervised member access to the Beverley Gymnasium and determining what would be reasonably expected of the Shire in order to discharge its duty of care to members at the location.

## Purpose

At the request of Simon Marshall, Deputy Chief Executive Officer, the purpose of this risk assessment is to identify hazards, potential risks and liability issues and provide practical treatment options in relation to provision of unsupervised member access to the Beverley Gymnasium.

## Requirements

The imperative for identifying, assessing and treating the risks covered by this review are found under common law where, the organisation that manages and controls the site has a duty of care to those who enter and use the site. They must do what is reasonably practicable to ensure that foreseeable risks are adequately treated.



Beverley Gymnasium (Nearmap 01.01.2005)

## Methodology

The methodology of this site risk assessment is as follows:

1. Onsite inspection of the Beverley Gymnasium site to identify risks, hazards and existing controls.
2. On site discussions with relevant Shire of Beverley personnel to further identify existing controls and discuss preliminary findings.
3. Application of the risk management process to the issues in accordance with ISO AS/NZS 31000:2009, including:
  - a. Risk identification;
  - b. Control identification and rating;
  - c. Risk analysis and evaluation, using generic Risk Assessment Tables (Appendix A);
  - d. Treatment option identification (in order of hierarchy of controls: elimination, substitution, engineering, administration, personal protective equipment); and
  - e. Comments on treatment options and recommendations (based on most suitable treatments taking into account the degree of risk reduction, operational practicality and the cost and ease of implementation and ongoing maintenance).
4. Development of draft and final reports noting potential risks and liability exposures, as well as, providing direction for risk treatment options.

# Unsupervised Gym Member Access Risk Information

## Summary of Risk Issues

The following risks summarise the key issues foreseeable with the provision of unsupervised member access at the Beverley Gymnasium at the date of inspection, 26 February 2019 for the Shire of Beverley.

Risk Description	Existing Controls Rating	Level of Risk	Treatment Suggested
Failure to manage unauthorised access to the Beverley Gymnasium	(I) Inadequate	H10	Yes
Failure to provide reasonable measures to reduce the risk of harm and/or damage to members utilising the Beverley Gymnasium	(I) Inadequate	H15	Yes
Failure to provide reasonable measures to maintain personal security of members accessing the Beverley Gymnasium	(I) Inadequate	H10	Yes

## Detailed Risk Information

Ref No.	Context	Risk	Causes	Controls	Existing Control Rating	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Recommended	Suggested Treatment Options
1	Unsupervised member access of Beverley Gymnasium	Failure to manage unauthorised access to the Beverley Gymnasium	Multiple points of access Unsuitable entry point security Lost access keys Access key imprinted with location (Gym) identifiers Unsupervised location (staff or CCTV) Lack of alarm Unclear member responsibilities Unsuitable deterrents or consequences for offending members Lack of physical security presence (security checks/patrols)	Key entry Exterior lighting Member induction	(I)	Injuries Financial Service Interruption Reputation Property	5 5 3 4 4	2 2 2 2 2	HIGH (10)	Y	Refer to Treatment Options
2	Unsupervised member access of Beverley Gymnasium	Failure to provide reasonable measures to reduce the risk of harm and/or damage to members utilising the Beverley Gymnasium	Unsuitable member training and induction measures Unsupervised location (staff or CCTV) Lack of alarm Unclear member responsibilities Access to inappropriate or high risk equipment Inadequate inspection and maintenance of equipment	Key entry Exterior lighting Member induction	(I)	Injuries Financial Reputation Property	5 5 4 3	3 3 3 2	HIGH (15)	Y	Refer to Treatment Options



Ref No.	Context	Risk	Causes	Controls	Existing Control Rating	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Recommended	Suggested Treatment Options
			including tag off procedures Insufficient access to outside communication Lack of emergency response and escalation measures Insufficient access to first aid treatment/equipment Lack of appropriate slip resistant treatments to wet areas and entry points Multiple trip and fall hazards								
3	Unsupervised member access of Beverley Gymnasium	Failure to provide reasonable measures to maintain personal security of members accessing the Beverley Gymnasium	Unsupervised location (staff or CCTV) Insufficient access to outside communication Multiple points of access Unsuitable entry point security Lost access keys Access key imprinted with location (Gym) identifiers Lack of alarm Lack of physical security presence (security checks/patrols) Lack of emergency response and escalation measures Insufficient exterior/entry lighting	Key entry Exterior lighting Member induction	(I)	Injuries Financial Reputation	5 3 4	2 1 2	HIGH (10)	Y	Refer to Treatment Options

Ref No.	Context	Risk	Causes	Controls	Existing Control Rating	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Recommended	Suggested Treatment Options
			Poor lines of visibility (black spots) from car park to and at gym entry/exit								

## Duty of Care

The Shire of Beverley's management and control of an unsupervised gym imposes a general duty of care on the Shire, as well as a duty as an occupier in the position of the Shire expected to exercise reasonable care to entrants to the gym.

Because the law of occupier's liability has now been placed on exactly the same footing as the general law of negligence, the trend in occupier's liability cases is the same as the trend in general negligence cases, if anything moving in favour of defendants such as Local Governments. In the past few years, the courts have been rather more willing to declare that reasonable care does not require precautions to be taken against all reasonably foreseeable risks. Some risks, although reasonably foreseeable, are so small that a reasonable person in the defendant's position would simply ignore them. However this trend should not be taken to mean that the courts will retreat from finding that a Local Government has breached its general duty of care as well as its duty as a reasonable occupier to patrons of the gym where the patron suffers loss or injury in circumstances where the loss or injury was reasonably foreseeable and was easy to guard against, and the failure to act or the act itself, causes the loss or injury suffered by the patron.

### Extent of Duty of Care

A patron who enters a Local Government gym usually makes payment for use of the gym. In contract and also because there is a duty of care owed, the patron is entitled to expect that the condition of the gym will be as safe as reasonable care on the part of the Local Government can make it. This means that the Local Government can be held liable for lack of care not only of itself and persons for whom it would ordinarily be vicariously liable,

but also in some instances for negligence on the part of independent contractors. Section 8 of the *Occupiers Liability Act 1985* (WA) preserves a higher duty of care on Occupiers of land and it is a well-accepted principle of law that Occupiers have a duty to protect users of property from any defect or danger in the physical state or condition of the property. — In some circumstances, Occupiers may even have a duty to control others (i.e. a third party) on the premises where there is a foreseeable risk of harm (although this unlikely to extend to preventing any criminal conduct).

Obviously there are inherent injury risks in all gym environments. Local Governments need to demonstrate that they introduced **reasonable measures** to prevent the risk of injury occurring, this can be done by undertaking risk reduction activities and then documenting what has been done.

Consequently, Local Governments are therefore subject to the same principles governing the scope and content of their duty of care to which any private citizen or entity is to be subject to. One key message that should be emphasised is that the content of the duty of care owed by a Local Government - having management and control of a gym - is not to be assessed by looking retrospectively after an incident has occurred and a patron suffers injury; but rather, prospectively, before the injury occurred; among other things, taking into account the class of entrants to the gym (including any vulnerable patrons), the time of entry, the degree of risk, the cost and resources required to mitigate risk, the alternatives available, obligations to warn and caution, advice and guidance on use of equipment given to patrons, surveillance, condition of equipment, health and fitness information, and many other treatment options suggested in this report.

### Breach of Duty of Care

It is possible that the Shire could be deemed to have breached its duty of care if it fails to implement a system of inspection at the gym to evaluate the condition of the gym equipment on a regular basis, or place appropriate and relevant signage (as outlined in our recommendations) within the gym

facility and on enrolment forms. Apart from the condition of the gym equipment itself, it would not be remote or far-fetched to imagine a situation whereby a patron suffers personal injury as a result of improper use of the gym equipment. This risk becomes more likely where the gym is unsupervised than where trained staff are available to offer advice and guidance to users. If the Shire fails to give proper advice, through whatever means, on how to use the gym equipment in a safe manner, then it is possible that should a patron suffer injury the Shire would be found to have breached its duty of care. This principle is equally applicable in the context of the patron's safety whilst the gym is unsupervised: the Shire would be expected to exercise reasonable care in respect to users' personal safety whilst the gym is unsupervised. We have highlighted some options for addressing the potential risks to patrons in this report. Whilst a disclaimer will not absolve the Shire of liability it may operate to limit the Shire's liability.

## Obviousness of Risk and Breach of Duty of Care

In the context of the Shire's gym, the matter of risk of injury is one that spans the spectrum from one extreme to another; that being of a hidden risk on the one hand, to an obvious risk on the other. The latter point is important to understand because there are certain obligations on patrons to take action to avoid injury arising from an obvious risk. Some obvious risks may be said to be inherent to recreational activity. Assessment of whether something is an obvious risk has mostly been made in the case law as part of the consideration whether the defendant had a duty of care. Where the risk has been deemed obvious, this has often led to the Court's conclusion that there was no duty of care by the defendant, more specifically no duty to warn of the particular risk. As held by Kirby J in *Romeo v Conservation Commission of the Northern Territory* (1997-1998) 192 CLR 431, an occupier is generally entitled to assume that most entrants will take reasonable care for their own safety and where a risk is obvious to a person exercising reasonable care for his or her own safety it is not necessary that the occupier warn the entrant about that risk. The issue of whether a particular matter was an obvious risk can also arise in the context of a

defence that the plaintiff voluntarily assumed the risk. This defence was raised in *Woods v Multi-Sport Holdings Pty Ltd* [see 143], in *Canterbury Municipal Council v Taylor* and in *Tomlinson v Congleton Borough Council*. However, the defence of voluntary assumption of risk appears to have become practically defunct in Australian law, because the defendant not only has to establish that the plaintiff was aware of the risk and fully comprehended the extent of the risk, but also has to prove that the plaintiff chose to accept it freely and voluntarily (*Woods v Multi-Sport Holdings Pty Ltd* (at [125]) and *Tomlinson v Congleton Borough Council*). It has been easier for defendants to prove contributory negligence which only requires proof that the plaintiff ought to have foreseen the risk and taken reasonable steps to guard against it (see *Uzabeaga v Town of Cottesloe* (at [49-50])). Although the High Court has held that a reduction of 100% on the basis of contributory negligence is not permissible (see *Wynbergen v Hoyts Corporation Pty Ltd* (1997) 149 ALR 25), the defence of voluntary assumption of risk is rarely raised outside the context of sporting injuries. In other cases, the issue of the obviousness of the risk is more likely to be taken into account when assessing whether the defendant had a duty of care. The *Occupiers' Liability Act* 1985 also allows for a defence of voluntary assumption of risk. s5(2) provides that the duty of care does not apply in respect of risks willingly assumed by the plaintiff, but in that case the occupier owes a duty to the plaintiff not to create a danger with the deliberate intent of doing harm and not to act with reckless disregard of the plaintiff.

There are two quite separate divisions in the *Civil Liability Act* 2002, as amended, that deal with an "obvious risk". Division 4, which deals with recreational activities, contains a definition of "obvious risk" in s5F. This definition describes an obvious risk as a risk that would have been obvious, in the circumstances, to a reasonable person in the position of the plaintiff. Accordingly, the test for an obvious risk is objective, namely whether it would have been obvious to a reasonable person. However, the particular characteristics of the plaintiff have to be taken into account, for example, his / her age, knowledge and experience, and clearly also the particular circumstances of the case. The definition further specifies that an obvious risk includes a matter that is patent or common knowledge,

something that has a low probability of occurring and that is not prominent, conspicuous or physically observable.

## Discharge of the Duty of Care: What would a reasonable local government do in the Shires' position?

Demonstrating that the Shire has discharged its duty of care should be an important operational consideration in respect to the unsupervised gym. Although every situation turns on its own set of facts, if the Shire takes reasonable steps to protect patrons of the gym it will discharge its duty of care to them. Exactly what steps the Shire has to take to discharge its duty of care will depend on what a reasonable Local Government would do in the Shire's circumstances, which in turn depends on various factors including:

1. The magnitude of the risk, that is, the possible severity of the consequences in failing to take action addressing reasonable foreseeable risks at the gym.
2. The degree of probability of the risk occurring – this would turn on factors such as whether there has been a pattern of incidents in the past, the age and capability of the persons using the gym, the inherent characteristics of the gym itself, such as its location and layout, and whether there are any unusual or hidden features which would make using the gym more dangerous than other gyms.
3. The expense, difficulty and inconvenience of taking precautions – relevant factors would be financial cost to the Shire in taking precautionary action and how practical it is to take that action, staff levels of the Shire, capacity to employ and train staff, cost of maintenance and supervision of the gym.
4. The obviousness of the harm and the ability of the person entering the gym to appreciate the risk or danger for themselves.

5. Whether the patron is participating in a co-ordinated group activity.
6. Whether the Shire knows of a specific risk of harm or known dangers.

