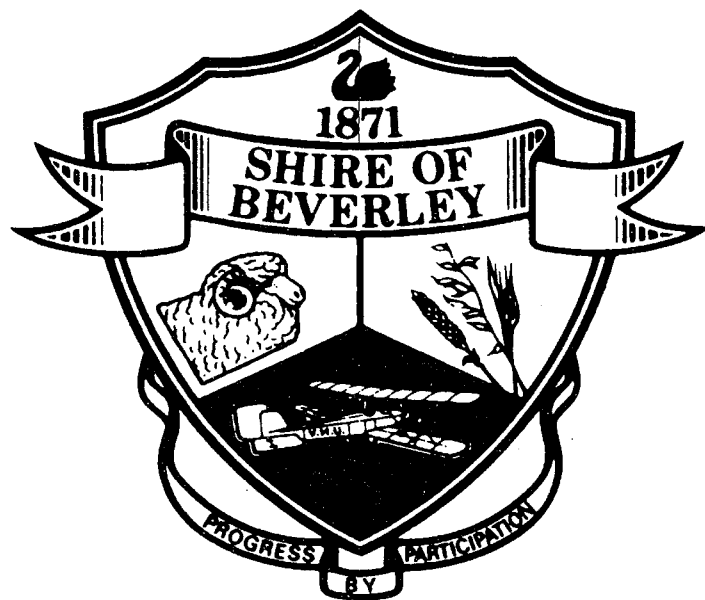


ORDINARY COUNCIL

MEETING

MINUTES



24 AUGUST 2010

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS ON TUESDAY 24 AUGUST 2010**

1. COMMENCEMENT

The President declared the meeting open at 10:00am.

2. ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Attendance

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

Apologies

Cr MG Roberts South Ward

Leave of Absence

Nil

3. PUBLIC QUESTION TIME

Mr Bill McDonald

**3.1 ANNUAL VINTAGE MOTOR CYCLE CLUB – PRE-31 SECTION
BEVERLEY TO PERTH RE-ENACTMENT RIDE
(File Reference: RC 019)**

Mr McDonald advised that the Vintage Motor Cycle Club riders would be coming to Beverley for their annual ride and felt that Council could conduct an official welcome to the Club.

3. PUBLIC QUESTION TIME
ITEM 3.1
ANNUAL VINTAGE MOTOR CYCLE CLUB RACE
(Continued)

Mr McDonald advised that this event commemorates the first motor cycle race of 1904-5 from Beverley to Perth. After the route was research and established, following as near as possible the original, the first commemorative event by the Club was held in 1985 and has taken place every year since, making it their 25th consecutive year of the ride with some two or three members of the Club having participated in every run.

The event is exclusive to motor cycles manufactured prior to 1931. The starting point is from Beverley and the ride takes place on the second weekend in September, this year being held on Sunday 12 September 2010, commencing at 8:30am.

It was agreed that Council seek further information in relation to the event.

4. CONDOLENCES

WOODS	Nancy Mary	2 August 2010
FERGUSON	Keith Ian	5 August 2010
RANDALL	Frederick Walter (Fred)	11 August 2010

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Alexander advised he would not be available for the 28 September 2010 Council meeting and sought leave of absence.

RESOLVED that Cr Alexander be granted leave of absence from the September 2010 Council meeting.

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBERS ON TUESDAY 27 JULY 2010

COUNCIL RESOLUTION

M1/0810 Moved Cr Pepper Seconded Cr Gogol
That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on Tuesday 27 July 2010, as printed, be confirmed.

CARRIED 8-0

BUSINESS ARISING

(Item 6.1)

**LOT 530 & LOT 54 VINCENT STREET, BEVERLEY
REPAIRS TO BOUNDARY FENCE**
(File Reference: VIN 51105)

COUNCIL RESOLUTION

M2/0810 Moved Cr Murray Seconded Cr Foster
That Council place an order on the owner of Lot 530 & Lot 54 Vincent Street, Beverley, requesting that the boundary fence on the property be removed or repaired.