Given that the facility is a gym and therefore a place where patrons engage in fitness, it would be sensible, when considering duty of care, to consider at a general level, relevant practices and standards that may be found in the industry and adopted by peak bodies in the fitness industry. Specifically in relation to the fitness industry, standards are set out in the various Fitness Industry Codes of Conduct. Some of these Codes are mandatory and are thus regulations under the jurisdictions' relevant Fair Trading Acts; others are voluntary. Where there are relevant laws or regulations that apply, whether a defendant has breached such laws or regulations is obviously relevant to determining a defendant's negligence; but it is not decisive. Importantly, other than in the very limited circumstances in which a breach of a law or regulation may give rise to a claim under the relevant statute itself, any breach of a law or regulation is not determinative of the question of negligence. To use a motor vehicle example, in some circumstances, the reasonable response to a risk might be to speed up and thus exceed the speed limit, rather than brake. And, of course, the contrary also applies: mere compliance with laws or regulations does not preclude a finding of negligence. For example, driving at or below the speed limit may be negligent in certain conditions. Having said that in many cases, failure to comply with laws or regulations and the standards that these set out, will provide a strong basis for a finding of negligence, as the next case illustrates.

In *Loose Fit Pty Ltd v Marshbaum* the plaintiff, Ellen Marshbaum, aged 60, was attending a fitness centre leased and operated by the first defendant, Loose Fit Pty Ltd, and owned by the second and third defendants (Mr Kocx and Ms Hickie). The plaintiff fell down a set of stairs leading from the fitness centre to the downstairs entrance. The stairs were uneven and of differing riser heights and varying depth. Importantly, the stairs had no handrail installed on the upper flight. Both Loose Fit and the owners of the



building were held liable in negligence for the plaintiff's injuries (quantified at over \$430,000) and were required to pay 50% of the damages each. Of particular relevance here is that one of the key reasons why the court found that the defendants were liable was that the stairs did not comply with requirements of the Building Code of Australia (BCA) adopted in NSW from 1992. Loose Fit had carried out extensive renovations to the premises approximately one and half years prior to leasing the premises, and had

raised the issue of handrails in relation to the lower flight of stairs. These had been installed by the owners prior to the commencement of the lease. It has held that the failure to consider the necessity of, and thus to install, handrails on the upper flight was careless conduct on the part of all the defendants.

## Findings and Treatment Options

The provision of unlimited access to gym facilities may be feasible and practical where there is a high patronage however where the gym is a smaller, more isolated and less frequented operation, may present additional and unique challenges. At this point in time there is no plan to provide unsupervised access to the Beverley Gymnasium on a 24 hour basis.

Although the *Fair Trading (Fitness Industry Code of Practice) Regulations 2004* operates in Western Australia, currently there is no legislated requirement specifically addressing the provision of unsupervised access to gym members. Best practice material available in South Australia (Community Gyms a Step by Step Guide) and the Australian Capital Territory (Running an Unsupervised Fitness Centre) would suggest that unsupervised access to gyms is not a preferred approach. However there is recognition that this type of access may suit the needs of some individuals; some gyms may be part time community operated; that the provider may lack the capacity to employ qualified staff (particularly in regional areas); and that some exceptions may be considered with the development of certain controls or conditions.

As previously discussed in this document, the Shire of Beverley owes a Duty of Care to those who access and use the Beverley Gymnasium. Whilst there are inherent risks in accessing and using any gym, when unsupervised the risks and therefore the scope of this duty may be widened. Should the Shire be unable to demonstrate it has done what is reasonably practical to treat foreseeable risk in this situation then the Shire may be exposed to unnecessary liability.

Whilst the Shire may not be able to eliminate its risk exposures in an unsupervised gym environment, in order to assist the Shire in showing

reasonable attempts at discharging its duty of care balanced against satisfying a potential community need in this area, we provide the following treatment options for consideration and review:

### 1.0 Unauthorised Afterhours Access

Unauthorised access may arise from illegal or forced entry along with non-member access (unauthorised guest) at the hand of an existing gym member. Forced entry being a criminal matter would have limitations on the expectation of the Shire to implement reasonable controls to prevent its occurrence. Beyond the Shire's current provision of what is presumed to be adequate locking mechanisms to entry points, there are other practical options to protect the building and assets. Whilst there is no evidence to suggest this is an issue, from this perspective the Shire may wish to consider:

- Security alarms for the building;
- CCTV cameras with local security monitoring service providers;
- Steel mesh security flyscreens;
- Security film treatment of other windows;
- Provision of regular (at random times) after hours Ranger visits to the premises to provide the perception of security monitoring; and / or
- Signage advising of CCTV camera use and 'No Cash Stored on Premises' externally visible at entry points to building.

*Protection and personal security of members will be discussed later in this document.*

Illegal entry may also occur from the unauthorised use of another member's access key (e.g. lost or stolen card). Ordinarily this issue can be adequately addressed with appropriate key issue and management

controls (refer Policies Procedures and Agreements) with key replacement / re-issue costs applying to members. However tangible exposures may exist to the Shire with the current access key design that identifies the Gym. Should the member be delayed in reporting a lost or stolen key, this imprinted information may aid in opportunistic illegal entry. There is also the issue of not being able to retrieve the stolen key which may result in illegal access time and time again. It may therefore be advisable to have access keys issued blank or with a unique numerical code for the Shire's own internal tracking and administration purposes. Alternatively, the Shire could also consider moving to an electronic access card (swipe card) which means the Shire can de-activate the card as soon as they learn a card has been lost or stolen.

As an additional measure associated with electronic access cards, follow through alert systems may be available that sense the number of persons entering the doorway after an electronic key card has been used for entry. This may allow the Shire a means of determining if additional persons are accessing on the single membership entry card.

The incidence of non-member (guest) entry may not only be a financial loss to the Shire but may also compromise the safety of the un-inducted guest and expose the Shire to liability. The Shire has included within its Beverley Gymnasium Membership Structure, Terms and Conditions a clear policy of no entry to un-inducted members and has considered the repercussions that apply to offending members (an immediate void of the membership, a 12 month ban and no refund on the membership).

To assist with the issue of unauthorised access to non-members the Shire keeps a list of members, their member number, key number and renewal dates displayed in the Gym so that members can "monitor" non-members coming in as well as being aware of their membership renewal date. It is the responsibility of the Shire to ensure it has a process in place both to prevent unauthorised access and to inform their patrons of renewal of their membership (e.g. by sending a letter prior to the renewal date). The posting of the list and reliance on members to report non-member entry is not an active control measure by the Shire. The Shire should have a

system in place that records members, notifies the member a month prior to renewal and continuously monitors and checks its member base including visits to the Gym.

## 2.0 Unsupervised Member Use

The risk of harm or damage to users of the facility in an unsupervised environment may result from areas such as; incorrect use of or failure of equipment (e.g. leading to entrapment and / or injury); unforeseeable medical emergencies; and threat to member's personal security.

Looking to the Australian Capital Territory (ACT) as an example of best practice, where the fitness industry operates under a more detailed code of practice, the ACT code states that:

*'A supplier shall ensure that there is available, at all times during which fitness services are provided at a fitness centre, an appropriately qualified person to supervise the provision of each service.'*

Exemptions are granted within this code where *'there will be no substantial detriment caused to the consumers.'*

In the interests of maintaining the safety and wellbeing of consumers, the Fitness Industry Code Administration Committee in conjunction with the Territory Government developed minimum conditions applying to the following areas for fitness centres that operate unsupervised hours:

- Closed Circuit Television (CCTV);
- Hard wired panic buttons;
- Personal panic devices;
- Pre-exercise orientation programs;
- Advising of staffed / unstaffed hours;

- Restriction on free weight use during unsupervised hours; and / or
- Safe equipment options.

These areas form a criterion for consideration of an application for an exemption under the code of practice to operate unsupervised hours within a fitness centre. These criteria would form a reasonable benchmark for the provision of unsupervised gym member access however consideration needs to be given to the context of the Beverley Gymnasium.

## 2.1 Closed Circuit Television (CCTV)

Currently there is no form of Closed Circuit Television or CCTV installed within the gym. CCTV is a useful measure for deterring anti-social behaviour and ensuring the security of patrons while accessing the Beverley Gymnasium. CCTV can be used in a few different ways including through a live feed to a specific location (e.g. the Shire Administration office) where images are capable of being casually monitored as well as being recorded on a loop system, during times of unsupervised afterhours access there may be no provision for monitoring. In this instance the use of CCTV would serve only as a record of the event or incident after occurrence. The use of signage alerting to the presence of CCTV cameras may however act as a potential deterrent to unauthorised activity both within and outside the gym. Should the Shire choose to use this treatment option considerations should also be given to:

- Informing patrons that CCTV is in use (i.e. 'CCTV in use' signage);
- Images cannot be unreasonably intrusive or taken in environments where there is a reasonable expectation of privacy (i.e. change rooms and toilets);
- Images cannot be published and should be held in a discreet manner and in a secure location;
- Images should be subject to duty manager oversight to ensure they are not misused; and

- Only retain the images for as long as necessary.

Further information in relation to the use of CCTV can be drawn from the Western Australian Closed Circuit television (CCTV) Guidelines by the WA Police former Office of Crime Prevention.

Refer: [http://communitysafety.police.wa.gov.au/pdf/cctv\\_guidelines.pdf](http://communitysafety.police.wa.gov.au/pdf/cctv_guidelines.pdf)

## 2.2 Hard Wired Panic Buttons

Panic buttons are another risk treatment option to consider. The general intention of this type of device is to maintain the ability for two way communications between the gym member and a monitoring station and / or alert a monitoring station to invoke an appropriate response in the event of a threat to personal security, medical or other emergency.

There is currently no alarm system and we are advised that there is an absence of security firms in the vicinity capable of providing this service.

Areas for improvement may include:

- Installation of hard wired panic buttons giving consideration to:
  - Alarm systems that are monitored by a company and / or emergency services for an imminent response;
  - Alarm systems capable of contacting a list of appropriate phone contacts on activation;
  - Development of an appropriate response and escalation procedure to be followed by call recipients; and / or
  - Development of a first responder program (including a passive security response and active first aid response).
- Hard wired panic buttons to be fitted to bathroom facilities.

## 2.3 Personal Panic Devices

The purpose of this type of device is to be worn on or kept with the member's person and set for continuous monitoring during unsupervised hours. These devices are particularly practical for and may be supplied as a condition of access for potentially vulnerable members including those that have required a medical clearance. In the absence of monitoring services, the Shire may wish to explore the availability of similar but unmonitored auto dialler devices that are capable of contacting a series of pre-set phone numbers when activated to alert the destination to the need for assistance. Policies would have to be developed to make clear the procedures in responding to, and escalating the need for assistance.

## 2.4 Pre-exercise Orientation and Induction Program

As is the case with the current Gym Membership Structure, Terms and Conditions document, all new members should be provided a pre-exercise orientation program and complete a questionnaire regarding their capacity to undertake activities offered by the gym. This document also includes information about the fact the gym is unstaffed and operates on set hours. The document should also include information regarding the use of equipment during those unsupervised hours (including safe equipment options) and the relevant emergency procedures for the gym. Consideration should be given to the verification of the members understanding and acceptance of these requirements and re-orientation / re-training to any changes in the situation including return to membership, renewal of membership and change in equipment or exercise program.

## 2.5 Free Weight Restrictions

Free weights will generally include items such as dumbbells, weight plates, barbells and kettle bells. The use of free weights in general terms provides an increased opportunity for incident (injury and or damage) as compared to purpose built equipment that may limit, support and guide the user's range of movement. Purpose built equipment may also remove the need

for transfer or unnecessary handling of potentially heavy elements for the purpose of changing weight selection and / or resistance.

Examples where free weights may cause injury and / or damage include:

- Dropping the weight;
- Slipping or overbalancing whilst using the weight;
- Over extension on performing the action; and / or
- Over-estimation of strength and capabilities leading to entrapment (e.g. free weight bench press, free weight squat rack).

There is some argument that free weights can be restricted to certain weight ranges that may not be regarded as "heavy", however this weight determination (i.e. what is regarded as heavy) would be subjective and may vary in appropriateness dependant on the individual's capability. Therefore it is a safer approach to exclude the use of free weights in an environment where supervision is not available. It may be possible to lock down weights in weight racks and provide appropriate signage indicating that free weights are not permitted for use during unsupervised hours. This should also be communicated through member documentation and pre-exercise orientation / induction.

## 2.6 Safe Equipment Options

There may the option of exploring provided equipment that incorporates safety bars / rails and / or range limiters to further reduce the likelihood and consequence of harm (injury and / or damage). This may be explored with an appropriate fitness equipment supplier.

In addition to the provision of orientation / induction programs that includes the correct use of equipment; it would be advisable to display simple instructions on or near the equipment to reinforce correct methods of use. Some of the equipment in the gym has this, however not all items of



equipment give instruction. Some guidance may be drawn from the manufacturer and supplier of the equipment in question.

## 2.7 Other

Additional measures that the Shire may wish to adopt include:

**Access to communications:** Providing mobile telephone coverage is sufficient at the location, it may be worth recommending members carry these devices when accessing the gym during unsupervised hours. The provision of a fixed telephone for emergency purposes together with a list of emergency contact numbers would account for any shortcomings in mobile network coverage or members without these devices.

**Buddy system:** The Shire advocates within their Beverley Gymnasium Membership Structure, Terms and Conditions for members to only access the facility when another fully inducted gym member is present (buddy system). This may reduce the delay associated with responding to a need for assistance and have some impact on the likelihood of harm occurring in an unsupervised environment.

**Access to first aid equipment:** Members should have access to essential first aid equipment however given the nature of the activities at the gym and potential isolation; consideration may also be given to providing access to a maintained Automated External Defibrillator (AED). It would be advisable that members using the facility unsupervised possess first aid training and this combined with the buddy system would add a further level of controls to the situation. The shire should also ensure that the first aid kit / supplies are regularly checked and items replaced when used.

**Ranger patrols:** Regular Shire Ranger patrols to the Beverley Gymnasium at random times throughout the period of unsupervised access will add to the perception of surveillance of the premises and may act as a deterrent to anti-social and / or unauthorised activity.

**Matting:** Application of suitable matting at external and internal entry point during wet weather conditions to reduce the likelihood of incidents due to trafficking of water and debris during wet / inclement weather conditions.

## 3.0 Policies Procedures and Agreements

In consideration of providing unsupervised after hours member access the Shire may wish to ensure it has in place appropriate policies procedures and agreements including but not limited to the following areas.

### 3.1 Gym Membership Agreement

In addition to the basic member details, four (4) matters should be covered within a Gym Member Agreement (i.e. Terms and conditions):

1. Medical Questionnaire (to identify any pre-existing illness, medical condition, disability, pregnancy or any other condition which may be regarded as serious for which medical treatment may be required);
2. Disclosing and Sharing of Information (Privacy);
3. 'Acknowledgement of Risk' and Disclaimer; and
4. Gym Participation Policy.

#### Medical Questionnaire

A Medical Questionnaire also known as a Pre-exercise Questionnaire is a means of obtaining first hand medical information from the gym member. It also provides the member with an opportunity to obtain medical advice about the risks and benefits when undertaking physical activity with a medical condition. The more an organisation does to protect itself and its members, the more likely it is to avoid liability. Examples are available from Fitness Australia. The Shire is using a Medical Questionnaire as part of the membership process.

### Disclosing and Sharing of Information

Despite that Gym Membership Agreements (i.e. Terms and conditions) do not carry the full force of the law; personal information collected within the agreement must comply with the National Privacy principals as outlined in the Privacy Act 1988.

The agreement should include a suitable statement from the Shire detailing the purpose of the information collected, how it is to be used/handled, stored and the member's right to access or obtain further details on their information.

Currently the Shire has on display within the Gym a list of the members including their member number, key number, dates of commencement and renewal. To ensure privacy and security to members it is recommended that this information is removed from display to other members.

### Acknowledgement of Risk and Disclaimer

As previously detailed although a waiver will not absolve the Shire of liability should an incident occur, it does document the intention to limit liability. Depending on how it is constructed the following example included within the form may be useful:

*"The Shire of Beverley Gymnasium operates between 6 am and 9 pm, on a seven (7) day basis and is accessible by members. The Shire of Beverley has made every effort to ensure that its Membership Structure, Terms and Conditions has been prepared and implemented to promote safe and correct use of gym equipment and to encourage a safe environment for all gym users. You accept and understand that there are obvious and inherent risks in the activities undertaken at The Shire of Beverley gym and acknowledge that the activities you undertake whilst at the gym may involve a risk of physical harm and that by participating in these activities voluntarily; you do so at your own risk. The Shire of Beverley, its servants and agents, accept no liability for any loss or damage to property or death or personal injury however arising from your use of the Shire of Beverley*

*Gymnasium. All gym users are advised to seek medical consultation and clearance before commencing an exercise program.*

Also a means of querying the contents of the disclaimer, for example:

*If you have any queries regarding the content of this form please contact the Gym Manager on \_\_\_\_\_.*

### Gym Participation Policy

It is suggested that a statement is inserted linking the user agreement to a Gym Participation Policy and / or Terms and Conditions, for example:

*You must comply with the Shire of Beverley Gymnasium Participation Policy and directions given to you by Shire of Beverley staff at all times.*

*If you are disrupting the activities of the gym or placing other members in discomfort or danger then you may be required to leave the gym.*

*You acknowledge that you have honestly and accurately disclosed your current medical condition and acknowledge that the Shire of Beverley Gymnasium relies upon the medical information you have provided. You give permission for Shire of Beverley staff to arrange for medical attention or treatment to the best of their judgement in an emergency situation, at your expense, and to notify the person nominated as your 'Emergency Contact' should an emergency situation occur.*

*You acknowledge that you have read and understood the attached Shire of Beverley Gymnasium Participation Policy and that non-compliance with this Policy may result in suspension or forfeiture of your gym membership.*

### Documenting a Gym Participation Policy

Some suggestions for inclusion:

- Intention of the policy;

- A statement about how the gym operates i.e. that it is unsupervised;
- Set out the operating hours (including that those hours are unsupervised hours);
- Requirement to be inducted as to the safe and correct use of gym equipment (pre-exercise orientation);
- Set out evacuation procedures / emergency procedures and contacts (including panic device alarm operation);
- All members must carry and present their gym membership card whilst on the premises;
- Prohibitions – no drinking, smoking, iPods / mobile phones to be made inaudible to other users;
- Responsibilities regarding access including:
  - Lost / stolen key reporting;
  - No non-member guests;
  - Gym buddy policy (if applicable);
  - Securing premises; and
  - Reporting of incidents, faulty or damaged equipment (this may include access to standard signage that may be placed by the member on or near equipment to indicate a fault or out of service status until the item can be adequately tagged-off for use by a staff member at the next shift opportunity and scheduled for repair).
- Leaving facilities clean; and
- Other matters of importance in operating the gym.

### 3.2 Complaints Process

The Shire may wish to make available its own complaints and resolution process at the facility, the only stipulations in relation to complaints handling procedures for the gym, according to the *Fair Trading (Fitness Industry Code of Practice) Regulations 2004*, are that:

1. A supplier must make every reasonable effort to resolve quickly and fairly a complaint made by a client about the supply of a service offered or provided under a membership agreement with the supplier.
2. Information on how to lodge a complaint must be readily available to a client.
3. A supplier must ensure that, in handling complaints:
  - a) A record of the complaint is placed on file;
  - b) The receipt of the complaint is acknowledged in 7 days; and
  - c) The supplier endeavours to resolve the complaint as quickly as possible.

### 3.3 Closed Circuit Television (CCTV)

Refer Treatment Option [2.0 After Hours Member Use](#) - 2.1 Closed Circuit Television (CCTV), and the Western Australian Closed Circuit television (CCTV) Guidelines by the WA Police. This document may be of assistance to the Shire in developing policies associated with the installation and use of CCTV along with the following standards (AS4806 Closed Circuit Television – Set):

- Part 1: Management and operation (AS4806.1–2006)
- Part 2: Application guidelines (AS4806.2–2006)
- Part 3: PAL signal timings and levels (AS4806.3–2006)
- Part 4: Remove video (AS4806.4–2008)

### 3.4 Emergency Response and Escalation

The Shire of Beverley Gymnasium will naturally have its own emergency procedures and appropriately displayed evacuation diagrams that will be highlighted to the member at orientation / induction, however construction of an appropriate emergency response and escalation procedure for unsupervised member access will depend on the nature of devices selected by the Shire for the purpose of raising alarm and invoking a response to the members request for assistance.

In the absence of a fully monitored service able to respond to an alarm or a request for assistance, the Shire will need to develop a set of instructions of who to contact in what circumstances to be made available to members who are granted unsupervised access. These instructions should also be placed in a prominent position within the gym (e.g. near the fixed phone for emergency use). If a panic button / personal panic device with auto dialler function is to be utilised, then a determination will have to be made of what numbers are programmed into the device and in what order of contact. For example purposes only:

- Ranger services as first responder
- St John Ambulance – Beverley as second responder
- Emergency services – Local Fire / Police / nearest Police as third responder
- Delegated Shire officer – as fourth responder

Prior to the development of this procedure discussions with the appropriate stakeholders will be required to explore the practicalities of achieving a workable response system. Contacts may also need to be altered prioritising order of contact in accordance with the reasoning for the issue of the device (for example due to potential health concerns over security concerns). The contacts will need to be given clear instructions in relation to their method of response be it; administrative to contact and mobilise appropriate on site response; or active (particularly in the situation of a first

responder such as a Shire officer / Ranger in the event of a security concern) that promotes personal safety first, limits to a passive response and that relevant authorities are alerted if required.

### 3.5 Code of Conduct

A code of conduct (signage) should be prominently displayed within the gym outlining acceptable behaviour taking relevant components from the Gym Participation Policy and other matters of importance regarding the member's behaviours and use of the facility including the unauthorised access of non-member guests. This may be combined with information such as Gym operating hours and when supervising qualified staff will be available.

### 3.6 Key / Access Control

We are advised that upon application of membership records are kept for the issuing of a key to the gym. If not already in place it would be advisable to formalise a procedure that covers and records:

- Who a particular key is issued to; and / or
- Triggers for action when a key is lost; a membership expires; or is not used for a lengthy period of time (e.g. cancellation of access).

This list of Policies, Procedures and Agreements is not exhaustive. The Shire should ensure that the operations including agreements and other documents are aligned with the requirements in the *Fair Trading (Fitness Industry Code of Practice) Regulations 2004*. It may also be beneficial for the Shire to explore membership with peak industry bodies such as Fitness Australia where they will have available a wide range of fitness industry best practice resources including; training; forms; and templates for guidance and use by gyms/fitness centres. Refer: <https://fitness.org.au/>

## 4.0 Maintenance and Inspection

It is crucial that a scheduled and documented maintenance and inspection program is in place for the facility and the equipment involved. Given the premises including the car park may be utilised during low lighting conditions, lighting should be regularly checked for operation, and reasonable measures should be in place to maintain trafficable surfaces clean and free from trip hazards. From a security perspective, where possible, vegetation should be managed to: not obstruct lighting; maintain clear lines of sight across the car park to the entry / exit points of the building; and minimise potential hiding or black spots in line with CPTED principals (Crime Prevention Through Environmental Design).

Equipment should be cleaned by the user after use. The Shire should supply appropriate cleaning supplies including paper towels and a safe disinfectant spray for patrons to be able to wipe down and clean equipment. All patrons should be using towels with equipment where appropriate. The Shire's Cleaner should also clean equipment as part of the cleaning regime for this building.

Equipment should be subject to a preventative maintenance program as recommended by the manufacturer, supplier or appropriate contractor where by each item possess a log of regular maintenance and repairs. An equipment log or reporting form should be made available for members to record and report faults with equipment, this can also be supplemented with a generic sign to be placed by members to temporarily isolate the equipment from use until actioned by the Shire at the gyms next staffed opportunity. Further action by staff may include complete isolation or removal until cleared as safe and repaired.



## Conclusion

As previously outlined, the Shire owes a general duty of care to those who enter and use the Beverley Gymnasium. This is not an absolute duty to protect from all risks but a reasonable duty to provide an environment that is safe as reasonably practical. Members or users will face inherent and obvious risks with any similar gym and to some degree there are certain obligations on the member to take action to avoid injury arising from an obvious risk, however in an unsupervised situation without the guidance of qualified staff the opportunity for a risk to eventuate may be enhanced.

Through practical means the Shire may be able to demonstrate it is taking all reasonable measures to discharge its duty of care and also mitigating the risks identified in the context of this report. These practical means or treatment options will naturally require a financial and resource investment by the Shire therefore it may be beneficial to survey the community to determine potential patronage and conduct a feasibility study regarding the provision of unsupervised afterhours member access prior to extending the existing services. Should the Shire resolve to commence unsupervised access we would suggest consideration from the following previously raised treatment option areas:

- Unauthorised Access including:
  - Security alarms for the building;
  - CCTV cameras with local security monitoring service providers;
  - Steel mesh security flyscreens;
  - Security film treatment of other windows;
  - Provision of regular (at random times) after hours Ranger visits to the premises to provide the perception of security monitoring; and / or

- Signage advising of CCTV camera use and 'No Cash Stored on Premises' externally visible at entry points to building.
- Unsupervised Member Use including:
  - Closed Circuit Television (CCTV)
  - Hard wired panic buttons
  - Personal panic devices
  - Pre-exercise orientation programs
  - Restriction on free weight use during unsupervised hours
  - Safe equipment options
- Policies Procedures and Agreements
- Maintenance and Inspection

Ultimately the decision about how best to proceed in respect to providing unsupervised access of the Beverley Gymnasium is a matter for the Shire to consider in light of the various findings of this report and taking into account the Shire's obligations as an occupier of the facility. However we would stress there is not a fail proof option; all options carry with them inherent risk as the Shire's duty to users is most likely to be established in any event.

Regardless of the decision over treatment options, it is important that the Shire of Beverley monitors the effectiveness of all controls, including treatment options that may become new controls, and review levels of risk with any changes to the situation. For example, ensuring controls remain effective by assessing from a design perspective in that they appropriately mitigate the risks and from an operational point of view they still perform consistently as intended.