CARRIED 8-0

6.2 MINUTES OF THE SPECIAL MEETING OF COUNCIL TO DISCUSS THE 2011 TO 2014 DRAFT PLAN FOR THE FUTURE INCORPORATING THE DRAFT 2010/2011 BUDGET HELD IN THE COUNCIL CHAMBERS ON MONDAY 16 AUGUST 2010

Appendix 1

COUNCIL RESOLUTION

M3/0810 Moved Cr Egberts Seconded Cr Pepper
That the Minutes of the Special Meeting of Council to discuss the 2011 to 2014 Draft Plan for the Future Incorporating the Draft 2010/2011 Budget held in the Council Chambers on Monday 16 August 2010, as printed, be confirmed.

CARRIED 8-0

BUSINESS ARISING

Nil

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

**6.3 MINUTES OF THE PLANT AND WORKS COMMITTEE MEETING
HELD IN THE COUNCIL CHAMBERS ON MONDAY 16 AUGUST
2010**

Appendix 2

COUNCIL RESOLUTION

M4/0810 Moved Cr Murray **Seconded Cr Gogol**
**That the Minutes of the Plant and Works Committee Meeting held
in the Council Chambers on Monday 16 August 2010, as printed,
be received.**

CARRIED 8-0

BUSINESS ARISING

Nil

7. PRESIDENT AND COUNCILLOR REPORTS

7.1 PRESIDENT'S REPORT

7.1.1 REGIONAL TRANSITION GROUP (File Reference: GOV 013)

Initial signing of our RTG agreement occurred during the local government convention. Once the formalities of this process are complete an inaugural meeting will be held to appoint the Board, identify decision making procedures and ultimately engage a Consultant to undertake the Business Plan.

7.1.2 AVONDALE (File Reference: RC 005)

The National Trust has instigated the master planning process and will meet with Wheatbelt Development Commission representatives to confirm project milestones. Initially four consultancies will contribute to the process: -

Farm Business Plan, Environmental Management Plan for the Bushland, Aboriginal Consultation and a Review of previously developed Conservation and Interpretation Plans.

**7.1 PRESIDENT'S REPORT
(Continued)**

7.1.3 RECREATION FEASIBILITY STUDY (File Reference: RC 011)

Mark Casserly from CCS Strategic Management and community group representatives met on 12 August 2010, to discuss survey results and refine the wants and needs to assist with the feasibility study analysis being undertaken. Having a consultant undertake this process was again well received by those participating. I believe we will need to re-engage those community representatives when the feasibility is completed to gauge clear understanding and agreement that what is being proposed will meet the needs of our community for many years to come and that it will not create an excessive financial burden to ratepayers.

7.1.4 TOWN ENTRY STATEMENT COMMITTEE (File Reference: LUP 007)

Crs Shaw and Pepper have agreed to participate as Council representatives on a Town Entry Statement Committee, with Cr Shaw acting as Chairperson and the Shire providing the secretariat. Expressions of interest from community members have been received from: Alasdair Wardle, Sarah Miller, Sandy Shaw, Vera Johnson, Betty Cable, John Fregon and Jenny Broun.

Suggested Terms of Reference:

1. Review the information from the 1997 Townscape Plan relating to town entry statements.
2. Re-engage with the local community for current ideas and suggestions.
3. Formulate suitable options.
4. Consult with the community and Council in selecting a project(s).
5. Investigate funding opportunities.
6. Present a plan to Council for consideration in the 2011/2012 budget.

I propose that Council endorse the above group as a Committee of Council for the purpose of this project, including the Terms of Reference and advise each of the interested parties accordingly.