# Appendices

## Appendix A – Generic Risk Assessment Tables

EXISTING CONTROLS RATING

LEVEL	DESCRIPTOR	FORESEEABLE	DESCRIPTION
<b>E</b>	<b>Excellent</b>	Doing more than what is reasonable under the circumstances	Controls are fully in place, are being well addressed / complied with, are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested
<b>A</b>	<b>Adequate</b>	Doing what is reasonable under the circumstances	Controls are in place, are being addressed / complied with and are subject to periodic review and testing
<b>I</b>	<b>Inadequate</b>	Not doing some or all things reasonable under the circumstances	Controls do not exist, or are not being addressed / complied with, or have not been reviewed or tested for some time

### MEASURES OF CONSEQUENCE

LEVEL	DESCRIPTOR	INJURIES	FINANCIAL	SERVICE INTERRUPTION	REPUTATION	PROPERTY	ENVIRONMENT	COMPLIANCE
1	<b>Insignificant</b>	Negligible injuries	Less than \$5,000	No material service interruption	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response	No noticeable regulatory or statutory impact
2	<b>Minor</b>	First aid injuries	\$5,000 - \$50,000	Short term temporary interruption – backlog cleared < 1 day	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response	Some temporary non-compliances
3	<b>Moderate</b>	Medical type injuries	\$50,001 - \$500,000	Medium term temporary interruption – backlog cleared by additional resources	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies	Short term non-compliance but with significant regulatory requirements imposed
4	<b>Major</b>	Lost time injury	\$500,001 - \$2.5M	Prolonged interruption of services – additional resources; performance affected	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies	Non-compliance results in termination of services or imposed penalties
5	<b>Catastrophic</b>	Fatality, permanent disability	More than \$2.5M	Indeterminate prolonged interruption of services – non-performance	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact	Non-compliance results in litigation, criminal charges or significant damages or penalties

### MEASURES OF LIKELIHOOD

LEVEL	DESCRIPTOR	DETAILED DESCRIPTION	OPERATIONAL FREQUENCY	PROJECT FREQUENCY
5	<b>Almost Certain</b>	The event is expected to occur in most circumstances	More than once per year	Greater than 90% chance of occurrence
4	<b>Likely</b>	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurrence
3	<b>Possible</b>	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurrence
2	<b>Unlikely</b>	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurrence
1	<b>Rare</b>	The event may only occur in exceptional circumstances	Less than once in 15 years	Less than 10% chance of occurrence

### RISK MATRIX

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

### RISK ACCEPTANCE CRITERIA

LEVEL OF RISK	RISK RANK	DESCRIPTOR	CRITERIA FOR RISK ACCEPTANCE	RESPONSIBILITY
1 – 4	<b>LOW</b>	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
5 – 9	<b>MODERATE</b>	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
10 – 16	<b>HIGH</b>	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	CEO
17 - 25	<b>EXTREME</b>	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council



## Appendix B – Site Images

Image 1.



### Observation

Entrance from Vincent Street or via car park.

Image 2.



### Observation

Access to gym building.

**Image 3.**



**Observation**

External lighting for the building is located at the emergency exit end.  
No CCTV present.

**Image 4.**



**Observation**

Member entry to gym.  
No lighting in this area and no CCTV present.

**Potential hazards / risks**

Minimal lighting may pose a slip, trip and fall hazard.  
Lack of security measures for members.

Image 5.



**Observation**

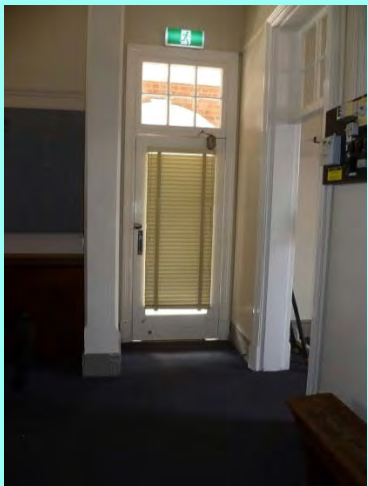
Key required to enter premises.

Keys are numbered and are engraved with the word "Gym" on them.

**Potential hazards / risks**

If keys are lost or stolen they are easily identifiable as the key to the Gym. This poses a risk to the safety and security of Gym users.

Image 6.



**Observation**

The member entrance door to the Gym can be propped open making the building unsecure for members.

**Potential hazards / risks**

This poses a risk to the safety and security of Gym users.

Image 7.



**Observation**

The emergency exit doors open inwards and there is not enough clearance from the equipment to fully open the doors in an emergency – the equipment is obstructing the emergency exit.

**Potential hazards / risks**

Risk of personal injury in the event of an emergency as there is no safe means of egress from the building.

Image 8.



**Observation**

As above.

**Potential hazards / risks**

As above.

**Image 9.**



**Observation**

There is one 4.5 kg dry powder extinguisher for the entire premises.

**Potential hazards / risks**

With the amount of electrical equipment in this facility it would be more suitable to have a larger size CO<sub>2</sub> extinguisher. Having the right type and size extinguisher can minimise the risk of personal injury to persons in the event of a fire emergency.

**Image 10.**



**Observation**

First aid kit supplies are depleted and have not been replenished since 2015.

There was no Automated External Defibrillator (AED) located at the gym.

**Potential hazards / risks**

Replenishing first aid supplies on a regular basis will ensure users to the facility can adequately treat first aid injuries.

An AED may prolong life until emergency services arrive in the event of a medical emergency.



**Image 11.**



**Observation**

Toilets are kept locked as they are external to the building and the key must be returned to its position after use.

**Potential hazards / risks**

If someone forgets to replace the Toilet key it leaves other members without access to amenities.

**Image 12.**



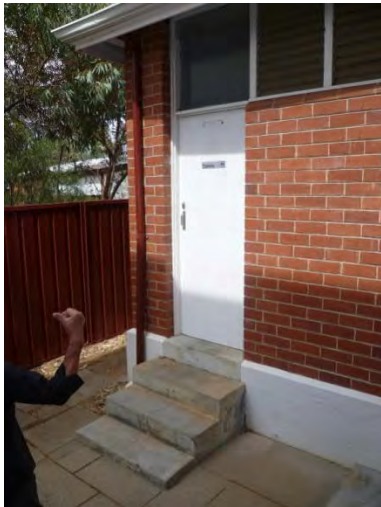
**Observation**

Access to the toilets requires the external door to be propped open to come back into the facility.

**Potential hazards / risks**

Lack of security measures for members.

**Image 13.**



**Observation**

Toilets are external to the building and are accessed from the outside.

**Potential hazards / risks**

Lack of security measures for members.

**Image 14.**



**Observation**

Access way from car park leads to Toilets. The external door to the gym must be kept open whilst the Toilets / amenities are being used.

**Potential hazards / risks**

Lack of security measures for members.

Image 15.



**Observation**

As above.

**Potential hazards / risks**

Lack of security measures for members.

Image 16.



**Observation**

Car park area – no fencing all the way around the building.

**Potential hazards / risks**

Lack of security measures for members.

**Image 17.**



**Observation**

A number of machines have been fit into this room with little spacing around the machine for users to move around machines.

**Potential hazards / risks**

Lack of space / room poses trip and fall hazards and hitting stationery objects.

**Image 18.**



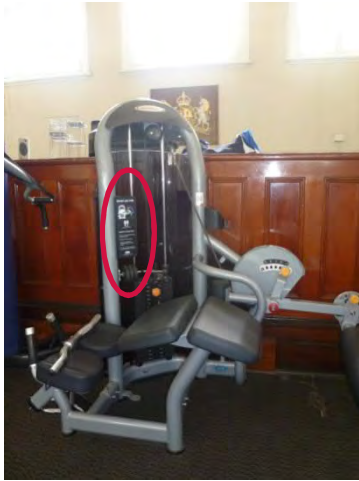
**Observation**

As above.

**Potential hazards / risks**

As above.

**Image 19.**



**Observation**

Some machines have instructions on their use as part of the machine, however not all machine have this.

**Image 20.**

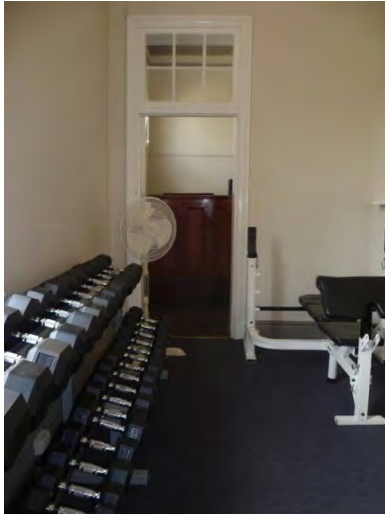


**Observation**

As above.



Image 21.



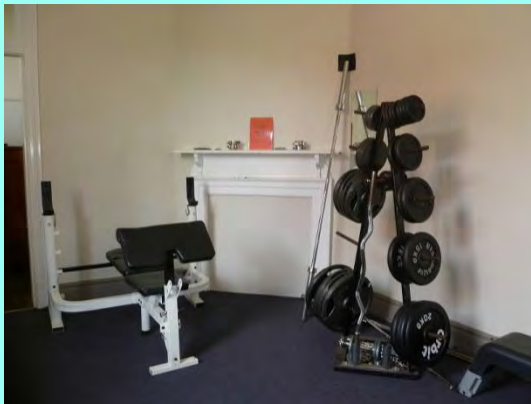
**Observation**

Free weights are available for use at the gym.

**Potential hazards / risks**

This poses a risk of personal injury to users.

Image 22.



**Observation**

As above.

**Potential hazards / risks**

As above.

**Image 23.**



**Observation**

Member information is displayed on a noticeboard.

**Potential hazards / risks**

Lack of security measures for members.

**Image 24.**



**Observation**

Members are requested to sign in on arrival.

Image 25.



**Observation**

Signage indicating a need to bring a towel to wipe down machines after use.

**Potential hazards / risks**

Should members not bring a towel this may pose a risk of hygiene issues.

Image 26.



**Observation**

Signage reminding members to close and lock doors.

There were no signs listing the rules or code of conduct of the gym.

**Potential hazards / risks**

Lack of signage regarding codes of conduct may pose a risk of unsafe behaviours by users of the gym.

**Image 27.**



**Observation**

Out of Order signs are available to use on equipment that are not in working order.

Members should be discouraged from moving gym machines however gym equipment, such as, weights may be moved from time to time and returned to their original position.

**Potential hazards / risks**

Lack of Code of Conduct may pose a risk of unsafe behaviours.

**Image 28.**

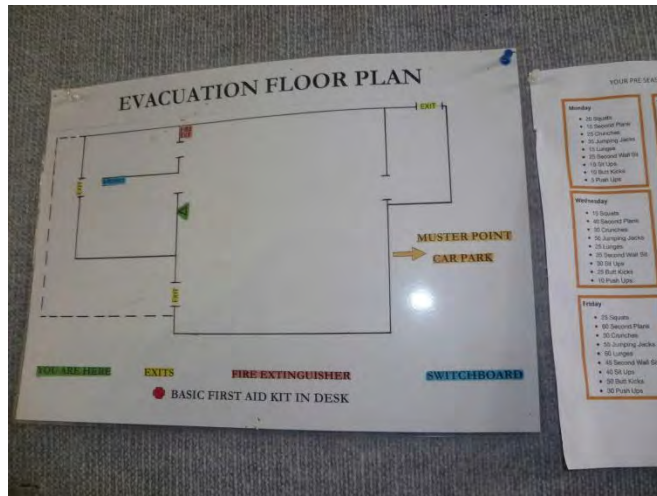


**Observation**

Exercise instructions are being displayed outside the building. These would be more suitable inside the facility.

The outside noticeboard may be better used to display membership requirements to use the gym and / or the Code of Conduct / rules.

Image 29.



### Observation

There is an evacuation diagram displayed however there are no procedures / instructions in how to respond in an emergency situation.

There is no landline telephone, no hard wired panic buttons or portable panic buttons to communicate an emergency and / or call for emergency services.

### Potential hazards / risks

Lack of response procedures to an emergency may pose a risk of personal injury to users of the facility.

Image 30.



### Observation

The fan is obstructing the evacuation diagram.

### Potential hazards / risks

Lack of access to evacuation diagrams may pose a risk of personal injury to users of the facility.



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## **12.8 Appointment of Acting Chief Executive Officer**

---

**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 18 February 2020  
**APPLICANT:** N/A  
**FILE REFERENCE:** ADM 0402  
**AUTHOR:** S.P. Gollan, Chief Executive Officer  
**ATTACHMENTS:** Nil

---

### **SUMMARY**

Council to appoint an Acting Chief Executive Officer from Monday 9 March 2020 to Friday 27 March 2020 while the Chief Executive Officer is on annual leave.

### **BACKGROUND**

The Chief Executive Officer has approved leave for 3 working weeks after being selected to represent Australia in the Over 50's International Cricket Tournament to be held in South Africa.

### **COMMENT**

The Deputy Chief Executive Officer, Simon Marshall is suitably qualified and has filled this position on several occasions providing quality governance and decision making during the previous appointments.

During the 9 – 27 March 2020 period the Acting CEO is required to oversee the Beverley Youth Activity Area Tender, the March Ordinary Council meeting and all other usual duties.

It will be recommended the Deputy CEO be paid at higher duties whilst in the Acting CEO position.

### **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

#### **5.36. Local government employees**

- (1) A local government is to employ —
  - (a) a person to be the CEO of the local government; and
  - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council —
  - (a) believes that the person is suitably qualified for the position; and
  - (b) is satisfied\* with the provisions of the proposed employment contract.

*\* Absolute majority required.*

## **5.41. Functions of CEO**

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

## **FINANCIAL IMPLICATIONS**

2019/20 Budget – provision made for annual leave

## **STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

## **POLICY IMPLICATIONS**

N/A

## **VOTING REQUIREMENTS**

Absolute Majority

## **OFFICER'S RECOMMENDATION**

That Council;

1. Authorise Mr Simon Marshall to be Acting Chief Executive Officer of the Shire of Beverley from Monday 9 March 2020 to Friday 27 March 2020 (inclusive); and
2. That Mr Simon Marshall is paid higher duties at the Chief Executive Officer rate for the period 9 March to 20 March 2020.

## **12.9 Temporary Closure of Avondale Agricultural Machinery Museum**

---

**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 14 February 2020  
**APPLICANT:** N/A  
**FILE REFERENCE:** ADM 0156 & ADM 0163  
**AUTHOR:** S.P. Gollan, Chief Executive Officer  
**ATTACHMENTS:** Avondale Machinery Museum Risk Assessment Report  
(under separate cover)

---

### **SUMMARY**

Council to consider the temporary closure of the Avondale Agricultural Museum to visitors and volunteers and the dissolving of the Museum Steering Committee.

### **BACKGROUND**

In September 2019 a Hazard and Risk Assessment was carried out by LGIS and a preliminary report issued in October 2019.

The Museum has not been open since the issue of the report as it is shut annually from November to March.

The report states *“The imperative for identifying, assessing, and treating the risks covered by this review are found under statute including but not limited to: Occupational Safety and Health Act 1984. Where the persons who have control of workplaces have a duty of care they must do what is reasonably practicable to ensure that foreseeable risks are adequately treated.”*

### **COMMENT**

From the LGIS report:

*The Shire of Beverley’s management and control of the Avondale Farm Agricultural Machinery Museum (the Museum) imposes a general duty of care on the Shire to exercise reasonable care to entrants to the Museum.*

*The duty of care under the Occupational Safety and Health legislation extends to persons who are not employees of that person having a safe means of access to and egress from the workplace (Museum).*

*Due to the foreseeable risk that the presence and use of historical agricultural machinery presents to volunteers and other users of the Museum the failure to put reasonable measures in place may be deemed to be negligent on the part of the Shire.*

*In our view the Shire is a person in control of the workplace, within the meaning of the Occupational Safety and Health Act 1984 (WA), with the consequence that it owes a duty specified by s22 of that Act.*

*The presence and use of the machinery and the interaction with patrons / volunteers, and the activities carried on in the Museum including the maintenance and servicing of machinery create a significant risk of injury to those accessing and engaging in activities in the Museum. These risks are not far-fetched or fanciful and, it then*



*follows that the Shire owes a duty of care to users as persons who are not employees of that person.*

The LGIS Report is attached under separate cover.

It is with much consideration and no joy that it be recommended Council to temporarily close the Avondale Agricultural Museum to visitors and volunteers until such time that a full review can be completed to cover;

- A comprehensive review of risk is carried out at the Museum;
- Items identified in the LGIS preliminary risk and hazard assessment are rectified;
- Appropriate safe work policies and procedures are adopted; and
- A planning framework, including community re-engagement for the future of the Agricultural Machinery Museum is adopted by Council.

In light of the proposed closure, Council is also asked to consider dissolving the Museum Steering Committee. The committee were endorsed by Council in July 2019 to promote the Museum, however some members have reported that its effectiveness has been limited to date with progress from a strategic perspective often sidelined by more operational issues. Visitor numbers throughout the open period to the museum remain low and attracting volunteers to man the museum has been difficult.

Whilst the recommendation is to dissolve, Management sincerely thanks the volunteers and staff who are on the Steering Committee for their time and effort.

#### **STATUTORY ENVIRONMENT**

Occupational Safety and Health Act 1984

#### **FINANCIAL IMPLICATIONS**

Costs to rectify identified hazards and risks have not yet been assessed.

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

Goal 2 – Community infrastructure of significance, economic value and history adds value to our identity.

Goal 9 - We have a healthy and safe community.

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

#### **POLICY IMPLICATIONS**

N/A

#### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council;

1. temporarily close the Avondale Machinery Museum to visitors and volunteer;
2. set a period of \_\_ months to complete a full review; and
3. dissolve the Museum Steering Committee, with full appreciation and thanks to the volunteers and staff members who sat on the Committee.



## Shire of Beverley Preliminary Report

### Avondale Farm Agricultural Machinery Museum – Hazard and Risk Assessment

October 2019

<b>REPORT FOR:</b>	Shire of Beverley
<b>LOCATION:</b>	Avondale Farm Agricultural Machinery Museum 550 Waterhatch Road, Beverley WA 6304
<b>TYPE OF REPORT:</b>	Hazard Identification and Risk Assessment of Avondale Farm Agricultural Machinery Museum
<b>PREPARED BY:</b>	LGIS <ul style="list-style-type: none"><li>Chiara Acciano, Regional Risk Coordinator</li></ul>
<b>DATE OF INSPECTION:</b>	26 <sup>th</sup> September 2019
<b>CONFERRED WITH:</b>	Shire of Beverley <ul style="list-style-type: none"><li>Amanda McLean, Executive Liaison Officer, Avondale, National Trust and Shire of Beverley</li><li>Simon Marshall, Deputy Chief Executive Officer</li><li>Duayne Haeuler, Volunteer</li><li>John Alexander, Volunteer</li></ul>

## Foreword

This report is based on work conditions within and outside of the Avondale Farm Agricultural Machinery Museum at the time of the site visit (26th September 2019) and information provided by the Shire of Beverley and its volunteers.

It does not imply that no other hazardous conditions exist and no liability shall be assumed by virtue of this advisory report.

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# Introduction

## Purpose

The Shire of Beverley requested the assistance of LGIS to undertake a preliminary hazard and risk assessment of the Avondale Farm Agricultural Machinery Museum. The purpose of the assessment was to provide observations of hazards from a workplace safety perspective, high level assessments of risks and suggestions regarding potential treatments, including work arounds, to reduce the risk exposure to those who access the Museum. Where there was a perceived risk to the public, by way Section 22 of the Occupational Safety and Health legislation, these details were also captured however it is recommended that a specific public liability risk assessment is conducted for further information.

This report details the findings of that assessment. It is not an engineering assessment; any comment regarding structural integrity is purely based on observations at the time of the site visit.

## Requirements

The imperative for identifying, assessing, and treating the risks covered by this review are found under statute including but not limited to: Occupational Safety and Health Act 1984. Where the persons who have control of workplaces have a duty of care they must do what is reasonably practicable to ensure that foreseeable risks are adequately treated.

## Methodology

The methodology of this site risk review is as follows:

1. Application of the risk management process to the issues in accordance with ISO AS/NZS 31000:2009, including:
  - Risk identification, control measures and rating
  - Risk analysis and evaluation, using generic Risk Assessment Tables (Appendix A)
  - Suggested treatment options in consideration of hierarchy of controls (elimination, substitution, engineering, administration, personal protective equipment)
2. Onsite inspection of the Avondale Farm Agricultural Machinery Museum location to identify potential hazards, risks and existing controls.
3. Discussions held with key Shire of Beverley personnel to discuss current control measures and preliminary findings.

4. Development of draft and final reports noting potential hazards and risks providing advice for risk treatment options.

Preliminary

## Duty of Care

The Shire of Bevrley's management and control of the Avondale Farm Agricultural Machinery Museum (the Museum) imposes a general duty of care on the Shire to exercise reasonable care to entrants to the Museum.

The duty of care under the Occupational Safety and Health legislation extends to persons who are not employees of that person having a safe means of access to and egress from the workplace (Museum).

Due to the foreseeable risk that the presence and use of historical agricultural machinery presents to volunteers and other users of the Museum the failure to put reasonable measures in place may be deemed to be negligent on the part of the Shire.

In our view the Shire is a person in control of the workplace, within the meaning of the Occupational Safety and Health Act 1984 (WA), with the consequence that it owes a duty specified by s22 of that Act.

The presence and use of the machinery and the interaction with patrons / volunteers, and the activities carried on in the Museum including the maintenance and servicing of machinery create a significant risk of injury to those accessing and engaging in activities in the Museum. These risks are not far-fetched or fanciful and, it then follows that the Shire owes a duty of care to users as persons who are not employees of that person.

### Breach of duty

It is possible that the Shire could be deemed to have breached its duty of care if it fails to address these hazards and risks in a reasonable manner.

### Meeting Duty of Care Obligations

To demonstrate that the Shire is meeting its duty of care obligations it will need to consider the following factors:

1. The magnitude of the risk, that is, the possible severity of the consequences in failing to take action;
2. The degree of probability of the risk occurring – this would turn on factors such as whether accidents have occurred at the Museum in the past and / or the behaviour of persons entering the Museum;

3. The expense, difficulty and inconvenience of taking precautions – relevant factors would be financial cost to the Shire in taking precautionary action and how practicable it is to take that action, cost of maintaining the facility and its assets and management of the Museum; and
4. Whether the Shire knows of a specific risk of harm arising from known operation (or non-operation) of agricultural machinery.

Should a worker or person be injured at the Museum and the Shire was found to be negligent in addressing the identified hazards and risks penalties may apply including fines up to \$3.5 M for gross negligence.

## Observations

At the time of the risk assessment it was unclear as to the way the Museum would operate. Key decisions were to be confirmed as to whether the Museum would be:

- Static – displays to be viewed only and not touched. There were a number of signs at the Museum that indicated for displays not to be touched.
- Interactive – patrons (including) children may touch certain items on display. Also that some machinery would be turned on and a demonstration of their use conducted.
- Both static and interactive – some machinery to be viewed only and not touched whilst other machinery may be touched and their operation demonstrated.

Before addressing the identified hazards and risks within this report it will need to be determined as to what level of interaction the Museum will have.



Figure	Observation
<p><b>Figure 1</b></p> 	<p><b><u>Observation</u></b></p> <p>The emergency exit sign is not illuminated.</p> <p><b><u>Potential hazard / risk</u></b></p> <p>Workers / volunteers or patrons not being aware of their emergency exits in the event of an emergency evacuation of the building.</p>
<p><b>Figure 2</b></p> 	<p><b><u>Observation</u></b></p> <p>The electrical switchboard has no protective cover.</p> <p><b><u>Potential hazard / risk</u></b></p> <p>Workers / volunteers or patrons at risk of an electrical fault / failure from the build up of dust, water or other particles on electrical installations.</p>

## Figure

## Observation

Figure 3



### Observation

Double adaptors being used in the workplace.

### Potential hazard / risk

Workers / volunteers or patrons at risk of an electrical fault / failure due to double adaptors being designed for domestic use. Double adaptors should not be used in an occupational setting as they do not indicate or automatically shut off when over heated or over loaded.

Figure 4



### Observation

There are two evacuation diagrams in the Museum. There are no procedures developed for emergency situations that may arise at the Museum.

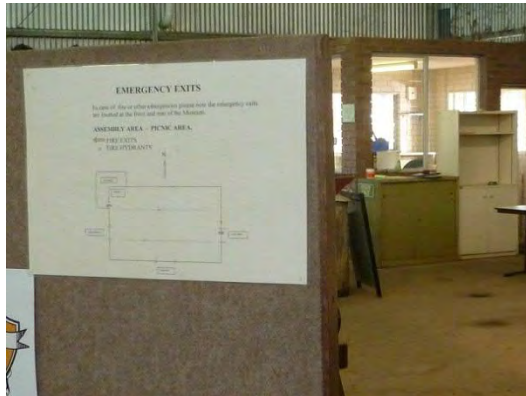
### Potential hazard / risk

Workers / volunteers or patrons unaware of what to do in an emergency.

## Figure

## Observation

**Figure 5**



As above.

**Figure 6**





## Observation

There are only two fire extinguishers in the Museum facility.

## Potential hazard / risk

Workers / volunteers or patrons at risk of injury in the event of a fire. The number of fire extinguishers installed in the facility should be selected in accordance with AS 2444.

Figure	Observation
<p><b>Figure 7</b></p> 	<p><b><u>Observation</u></b></p> <p>There are various jacks stands and / or rocks being used as wheel chocks to stop machinery from rolling / moving.</p> <p><b><u>Potential hazard / risk</u></b></p> <p>If these jack stands or rocks are moved accidentally by a member of the public they may cause plant / machinery to move placing patrons at risk of personal injury.</p>
<p><b>Figure 8</b></p> 	<p>As above.</p>

Figure	Observation
<p><b>Figure 9</b></p> 	<p>As above.</p>
<p><b>Figure 10</b></p> 	<p><b><u>Observation</u></b></p> <p>A walkway has been constructed to view higher areas of machinery – this allows the patron to be directed around machinery and removes the interactive element for the machinery in this area.</p> <p>Some parts of the hand rails / edge protection are not joined together securely.</p> <p><b><u>Potential hazard / risk</u></b></p> <p>Workers / volunteers or patrons at risk of injury in the event the hand rails / edge protection fails e.g. if someone is leaning on a section that is not secured.</p>



Figure

Observation

Figure 11



Observation

There is some machinery and tools with sharp blades, spikes etc. that can be accessed by patrons.

Potential hazard / risk

Workers / volunteers or patrons at risk of laceration / contusion / crush injuries if they interact with the machinery / tools.

Figure 12



Observation

Oils and fuels are not being stored on bunds in the workshop.

Potential hazard / risk

Workers / volunteers are exposed to slip / trip and fall risks as any spills or leaks are not contained.

Figure	Observation
<p><b>Figure 13</b></p> 	<p>As above.</p>
<p><b>Figure 14</b></p> 	<p><b><u>Observation</u></b></p> <p>Charging of batteries in the same area where Class 3 flammable liquids are stored / used.</p> <p><b><u>Potential hazard / risk</u></b></p> <p>Workers / volunteers are exposed to risk of fire and / or explosion due to gases emitted from battery charging mixing with flammable liquids and potential ignition points.</p>

## Figure

## Observation

Figure 15



### Observation

Poor housekeeping practices.