7.1 PRESIDENT'S REPORT
ITEM 7.1.4
TOWN ENTRY STATEMENT COMMITTEE
(Continued)

COUNCIL RESOLUTION

M5/0810 Moved Cr Foster Seconded Cr Gogol
That Council –

- (a) Form a Town Entry Statement Committee comprised of Alasdair Wardle, Sarah Miller, Sandy Shaw, Vera Johnson, Betty Cable, John Fregon and Jenny Broun and that Council's representatives on this Committee be Cr Shaw and Cr Pepper, and that Cr Shaw be the Chairperson for this Committee with the Shire providing the secretariat.
- (b) Endorse the Terms of Reference, being:
1. Review the information from the 1997 Townscape Plan relating to town entry statements;
 2. Re-engage with the local community for current ideas and suggestions;
 3. Formulate suitable options;
 4. Consult with the community and Council in selecting a project(s);
 5. Investigate funding opportunities; and
 6. Present a plan to Council for consideration in the 2011/2012 budget.

CARRIED 8-0

7.1.5 COUNCIL ORDINARY MEETING DATES DECEMBER 2010 –
FEBRUARY 2011
(File Reference: CM 005)

As the 4th Tuesday in December 2010 falls on 28 December I would like to suggest the following Ordinary Meeting dates for Councillors' consideration.

December 2010	Tuesday 21 st December
January 2011	No meeting
February 2011	Tuesday 15 th February 2011
March 2011	Tuesday 22 nd March (resuming normal 4 th Tuesday meeting date)

Annual Electors Meeting
to be held during the week 7–11 February 2011

7.1 PRESIDENT'S REPORT
ITEM 7.1.5
ORDINARY MEETING DATES DECEMBER 2010 – FEBRUARY 2011
(Continued)

COUNCIL RESOLUTION

M6/0810 Moved Cr Alexander Seconded Cr Gogol

That Council -

- 1. Alter the December 2010 Ordinary Meeting date to the 3rd Tuesday of the month, being Tuesday 21 December; and**
- 2. Ordinary Meeting dates continue to be held on the 4th Tuesday of the month, including a meeting in January 2011.**

LOST 3-5

COUNCIL RESOLUTION

M7/0810 Moved Cr Murray Seconded Cr Shaw
That Council -

- 1. Alter the December 2010 Ordinary Meeting date to the 3rd Tuesday of the month, being Tuesday 21 December;**
- 2. There be no Ordinary Meeting in January 2011; and**
- 3. Alter the February 2011 Ordinary Meeting to the 3rd Tuesday, being Tuesday 15 February 2011.**

LOST 3-5

COUNCIL RESOLUTION

M8/0810 Moved Cr Egberts Seconded Cr Alexander
That Council -

- 1. Alter the December 2010 Ordinary Meeting date to the 3rd Tuesday of the month, being Tuesday 21 December; and**
- 2. Hold no Ordinary Meeting in January 2011.**

CARRIED 7-1

COUNCIL RESOLUTION

M9/0810 Moved Cr Foster Seconded Cr Gogol
That the President's Report, be received.

CARRIED 8-0

7.2 COUNCILLOR REPORTS

Cr Gogol

7.2.1 AVONDALE PROJECT COMMITTEE MEETING (File Reference: RC 005)

Cr Gogol reported on an Avondale Project Committee Meeting he had attended and advised that plans for the Avondale Harvest Festival, to be held on Sunday 21 November 2010, are progressing well.

7.2.2 SENIORS' LUNCHEON (File Reference: CR 004)

It was noted that Seniors' Week will be held from 31 October to 7 November 2010.

At 10:40am Cr Egberts left the Chambers and returned to the meeting at 10:44am.

COUNCIL RESOLUTION

M10/0810 Moved Cr Alexander **Seconded Cr Gogol**
That Council hold a Seniors' Luncheon on Thursday 4 November 2010.

CARRIED 7-0

It was agreed that Councillors Gogol and Foster co-ordinate arrangements for the Seniors' Luncheon.

Cr Egberts

7.2.3 BEVERLEY CARAVAN PARK - ABLUTION BLOCK (File Reference: VIN 1624B)

Cr Egberts tabled designs of Ablution facilities that could be constructed at the Beverley Caravan Park.

RESOLVED that the design of Ablution facilities for the Beverley Caravan Park be referred to the next Development Services Committee Meeting.

**7.2 COUNCILLOR REPORTS
(Continued)**

Cr Alexander

**7.2.4 INDEPENDENT LIVING UNITS – TENDERS
(File Reference: CS 008 & FM 009)**

The Chief Executive Officer read out a report received from Matthew Coniglio Architect.

COUNCIL RESOLUTION

- M11/0810 Moved Cr Alexander** **Seconded Cr Egberts**
That Council write to Matthew Coniglio Architect, expressing disappointment with the delay in receiving a detailed evaluation of the tenders for the construction of the Independent Living Units and requesting a detailed summary of assessment of tenders.
CARRIED 8-0

At 11:12am Cr Gogol left the Chambers and returned to the meeting at 11:14am.

RESOLVED that Council conduct a Forum on Wednesday 22 September 2010, commencing at 9:00am, to discuss tenders for the construction of Independent Living Units.

Cr Murray

7.2.5 OPERATION NIGHTHAWK – SCOUTS (File Reference: RC 019)

Cr Murray reported on the Operation Nighthawk Scouting event, which included an orienteering course carried out from dusk to dawn on Saturday - Sunday 14 - 15 August 2010, throughout Town by the Scouts' movement.

About 550 Scouts participated in this event. The Subiaco Scouts won the event.

It was agreed that Council write a letter of thanks to Mr Norm Ireland, the Beverley District High School Principal, thanking him for allowing the Scouts' movement to use the school for this event.

At 11:36am Mr Peter Wright, Shire Planner, entered the Council Chambers and joined the meeting.

8. OFFICERS' REPORTS

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	August Council Meeting 24 August 2010
AGENDA ITEM:	8.1.1.1
REPORT DATE:	11 August 2010
SUBJECT:	DEVELOPMENT APPLICATION – FISH SALES VAN – 28 COUNCIL ROAD, BEVERLEY
APPLICANTS:	J Ladyman
FILE REFERENCE:	COU1 13148
AUTHOR:	Shire Planner – Peter Wright

Appendix 3

BACKGROUND

It is proposed to sell frozen fish products from a mobile van at 28 Council Road, Beverley. Proposed hours of operation are between 11.30am and 6pm each Monday.

The application is identical to a Planning Approval granted by Council at its 23 March 2010 meeting. The Planning Approval granted in March expires on 23 September 2010.

The proposed site is zoned Road Reserve and is a private road. The applicant proposes to park under existing trees on the road verge.

COMMENT

As the application is on land reserved under the Shire of Beverley's Town Planning Scheme No. 2 Council must have regard for the ultimate purpose of the reserve. The land is reserved for a road and in the opinion of staff the proposal will not have any detrimental impact on the ultimate purpose of the reserve.

Although the activity is to occur generally during normal Monday business hours, the minor nature of the activity is not anticipated to unduly cause inconvenience persons traversing the area. Only a small section of the road reserve is to be used and given that Council Road is a no through street, traffic movement is anticipated to be minor.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
- FISH SALES VAN
- 28 COUNCIL ROAD, BEVERLEY
(Continued)

Safety of pedestrians should be considered when determining this application. The location of the van means pedestrians traversing the area are unlikely to conflict with motorists. It is therefore considered the risk of conflict between pedestrians and vehicle drivers accessing the area is minimal. However to further enhance safety, should Council approve the application, it will be recommended appropriate signage be installed as a condition of approval.

The application is for a location at the corner of Council Road and the information bay driveway. However commercial considerations may require a different location within the area. To allow the Shire to manage the activity and avoid potential conflict with other users of the area, it is proposed that the applicant provide two weeks written notice prior to any changing of location and written approval be granted by the Shire prior to any commencement of the activity. Should Council approve the application, it will be recommended the above restrictions be conditions of approval.