### Potential hazard / risk

Workers / volunteers are exposed to slip, trip and fall risks as well as fire risks.

Figure 16



### Observation

Limited access to running water.

### Potential hazard / risk

Workers / volunteers are exposed to risk of personal injury if there is no access to water from a chemical splash to the body as well as poor hygiene if there are limited handwashing facilities available.

## Figure

## Observation

Figure 17



### Observation

Lack of appropriate guarding / barriers for dangerous parts.

### Potential hazard / risk

Workers / volunteers or patrons at risk of laceration / contusion / crush injuries if they interact with the machinery / tools.

## Detailed Risk Information

Related Images.	Context	Risk Category	Causes	Current Controls	Existing Control Rating	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Recommended	Suggested Treatment Options
Fig. 1,4, 5,6	Avondale Farm Agriculture   Machinery Museum and workshop function	Inadequate emergency management	<p>Lack of communication systems in the event of emergency – Museum is located in a “black spot” area and no landline is available.</p> <p>Lack of Emergency Management Procedure.</p> <p>Lack of Emergency Management Plan specific to the Avondale Farm Agricultural Machinery Museum.</p> <p>Lack of emergency exit signs. (illuminated and standard)</p> <p>Regular emergency drills / exercises specific to the Avondale Museum are not conducted.</p> <p>Unconfirmed if Avondale Museum contains appropriate and sufficient firefighting equipment.</p> <p>Uncertainty of adequacy of audible evacuation warning systems.</p> <p>There is no emergency evacuation muster point/s identified.</p>	There is an evacuation diagram within the building however this does not meet current AS 3745	Inadequate	Health and safety	5	3	High	Y	<p>Ensure that communications are investigated and established (e.g. two-ways, landline phone, mobile aerial, satellite phone etc.)</p> <p>Develop and implement an Emergency Response Plan and Procedure for the Avondale Museum.</p> <p>Install illuminated and standard emergency exit signs meeting both legislative obligations and requisite Australian Standards.</p> <p>Confirm if regular checks are conducted and documented regarding firefighting equipment.</p> <p>Ensure all Avondale Museum personnel are included in emergency drills / exercises.</p> <p>Confirm if current firefighting equipment is adequate to meet both legislative obligations and requisite Australian Standards.</p> <p>Confirm if current evacuation warning system is audible in all areas and meet both legislative obligations and requisite Australian Standards.</p> <p>Establish appropriate emergency evacuation muster points outside of the Avondale Museum. Document muster point locations within Emergency Evacuation Plans and Procedure.</p>
Fig. N/A	Avondale Farm Agriculture   Machinery Museum and workshop function	Slips / trips / falls	<p>Workers / volunteers / patrons climbing various plant.</p> <p>Poor house keeping.</p> <p>No signage / demarcation visible to direct workers / volunteers and visitors for safe access / egress.</p>	<p>Majority of surfaces appear level.</p> <p>Majority of surfaces appear dry.</p> <p>Some plant have protective barriers.</p> <p>Where possible loose items appear to be away from frequently accessed areas.</p> <p>One ramp / handrails.</p> <p>Doors allow access / egress.</p> <p>Non-slip surfaces (blue metal)</p>	Inadequate	Health and safety	4	3	High	Y	<p>Ascertain level of interaction with plant / machinery for patrons to Museum and which items of plant / machinery.</p> <p>Paint floor surfaces highlighting safest route. (e.g. bright yellow)</p> <p>Provision of appropriate storage (e.g. shelving to keep loose items off floors). Remove items that are no longer used.</p> <p>Affix clearly visible signage to direct workers / volunteers and patrons of appropriate access / egress points.</p> <p>Install protective barriers to prevent falls from plant / machinery that either workers / volunteers or patrons may require access or could have access.</p> <p>Implement a robust isolation (out of service) process for plant / machinery that is deemed unstructurally sound.</p>
Fig. N/A	Avondale Farm Agriculture   Machinery Museum and workshop function	Poorly maintained plant / machinery and equipment.	<p>There is no formal Plant &amp; Equipment Maintenance Program or Procedure implemented.</p> <p>Conducted maintenance is not always documented.</p>	<p>Some plant / machinery and equipment is regularly maintained however not all.</p> <p>There are Operator's Manuals for some of the plant / machinery / equipment.</p>	Inadequate	Health and safety	4	3	High	Y	<p>Develop and implement a robust Plant / Machinery and Equipment Maintenance Program including details of assets that are being maintained for static display or maintained for interactive demonstration.</p> <p>Develop and implement a Plant and Equipment Maintenance Procedure (inclusive of lock out / tag out, authorisation process) .</p> <p>Maintain plant / machinery and equipment in accordance with their schedule.</p> <p>Document and keep records of all maintenance conducted.</p>



Related Images.	Context	Risk Category	Causes	Current Controls	Existing Control Rating	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Recommended	Suggested Treatment Options
Fig. N/A	Avondale Farm Agriculture Machinery Museum and workshop function	Inadequate signage	Lack of appropriate information and warnings. Non-compliant signage (not to standard).	Signage in some locations. Signage has been printed out from a computer as opposed to ordering standard signage.	Inadequate	Health and safety	4	3	High	Y	Conduct a signage audit of the Avondale Museum location (inside / outside) to ascertain potential gaps. Replace non-compliant or illegible signage with signage that meets legislative and Australian Standards requirements. Conduct ongoing workplace inspections to monitor signage compliance.
Fig. 12, 13	Avondale Farm Agriculture Machinery Museum and workshop function	Poor chemical management	Manual handling of chemicals. Lack of accessible PPE. Lack of accessible emergency showers/wash stations. Lack of information on chemicals stored / used at the facility.	Storage locations are locked and secured. Manual handling of chemicals is an infrequent task. Minimal access to water.	Inadequate	Health and safety	3	3	Mod	Y	Install an easily accessible emergency shower/wash station. Undertake a risk assessment of the Avondale Museum location to determine how many first aid kits are required. All personnel undertake chemicals handling training. All personnel undertake first aid training. PPE is readily accessible within close proximity of chemical handling areas. Develop a Hazardous Substances Register including the provision of Material Safety Data Sheets (MSDS'). Undertake hazardous substance and dangerous goods risk assessments.
Fig. 9, 11, 17	Avondale Farm Agriculture Machinery Museum and workshop function	Plant / machinery / equipment / people interaction.	No signage / or painted location warning of pedestrian or vehicle movements in the area. No robust barriers such as fencing used to minimise plant / machinery and people interaction.	There is room to park vehicles and other plant. There is room for pedestrians to access / egress site.	Inadequate	Health and safety	5	2	High	Y	Ascertain level of interaction with plant / machinery for patrons to Museum and which items of plant / machinery. Signage including pavement markings. Signage on approaches of vehicle and pedestrian access. Signage on the outside of the Avondale Museum building itself defining plant / pedestrian movements. Install robust barriers such as fencing to delineate vehicle / plant / people / movement locations. Develop a Plan for interactions e.g. demonstrations will take place at certain times of the day, where these will take place etc.
Fig. N/A	Avondale Farm Agriculture Machinery Museum and workshop function	Poorly supervised children increasing risk of harm to themselves / others.	No signage advising the importance of children being supervised at all times. No robust barriers such as fencing used to protect plant / machinery and people interaction. Volunteers not advised of volunteer supervisory expectations.	There is room for pedestrians to access / egress site. Museum open on specific dates / times.	Inadequate	Health and safety	5	3	High	Y	Signage on the inside / outside of the Avondale Museum building itself defining plant / pedestrian movements and Shire supervisory expectations. Install robust barriers such as or fencing to delineate vehicle / plant / people / movement locations. Ensure staff manning the Avondale Museum are inducted on Shire supervisory expectations.
Fig. 10, 11	Avondale Farm Agriculture Machinery Museum and workshop function	Poor lighting.	Inappropriate placement of lighting (e.g. lacking in access ways and working areas). Minimal natural light in some areas.	Some level of lighting available in most areas. Lighting intensity better in some areas than others. Some lighting appears to be maintained. Some natural light introduced when exit/entry and roller doors are opened.	Inadequate	Health and safety	3	3	Mod	Y	Lighting quality test and risk assessment to ascertain appropriate lighting requirements. Source new lighting in response to above. Develop and implement appropriate lighting maintenance program.

Related Images.	Context	Risk Category	Causes	Current Controls	Existing Control Rating	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Recommended	Suggested Treatment Options
Fig. N/A	Avondale Farm Agricultural Machinery Museum and workshop function	PPE access / availability not clearly defined.	PPE is not always readily available when required within specific chemical handling locations.  Not all locations requiring PPE are adequately sign posted. (Some signage is worn, damaged or not visible).	Nil.	Inadequate	Health and safety	3	3	Mod	Y	Review all SDS to ascertain what types of PPE are required to undertake chemical handling tasks. Install PPE stations appropriate to each location.  Review all SDS to ascertain their currency (within 5 years). Update as required.  Ensure all signage required is suitable and visible.  Provide personnel PPE training (new location and requirements).
Fig. N/A	Avondale Farm Agricultural Machinery Museum and workshop function	Inadequate training / instruction (volunteers and workers)	Uninformed workers and volunteers. (Insufficient induction training, limited knowledge of maintenance requirements, awareness of unique hazards and risks)  No Volunteer Management Procedure.	Volunteers and workers are verbally advised of potential hazards and risks.  Volunteer sign-in book.	Inadequate	Health and safety	4	3	High	Y	Develop and implement a Volunteer Management Procedure. Develop and implement a Communications Procedure. Provide communications equipment such as; UHF / hand held radio, communication system, distress alarm/s). Develop and implement an induction specific to the Avondale Museum.
Fig. N/A	Avondale Farm Agricultural Machinery Museum and workshop function	Manual tasks	Lifting tools, equipment and chemical containers.	Infrequent tasks.	Inadequate	Health and safety	4	3	High	Y	Use mechanical lifting aids (jack trolleys) when able to do so.  Include appropriate lifting techniques such as team lifts; within procedures such as SWMS / JSA's.  Pump to transfer chemicals from one container to another.
Fig. N/A	Avondale Farm Agricultural Machinery Museum and workshop function	Inclement working conditions; <ul style="list-style-type: none"><li>Heat</li></ul>	Minimal airflow within the Avondale Museum due to it being locked up for an extensive duration of time.  There are currently no fans to transfer heat outside.	There are doors (when opened) that provide access / egress to the Avondale Museum that provide some relief from a hot working environment.	Inadequate	Health and safety	3	3	Mod	Y	Source heat extractor products such as; roof turbine vents (or similar product) to minimise high temperature and humidity exposure inside the Avondale Museum.  Open doors for a duration of time prior to opening; to aerate the Avondale Museum.
Fig. N/A	Avondale Farm Agricultural Machinery Museum and workshop function	Lone working	No means of communication.  Workers are required to open / close the Avondale Museum.  No Lone working procedure.	Nil.	Inadequate	Health and safety	5	4	Extreme	Y	Provide relevant communications equipment such as UHF radio with distress mechanism. Develop and implement a Lone working Procedure.
Fig. 2, 3	Avondale Farm Agricultural Machinery Museum and workshop function	Electrical	Given the age of the building structure; current electrical wiring suitability is unknown.  Exposed electrical switchboard.  Use of double adaptors.	Reactive maintenance.	Inadequate	Health and safety	5	3	High	Y	Qualified electrician to assess current Avondale Museum structure to ascertain if electrical arrangements are appropriate prior to opening to the general public.  Install a cover for the electrical switchboard of a non-conductive material.  Implement electrical maintenance program including testing and tagging of electrical equipment /RCD's and control panels.  Develop and implement an Electrical Isolation Procedure.  Implement a scheduled and proactive Plant and Equipment Maintenance Program to reduce the possibility of

Related Images.	Context	Risk Category	Causes	Current Controls	Existing Control Rating	Consequence Category	Consequence	Likelihood	Level of Risk	Treatment Recommended	Suggested Treatment Options
											leakages.
Fig. 11, 17	Avondale Farm Agricultural Machinery Museum and workshop function	Laceration / entanglement	<p>There are sharp parts on various items of plant / machinery and equipment.</p> <p>This potentially could be accessed by children and cause lacerations and or entanglements.</p>	<p>Certain items of plant / machinery and equipment have bunting around dangerous areas.</p> <p>Certain items of plant / machinery and equipment have been placed to be somewhat inaccessible.</p>	Inadequate	Health and safety	5	3	High	Y	<p>Identify all items of plant / machinery / equipment that have risk of laceration (sharp edges) and entanglement and develop a plan to eliminate or reduce the risk of exposure.</p> <p>Install fencing barriers or guarding around areas to prevent potential laceration and or entanglement. This approach will still enable visitors to clearly see the items but will prevent laceration and or entanglement.</p> <p>Install Perspex or similar material display boxes where items such as sharp tools can be safely displayed and viewed whilst removing the ability to pick up the tools.</p>
Fig. 7, 8, 9, 10, 11	Avondale Farm Agricultural Machinery Museum and workshop function	Crush injury	<p>Between moving parts of plant / machinery / equipment; access / egress is not clearly defined and current walkthrough openings vary in size.</p> <p>Its also unclear how plant / machinery / equipment is secured to prevent movement. There appears to be rocks and other items acting as vehicle chocks.</p>	There are varied gaps between plant / machinery / equipment that volunteers and patrons can walk through.	Inadequate	Health and safety	5	3	High	Y	<p>Identify all items of plant / machinery / equipment that have risk of crush injury and develop a plan to eliminate or reduce the risk of exposure.</p> <p>Establish how plant / machinery / equipment are secured to prevent movement.</p> <p>Ensure plant / machinery / equipment is secured at all times.(Apply brakes, wheel chocks or other methods to prevent movement).</p> <p>Define even access / egress openings and install defined walkways with hand rails that meet legislative obligations such as the Australian Standards.</p>

## Conclusion

The Shire of Beverley requested the assistance of LGIS to undertake a preliminary hazard and risk assessment of the Avondale Agricultural Machinery Museum. The purpose of the assessment was to provide observations of hazards from a workplace safety perspective, high level assessments of risks and suggestions regarding potential treatments, including work arounds, to reduce the risk exposure to those who access the Avondale Agricultural Museum. Where there was a perceived risk to the public these details were also captured.