A complaint was received by the Shire when the applicant relocated to the railway car park at Lot 70 Vincent Street, Beverley. The complaint related to concern over competition with an existing business. Although the applicant moved to the new location in compliance with Council's Planning Approval, the move was in contravention of the Shire of Beverley's 1955 Hawkers Local Law. When informed of the contravention, the applicant immediately relocated to the original position at 28 Council Road, Beverley.

An advice note with the Planning Approval informs the applicant that compliance with all other written laws is required. To clarify the situation, should Council approve the application, it will be recommended an additional advice note informing the applicant of the requirements of the local law be included with the approval.

Apart from the complaint relating to potential competition when the applicant relocated to Lot 70 Vincent Street, the Shire has received no complaints in relation to this business.

It is considered the proposal will enhance the variety of activity available in a public place and increase shopping opportunities within Beverley. As such it will be recommended the application be approved.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
- FISH SALES VAN
- 28 COUNCIL ROAD, BEVERLEY
(Continued)

STATUTORY ENVIRONMENT

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M13/0810 Moved Cr Gogol Seconded Cr Egberts
That Council resolve to grant planning approval for the parking of a Fish Sales Van for the purpose of conducting retail sales, on 28 Council Road, Beverley, subject to the following conditions and advice notes: -

Conditions: -

- 1. This approval is for a period of 5 years. After 5 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant, and endorsed by Council's Shire Planner.**
- 3. This approval is for activities occurring on Monday only.**
- 4. Should the applicant propose an alternate location to the approved location, the applicant is to supply a minimum two week's notice in writing to the Shire and received the Shires written approval, prior to commencement of use, to the satisfaction of the Shire Planner (see Advice Note 2).**
- 5. The hours of operation on approved days are to be between the hours of 11:30am and 6:00pm.**

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
- FISH SALES VAN
- 28 COUNCIL ROAD, BEVERLEY
(Continued)

6. At all times during which the approved activity is occurring, including setting up and closing down, signage approved by the Shire of Beverley is to be erected informing motorists accessing 28 Council Road, Beverley of potential conflict with pedestrians (see Advice Note 3).

Advice Notes: -

1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.
2. With regard to Condition 4, a site plan shall be submitted and a request using email is acceptable.
3. With regard to Condition 6, satisfaction of the condition requires approval of the sign and location of the signage.
4. The applicant is advised that under the Shire of Beverley's Hawkers Local Law (1955) itinerate vendors cannot sell items within 200 yards of an established business selling similar items.

CARRIED 8-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	August Council Meeting 24 August 2010
AGENDA ITEM:	8.1.1.2
REPORT DATE:	16 August 2010
SUBJECT:	DEVELOPMENT APPLICATION – OUTBUILDING – LOT 126 KOKENDIN ROAD, TALBOT WEST
APPLICANTS:	L Wilkinson
FILE REFERENCE:	KOK 1211
AUTHOR:	Shire Planner – Peter Wright

Appendix 4

BACKGROUND

It is proposed to construct a 131m² outbuilding at Lot 126 Kokendin Road, Talbot West. The application requires Planning Approval due to the subject lot not having frontage to a constructed road as required under Clause 4.1.2(h)(iv) of the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). Since there is no delegated authority the application is being referred to Council.

The subject site is approximately 56.6ha in area, zoned Farming and contains an existing dwelling. Access is via an easement to Kokendin Road.

COMMENT

Apart from the lot not having direct road frontage the application complies with all provisions in TPS 2 and Council's Outbuilding Policy. The outbuilding is ancillary to the agricultural use of the property and given the substantial distance from the road, is unlikely to have any external impact.

There is a small amount of tree cover and watercourses on the property. To address any potential environmental concerns, should Council approve the application, it will be recommended appropriate conditions of approval be imposed.

The application will have no external impact, complies with Council policy and is to be used for agricultural purposes. Therefore it will be recommended the application be approved.

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.2

DEVELOPMENT APPLICATION

- OUTBUILDING

- LOT 126 KOKENDIN ROAD, TALBOT WEST

(Continued)

- 5. The outbuilding shall be setback a minimum 30 metres from any watercourse.**
- 6. The applicant shall only remove those trees and/or clear native vegetation as required for the construction of the building and any associated access (see Advice Note 3).**

Advice Notes: -

- 1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.**
- 2. The applicant is advised a building licence is required prior to commencement of any building works.**
- 3. With regard to Condition 6, the applicant is advised approval may be required from the Department of Environment and Conservation prior to the removal of trees and/or clearing of vegetation.**

CARRIED 8-0

8.1.2 INFORMATION BULLETIN REPORT – SHIRE PLANNER

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

COUNCIL RESOLUTION

M15/0810 Moved Cr Pepper **Seconded Cr Gogol**
That the Shire Planner's Information Bulletin Report, be received.
CARRIED 8-0

At 11:47am Mr Peter Wright, Shire Planner, left the meeting.

8.2.1 HEALTH & BUILDING SERVICES ITEMS

Nil

At 11:49am Mr Peter Ibbott, Environmental Health Officer, entered the Chambers and joined the meeting.

8.2.2 INFORMATION BULLETIN REPORT – HEALTH & BUILDING SERVICES

8.2.2.1 HUNT ROAD – SEWERAGE (File Reference: HUN 970 & HUN 914)

The Environmental Health Officer gave a report on the matter of seeping sewerage from the property of Mr and Mrs Hardy onto a neighbour's property. A letter requesting rectification of the situation has been sent to the owners.

At 11:51am Mr Peter Ibbott, Environmental Health Officer, left the meeting.

8.2.2.2 GENERAL

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

**8.2.2 INFORMATION BULLETIN REPORT – HEALTH & BUILDING SERVICES
(Continued)**

8.2.2.3 BUILDING LICENSES ISSUED

Building licenses issued up to 16 August 2010: -

Lic No: 07 10/ 11
No: 95 – 99 Hunt Rd,
Beverley
Building: Patio
Value: \$1,600

Lic No: 08 10/ 11
No: 149 Vincent St,
Beverley
Building: Patio
Value: \$7,700

Lic No: 09 10/ 11
No: 77 Harper St,
Beverley
Building: Garage / Carport
Value: \$8,300

Lic No: 10 10/ 11
No: Lot 6336 Maitland Rd,
Beverley
Building: Single Dwelling
Value: \$60,000

Lic No: 11 11/ 11
No: 30 John St,
Beverley
Building: Garage
Value: \$11,079

Lic No: 12 10/ 11
No: 88 Lukin St,
Beverley
Building: Single Dwelling
Value: \$157,004

Lic No: 13 10/ 11
No: 12 Duffield St,
Beverley
Building: Verandah
Value: \$3,500

Lic No: 14 10/ 11
No: 396 County Peak Rd,
Bally Bally
Building: Shed
Value: \$11,148

Lic No: 15 10/ 11
No: Lot 188 Lennard Rd,
Beverley
Building: Carport
Value: \$3,000

8.2.2.4 REPAIRS/MAINTENANCE OFFICER'S REPORT

A Repairs Maintenance Report was provided under separate cover.

COUNCIL RESOLUTION

M16/0810 Moved Cr Foster **Seconded Cr Egberts**
That the Health & Building Services Information Bulletin Report, be received.

CARRIED 8-0

At 11:54am Mr Steve Vincent, Works Supervisor, entered the Chambers and joined the meeting.

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

Nil

8.3.2 INFORMATION BULLETIN REPORT – WORKS SUPERVISOR

8.3.2.1 GENERAL – PLANT AND WORKS

8.3.2.1.1 Town, Parks and Gardens

Oval surrounds have been prepared for the Show. Spraying has been completed around town. Reticulation pipes have been laid for the planter boxes in front of the Town Hall. These boxes have also been filled with good soil ready for planting.