Based on observations made at the time of visiting the Heritage Rail Museum we have grouped risks into the following categories:

- Slips / trips / falls.
- Chemical.
- Signage.
- Plant / Machinery / People interaction.
- Poorly supervised children.
- Heat - inclement weather.
- Loneworking.
- Electrical.
- Manual tasks.
- Poor lighting.
- Poorly maintained plant and equipment.
- PPE access / availability not clearly defined.
- Emergency management.
- Training / instruction (contractors / workers).
- Crush injuries.
- Laceration / entanglement.

In order to measure a broad range of consequence categories, we utilised the generic risk assessment matrices located within the appendices of this report. The following table summarises the number of risks and percentage allocation to each risk rating in consideration of existing controls.

Risk Rating	Number of Risks	Percentage of Risks
Extreme	1	6%
High	11	69%
Moderate	4	25%
Low	0	0%
Total	16	100%

Suggestions for further controls (treatment options), were made under each identified risk category and are displayed in the Detailed Risk Information section of this report (refer: [Detailed Risk Information](#)). If implemented, these controls will need to be monitored for effectiveness to determine a residual risk rating.

The Shire must appropriately balance the risks to personnel and the public against these other competing factors in order to be satisfied it can demonstrate what would be considered a reasonable response to the risk.

Looking at this from a liability perspective, whether or not the Shire's response to the risk is reasonable can to some degree be guided by taking into account the following factors previously used by the courts in their determinations:

- The magnitude of the risk/s at hand, along with the probability of its occurrence.
- The probability of harm and/or damage occurring by not treating the risk/s.
- The burden on the Shire in implementing the risk treatment/s (including the expense, difficulty and inconvenience).
- The allocation of the Shire's scarce resources and any conflicting responsibilities or competing priorities for those resources.
- The social utility of the activity that creates the risk of harm and/or damage.

Depending on the outcome of the Shire's decisions and subsequent changes to the Avondale Agricultural Machinery Museum, all or parts of our suggested treatments may require review.

In consideration of our findings it is our opinion the Shire may benefit from the development of a Avondale Agricultural Machinery Museum Management Plan specific to its operations. As an example the plan may include, but not be limited to:

- Maintenance schedules for plant and equipment.
- Training.
- Responsibilities.
- How hazards and risks are managed.
- Volunteer management practices.
- Policies and procedures.
- Record keeping requirements.



# Appendices

## Appendix A – Generic Risk Assessment Tables

Existing Controls Ratings		
Rating	Foreseeable	Description
Effective	There is <u>little</u> scope for improvement.	<ol style="list-style-type: none"><li>1. Processes (Controls) operating as intended and aligned to Policies / Procedures.</li><li>2. Subject to ongoing monitoring.</li><li>3. Reviewed and tested regularly.</li></ol>
Adequate	There is <u>some</u> scope for improvement.	<ol style="list-style-type: none"><li>1. Processes (Controls) generally operating as intended, however inadequacies exist.</li><li>2. Nil or limited monitoring.</li><li>3. Reviewed and tested, but not regularly.</li></ol>
Inadequate	There is a <u>need</u> for improvement or action.	<ol style="list-style-type: none"><li>1. Processes (Controls) not operating as intended.</li><li>2. Processes (Controls) do not exist, or are not being complied with.</li><li>3. Have not been reviewed or tested for some time.</li></ol>

## Measures of Consequence

Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property
<b>Insignificant (1)</b>	Near Miss	Less than \$5,000	No material service interruption Less than 1 hour	No noticeable regulatory or statutory impact	Unsubstantiated, localised low impact on community trust, low profile or 'no news' item	Inconsequential damage.
<b>Minor (2)</b>	First aid Treatment	\$5,001 - \$50,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, localised impact on community trust or low media news item	Localised damage rectified by routine internal procedures
<b>Moderate (3)</b>	Medical treatment / Lost time injury <30 days	\$50,001 - \$150,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact on community trust or moderate news profile	Localised damage requiring external resources to rectify
<b>Major (4)</b>	Lost time injury >30 days / temporary disability	\$150,001 - \$350,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties to Shire / Officers	Substantiated, public embarrassment, widespread high impact on community trust, high news profile, third party actions	Significant damage requiring internal and external resources to rectify
<b>Extreme (5)</b>	Fatality, permanent disability More than \$350,000	Indeterminate prolonged interruption of services – non- performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire / Officers	Substantiated, public embarrassment, widespread loss of community trust, high widespread multiple media news profile, third party actions	Extensive damage requiring prolonged period of restitution	Complete loss of plant, equipment and building

Measures of Likelihood			
Level	Rating	Description	Frequency
5	Almost Certain	The event is expected to occur in most circumstances	More than once per year
4	Likely	The event will probably occur in most circumstances	At least once per year
3	Possible	The event should occur at some time	At least once in 3 years
2	Unlikely	The event could occur at some time	At least once in 10 years
1	Rare	The event may only occur in exceptional circumstances	Less than once in 15 years

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

Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
EXTREME	Unacceptable	Risk only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

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## **12.10 Local Government House Trust – Deed of Variation**

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**SUBMISSION TO:** Ordinary Council Meeting 25 February 2020  
**REPORT DATE:** 19 February 2020  
**APPLICANT:** N/A  
**FILE REFERENCE:** ADM  
**AUTHOR:** S.P. Gollan, Chief Executive Officer  
**ATTACHMENTS:** Deed of Variation and Clause 12 of Trust Deed (under separate cover)

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### **SUMMARY**

Council to consider the Deed of Variation of the Trust Deed for the Local Government House (the Trust) in order to assist the Trust's income tax exempt status.

### **BACKGROUND**

The Shire of Beverley is a unit holder and beneficiary to the Local Government House Trust, holding 3 unit/s as advised in WALGA's recent Quarterly Report Q4 2019.

The Trust's Board of Management is seeking to vary the Trust Deed in order to assist the Trust's income tax exempt status. As stipulated by the Deed, the Trust requires consent of at least 75 per cent of all beneficiaries in order to execute this variation.

As a beneficiary, the Shire of Beverley is requested to consent to the enclosed Deed of Variation supported by a resolution of Council; and to communicate this consent to in writing to WALGA.

The Local Government House Trust ("The Trust") exists primarily to provide building accommodation for the Western Australian Local Government Association. Since January 2014, the Trust has provided WALGA with accommodation at 170 Railway Parade West Leederville.

The current trust deed commenced in 1993 and was amended in 2002 to reflect the merger of the metropolitan and country associations into WALGA. The current Trust Deed pronounces WALGA as Trustee and unit holders as Beneficiaries, with the Trustee holding property and associated monies "upon Trust" and in proportion to the units provided.

Commencement date of the current deed is 17 February 1993, with a vesting date 79 years from commencement - which means that the Trust ends in 2072.

The Trust is exempt from income tax on the basis of being a State / Territory Body (STB) pursuant to *Division 1AB of the Income Tax Assessment Act 1936*.

### **Trust Deed Variation**

Trust Deed amendments set out in the Deed of Variation are based on legal advice and are intended to assist the Trust's income tax exempt status by strengthening the position that the Trust is a State / Territory Body (STB).

Legal advice identified that the Trustee's ability to retire and appoint a new Trustee might affect the Trust's classification as a State or Territory Body (STB). This view, while based upon highly technical grounds, is a risk nonetheless.

Subsequently the Deed of Variation aims to strengthen the position that the Trust is a STB through the following amendments:

1. removing the existing Trustee's power to retire and appoint a new Trustee (Clause 2.1 and 2.2 (22.3) of the Deed of Variation)
2. enabling the beneficiaries to appoint and remove a Trustee (Clause 2.2 (22.4) of the Deed of Variation), and
3. ensuring that the Board of Management is the 'governing body' of the Trust (Clause 2.3 of the Deed of Variation)

The three proposed amendments when applied to the relevant clauses inserted by the Deed of Variation dated 5 June 2002 will subsequently read as follows (proposed amendments shown in red text):

1. Variation 2.1 amends clause 22.1 to point to additional clause:  
22.1 Any Trustee of the Trust may retire as Trustee of the Trust. **The Subject to clause 22.3, the** right to appoint any new or additional trustee or trustees of the Trust is hereby vested in the retiring or continuing trustee. A corporation or incorporated association may be appointed as Trustee of the Trust.
2. Variation 2.2 inserts two new clauses:  
**22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.**  
**2.4 The Beneficiaries may at any time by Special Resolution:**
  - (a) remove a Trustee from the office as Trustee of the Trust; and
  - (b) appoint such new or additional Trustee.
3. Variation 2.3 insert a new clause 13A  
**13A Delegation to the Board of Management**  
Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.

## COMMENT

The first two amendments outlined above remove powers granted to the Trustee in the 2002 Deed Variation resulting from the merger to a single Association representing WA Local Governments. These amendments which previously facilitated the transfer of trusteeship to the then new Western Australian Local Government Association are removed, but with the clarification that any appointment must be with the consent of the beneficiaries.

The final amendment intends to confirm that power rests with the Board of Management. As the Board of Management comprises Local Governments, this satisfies the requirements of a STB for tax purposes. This amendment reflects the actual operation of the Trustee in implementing the decisions of the Board of Management whilst retaining sufficient operational discretion to place and renew investments and pay suppliers.

These amendments provide greater power to beneficiaries through the Board of Management, and as such it is anticipated they will be considered acceptable.

#### **STATUTORY ENVIRONMENT**

*Division 1AB of the Income Tax Assessment Act 1936*

#### **FINANCIAL IMPLICATIONS**

N/A

#### **STRATEGIC IMPLICATIONS**

Strategic Community Plan

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

#### **POLICY IMPLICATIONS**

N/A

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION**

That Council endorse the Deed of Variation to the Trust Deed for the Local Government House Trust as attached and inform WALGA of Council's resolution.

**DEED OF VARIATION**

**LOCAL GOVERNMENT HOUSE TRUST**



**LAW**

**PERTH**

**11 Mounts Bay Road, Perth WA 6000**

**Telephone (08) 9429 2222 Facsimile: (08) 9429 2434**

**[eylawperth@au.ey.com](mailto:eylawperth@au.ey.com) [www.ey.com](http://www.ey.com)**

**Our Ref: 4WAL / 2004 7043**



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**THIS DEED** dated the \_\_\_\_\_ day of \_\_\_\_\_ 2019

**BY**

**WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION** of Level 1, 170 Railway Parade, West Leederville in the State of Western Australia (the 'Trustee')

**RECITALS**

- A. By Deed of Trust undated but stamped 12 February 1980 ('Original Trust Deed') made between CHARLES WILSON TUCKEY, LYAL GORDON RICHARDSON, GORDON LAWRENCE KILPATRICK, HARRY STICKLAND and MAXWELL RAY FINLAYSON (the 'Original Trustees') and THE LOCAL GOVERNMENT ASSOCIATION OF WESTERN AUSTRALIA and the COUNTRY SHIRE COUNCILS ASSOCIATION (the 'Retired Trustees') the Original Trustees declared that they would hold the property therein referred to as the Headquarters and the monies therein referred to as the Trust Fund upon trust for the beneficiaries specified in the second schedule to the Original Deed upon the terms and conditions therein contained (the 'Original Trust').
- B. By Deed dated 2 October 1981 made between the Original Trustees and the Retired Trustees the Original Trustees retired and appointed the Retired Trustees as the trustees of the Original Trust in their place.
- C. By Deed dated 4 May 1994 (the 'New Deed') the Retired Trustees (in the New Deed referred to as THE LOCAL GOVERNMENT ASSOCIATION OF WESTERN AUSTRALIA (INC) and THE COUNTRY SHIRE COUNCILS' ASSOCIATION OF WESTERN AUSTRALIA (INC)) agreed that the proceeds from the sale of the Headquarters and the Trust Fund and the income thereof should be from 17 February 1993 held upon the terms and conditions set out in the New Deed (the 'Trust').
- D. By Deed of Variation dated 5 June 2002 the Retired Trustees varied the New Deed (collectively, the 'Trust Deed') to provide for a new Clause 22 which provides that any trustee of the Trust may retire as trustee of the Trust and appoint a new trustee to act as trustee of the Trust and that notwithstanding that the original number of trustees of the Trust was five where a corporation or incorporated association is appointed as trustee of the Trust then it shall not be obligatory to appoint more than one new trustee.
- E. By Deed dated 6 June 2002 made between the Retired Trustees and the Trustee, the Retired Trustees retired and appointed the Trustee as the trustee of the Trust.
- F. Clause 21.1 of the Trust Deed provides that the Trustees may at any time and from time to time (with the consent of not less than 75% of the Beneficiaries) by deed revoke add to or vary the trusts of the Trust Deed or declare (inter alia) any new or other powers, authorities or discretions concerning the management, control or investment of the Trust Fund upon the terms contained therein.
- G. The Trustee wishes to add to and vary the Trust Deed and declare (inter alia) new or other powers, authorities and discretions concerning the management, control or investment of the Trust Fund in accordance with the terms of this Deed.
- H. More than 75% of the Beneficiaries have consented in writing to the variations to the New Deed and the records relating to this consent will be placed with the original of this Deed.

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**NOW THIS DEED WITNESSES****1. DEFINITIONS AND INTERPRETATION**

In this Deed, unless the context otherwise requires:

- 1.1 a word importing the singular includes the plural and vice versa, and a word of any gender includes other genders;
- 1.2 another grammatical form of a defined word or expression has a corresponding meaning;
- 1.3 a reference to a clause, paragraph, recital, schedule or annexure is to a clause, paragraph or recital of, or schedule or annexure to, this Deed, and a reference to this Deed includes any schedule or annexure;
- 1.4 a reference to a document or instrument includes the document or instrument as varied, novated, altered, supplemented or replaced from time to time;
- 1.5 a reference to a person includes a natural person, the estate of an individual, a partnership, body corporate, the trustee of a trust (in the trustee's capacity as trustee of the trust), association, governmental or local authority or agency or other entity;
- 1.6 a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- 1.7 the meaning of general words is not limited by specific examples introduced by 'including, for example' or similar expressions;
- 1.8 Recitals A to H inclusive form part of and are included in this Deed;
- 1.9 headings are for ease of reference and do not affect interpretation;
- 1.10 'Deed' means this deed;
- 1.11 unless specified otherwise, terms which are defined in the Trust Deed and used in this Deed bear the same meanings in this Deed which are ascribed to them in the Trust Deed; and
- 1.12 in the event of any inconsistency between the provisions of the Trust Deed and the provisions of this Deed, the provisions of this Deed will prevail.

**2. OPERATIVE PART**

The Trustee in exercise of the power given to the Trustee by clause 21.1 of the Trust Deed and with the consent of more than 75% of the Beneficiaries hereby adds to and varies the Trust Deed and declares (inter alia) the following new or other powers authorities and discretions concerning the management, control or investment of the Trust Fund as follows:

- 2.1 delete the word "The" appearing after the words "Any trustee of the Trust may retire as trustee of the Trust." in the existing clause 22.1 and replace it with the words "Subject to clause 22.3, the";

2.2 insert after clause 22.2 the following:

“22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as trustee of the Trust; and
- (b) appoint such new or additional Trustee.

For the purposes of this clause 22.4, “Special Resolution” means a resolution passed or decision made by not less than 75% of the Beneficiaries.”

2.3 insert a new clause 13A as follows:

“13A **DELEGATION TO THE BOARD OF MANAGEMENT**

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.”

3. **SEVERABILITY**

3.1 If any provision of this Deed is found by a competent authority (including without limitation a Court) to be void or unenforceable, then such finding shall not affect the other provisions of this Deed.

3.2 If making a subsequent amendment to this Deed avoids any invalidity or unenforceability of any provision of this Deed, the parties may elect to make that amendment, which shall be deemed for all purposes to be effective immediately prior to the occurrence of that invalidity or unenforceability.

4. **FURTHER ASSURANCES**

All parties shall make, execute and do all acts, deeds, documents and things and sign all documents which may reasonably be required to give full effect to this Deed, and the Trustee shall bear the costs of observing, performing and complying with this clause.

5. **COSTS**

The Trustee shall bear and pay the costs of and incidental to the preparation, execution and stamping of this Deed.

6. **RATIFICATION AND CONFIRMATION**

In all other respects the terms of the Trust Deed are hereby ratified and confirmed.

7. **PROPER LAW**

This Deed shall be governed by the laws of the State of Western Australia and the parties submit to the jurisdiction of the Courts of the State of Western Australia.

**EXECUTED** as a Deed

THE COMMON SEAL of WESTERN )  
AUSTRALIAN LOCAL GOVERNMENT )  
ASSOCIATION is hereunto affixed in the )  
presence of: )

\_\_\_\_\_  
Signature of President

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Name of President

\_\_\_\_\_  
Name of Chief Executive Officer

DRAFT

demands outgoings debts and liabilities incurred in respect of the Trust Fund.

10.2 The Trustees may subject to any law in force at the time in relation to this Deed so permitting accumulate all or any part of the income arisen or arising during an accounting period and such accumulation shall be dealt with as an accretion to the Trust Fund but so that the Trustees may at any time or times resort to all such accumulations and pay or apply the whole or any part or parts thereof as if they were income of the Trust Fund for the then current accounting period.

10.3 Subject to Clause 10.2 the Trustees may at any time at their discretion pay the whole or part of the income of the Trust Fund for any accounting period to the beneficiaries in proportion to the number of units of which they are respectively registered as holders at the last day of such accounting period.

11.0 **ADVANCEMENT OF CAPITAL**

The Trustees may at any time and from time to time set aside from the capital of the Trust Fund or raise therefrom any sum or sums of money and pay the same to the beneficiaries in proportion to the number of units in respect of which they are respectively registered at the date of each such payment for their own use and benefit. The payment of any such sum or sums of capital may be made in the same manner and subject to the same provisions as contained in Clause 10.3 in relation to the payment application or setting aside of any income of the Trust Fund.

12.0 **POWERS OF INVESTMENT AND MANAGEMENT**

The Trustees shall apply and invest the Trust Fund in any of the investments from time to time authorised by law for the investment of trust funds by trustees and in addition to and without limiting the powers authorities and discretions vested in the Trustees by law and notwithstanding the trusts hereinbefore declared shall have the following powers authorities and discretions which may be exercised by the Trustees at any time and from time to time in the



## Attachment 2 Clause 12 of Trust Deed (Excerpt)

absolute and uncontrolled discretion of the Trustees in carrying out the trusts hereof:

- (a) to invest the Trust Fund and deal with manage transpose and realise the Trust Fund or any part thereof whether real or personal property with such powers in all respects as if the Trustees were the absolute owner thereof;
- (b) to purchase or otherwise acquire any investments for cash or otherwise and upon any terms and conditions and to make any such purchase or acquisition for a sum greater than the amount of the Trust Fund for the time being and to agree to pay for any such investments wholly or in part from any future moneys which may come into the Trustees' hands including dividends profits interest or other income payable in respect of any such investments;
- (c) to sell or otherwise dispose of any real or personal property or interest therein for the time being forming the whole or part of the Trust Fund by public auction tender or private treaty at such price or prices and whether for cash or on terms and generally upon any terms and conditions and to grant options for such sale or disposition as aforesaid;
- (d)
  - (i) to borrow and raise moneys from; or
  - (ii) to secure by mortgage or otherwise howsoever the payment of or obligation to pay money to,  
  
any person (including a beneficiary) upon any terms with or without security or interest;
- (e) to vary or transpose any investments and to vary the terms of or property comprised in any security;
- (f) to hold use purchase construct demolish maintain repair renovate reconstruct develop improve sell transfer convey surrender let lease exchange take and grant options or rights in alienate mortgage charge pledge reconvey release or discharge or otherwise deal with any real or personal

property PROVIDED THAT in the improvement or development of any part of the Trust Fund the Trustees shall not be bound by the limitation contained in Section 30(1)(c) of the Trustees Act and the Trustees shall not be bound to apply to any Court to exceed such limitation;

- (g) to pay out of the Trust Fund or the income thereof all costs charges and expenses of and incidental to the management of the Trust Fund or to the exercise of any power authority or discretion hereby or by law conferred on the Trustees or in carrying out or performing the trusts hereof which the Trustees may at any time incur including all taxes of whatever kind payable in respect of the Trust Fund and costs in any way connected with the preparation and execution of these presents;
- (h) to act as manager or to employ any persons (including a Trustee hereof or a unit holder) contractors managers solicitors accountants clerks workmen employees servants or agents to transact all or any business of whatever nature including the receipt and payment of money and to decide the remuneration to be allowed and paid and to pay all charges and expenses so incurred and to create or arrange any scheme or superannuation retirement benefit or pension for the benefit of any person so employed;
- (i) to partition or agree to the partition of or to subdivide or agree to the subdivision or strata title or agree to the strata-titling of any land or other property which or any interest in which may for the time being be subject to the trusts hereof and to pay any moneys by way of equality of partition;
- (j) to determine whether any real or personal property or any increase or decrease in amount number or value of any property or holdings of property or any profit loss receipt or payments from for or in connection with any real or personal property shall be treated as and credited or debited to capital or to income and generally to determine all matters as to which any doubt difficulty or question

may arise under or in relation to the execution of the trusts and powers of this Deed and every determination of the Trustees in relation to any of the matters aforesaid whether made upon a question formally or actually raised or implied in any of the acts or proceedings of the Trustees in relation to the Trust Fund shall bind all parties interested therein and shall not be objected to or questioned on any ground whatsoever;

- (k) to open accounts with any bank or building society and to operate by and in all usual ways any such accounts;
- (l) to give effectual receipts and discharges for any moneys received by or on behalf of the Trustees or otherwise relating to any of the acts matters and things provided for in these presents;
- (m) to provide and set aside out of the Trust Fund or the income thereof such sum of money as the Trustees shall consider is available or necessary for and to pay or apply the same in or towards the discharge or reduction of any encumbrance debt or other liability for the time being affecting the Trust Fund or any part thereof;
- (n) to let sub-let lease or sub-lease for any period (and including to any beneficiary) and at any rental any real or personal property comprised in the Trust Fund upon any terms conditions or covenants;
- (o) to purchase take on lease sub-lease assignment hire or otherwise acquire any estate or interest in any real or personal property for any price premium rental charge payment fee or other consideration and subject to any terms conditions and covenants;
- (p) to take such action as the Trustees shall think fit for the adequate protection of any part of the Trust Fund and to do all such other things as may be incidental to the exercise of any of the powers authorities and discretions hereby or by law conferred on the Trustees;

- (q) to take and act upon the opinion (given in writing) of a solicitor an attorney at law or counsel practising in any country where the Trust Fund or any part thereof may for the time being be or be proposed to be invested in relation to the interpretation or effect of these presents or any other document or statute or as to the administration of the trusts hereof without being liable to any of the beneficiaries in respect of any act done by the Trustees in accordance with such opinion PROVIDED THAT nothing in this provision shall prohibit or impede the Trustees from applying to any Court if it shall think fit or prohibit any unit holder from so doing;
- (r) to allow any beneficiary to occupy have custody of or use any part of the Trust Fund on any terms or conditions as to inventories repair replacement insurance outgoings or otherwise but the Trustees shall not be liable for any loss or damage which may occur to any such part of the Trust Fund during or by reason of any such occupation custody or use except insofar as such loss or damage shall be occasioned by the conscious and wilful default or neglect of the Trustees;
- (s) to permit any part of the Trust Fund to be held or registered in the name of any nominee of the Trustees and to deposit securities deeds and other documents belonging or related to the Trust Fund with any bank or solicitor;
- (t) in the event of any gift stamp or other duties fees or taxes becoming payable in any part of the world in respect of these presents or the Trust Fund or any part thereof in any circumstances to pay all or any part of such duties fees and taxes out of the Trust Fund notwithstanding that such duties fees or taxes or some part thereof are not or may not be recoverable from the Trust Fund by legal process;
- (u) to receive and accept any real or personal property by gift inter vivos or by Will or under the provisions of any other trust or otherwise from any other person as additions to the Trust Fund and to hold the same upon the trusts herein

set forth and to administer such additions under the provisions hereof;

- (v) at any time and from time to time to ascertain and fix the value of the Trust Fund in accordance with the provisions herein contained and for that purpose to engage such competent valuers or experts as the Trustees may select and the Trustees may cause the value so ascertained and fixed to be entered from time to time in a book kept for that purpose;
- (w) to appoint any date earlier than the Vesting Date to be the Vesting Date;
- (x) during an accounting period to nominate any date not more than 18 months after the date of commencement of the then current accounting period as the last day of that accounting period and thereafter the accounting period shall mean each succeeding 12 month period commencing on the day following such nominated date until the anniversary of such nominated date immediately preceding the Vesting Date and the period thereafter until the Vesting Date.

#### 13.0 DELEGATION OF TRUSTEE POWERS

The Trustees if at any time they are more than one shall act jointly and may delegate the exercise of all or any of the powers authorities or discretions hereby or by law conferred on the Trustees:-

- (a) to the Board of Management constituted by clause 14.0 of this Deed, or
- (b) to any other person or persons,

and execute any power of attorney or other instrument necessary to effectuate such purpose.



**13. NEW BUSINESS ARISING BY ORDER OF THE MEETING**

New Business of an urgent matter only arising by order of the meeting.

**14. CLOSURE**

The Chairman to declare the meeting closed.