8.3.2.1.2 Shire Dam Hunt Road

The water level is very low for this time of the year. The level now is what it normally is in February. The bore has been turned on to increase our water storage, without this storage there will not be enough water for the summer months. The new submersible pump has been installed to pump water from the dam to the tanks on the dam bank.

Reuse waste water from the Water Corporation will not be available this summer. Once this water becomes available, we should have enough water without having to rely on runoff into the dam.

8.3.2.1.3 Grading

Two graders are currently working in the west of the Shire and the third is working in the south. With the lack of rain earlier it has been difficult to build up the roads and get the compaction required. Now there has been a reasonable rain grading conditions have improved.

8.3.2.1.4 Black Spot Submissions

Two Black Spot intersections have been submitted to Main Roads for consideration for funding allocations in 2011/2012. These are both on the York-Williams Road - at the intersections of Valentine Road and Westdale Road.

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

8.3.2.1.5 Bitumen Repairs

RnR Contractors have repaired Greenhills South Road, Waterhatch Road and Talbot West Road. These roads began to lose stone during the cold weather. An enrichment coat was applied and in some areas extra stone was also added.

8.3.2.1.6 Westdale Road/Great Southern Highway Intersection

I have contacted Main Roads again in regards to redesigning this intersection. This will allow heavy vehicles to use this intersection safely. They have told me that this intersection has been surveyed and a design drawn up. There are no funds available for this year. However when funds become available, works will be ready to commence.

8.3.2.1.7 Plant Report

The Works Supervisor had provided a Plant Report.

8.3.2.2 CONSTRUCTION

8.3.2.2.1 Westdale Road

Work has commenced between Hobbs Road and Butchers Road with the clean-up of dead trees along the verge and back-cut. Culvert extension will then be carried out in preparation for the widening.

8.3.2.2.2 Talbot West Road

The tree offset area near the Shire of York boundary has been planted. This ground was ripped and sprayed to control weeds prior to planting.

COUNCIL RESOLUTION

M17/0810 Moved Cr Gogol **Seconded Cr Foster**
That the Works Supervisor's Information Bulletin Report, be received.

CARRIED 8-0

At 12:06pm Mr Steve Vincent, Works Supervisor, left the meeting.

8.4.1 FINANCE ITEMS

SUBMISSION TO: August Council Meeting 24 August 2010
AGENDA ITEM: 8.4.1.1
REPORT DATE: 18 August 2010
SUBJECT: SCHEDULE OF ACCOUNTS
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

Appendix 5

COMMENT

The Schedule of Accounts for the month of July 2010 is the appendix to this item.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M18/0810 Moved Cr Foster **Seconded Cr Pepper**
That the Schedule of Accounts for the month of July 2010, be received.

CARRIED 8-0

SUBMISSION TO: August Council Meeting 24 August 2010
AGENDA ITEM: 8.4.1.2
REPORT DATE: 18 August 2010
SUBJECT: FINANCIAL STATEMENT FOR THE PERIOD ENDED 31 JULY 2010
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

COMMENT

The Financial Statement for the period ended 31 July 2010 was provided under separate cover.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M19/0810 Moved Cr Foster **Seconded Cr Pepper**
That the Financial Statement for the period ended 31 July 2010, as presented, be received.

CARRIED 8-0

8.4.1 FINANCE ITEMS

SUBMISSION TO: August Council Meeting 24 August 2010
AGENDA REFERENCE: 8.4.1.3
DATE: 19 August 2010
SUBJECT: INVESTMENT OF SURPLUS FUNDS
FILE REFERENCE: FM 008
AUTHOR: Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

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

COMMENT

Listed below are surplus funds that have been invested during the month of July 2010 with the ANZ Bank.

RESERVE	INVESTMENT	TOTAL	ACCT #	TERM	RATE	EXPIRY
Building	\$ 903,736.00	\$ 903,736.00	9899-36483	5 Months	6.00%	22/12/10
Plant	\$ 295,154.00	\$ 295,154.00	9899-36301	3 Months	5.50%	22/10/10
Annual Leave	\$ 112,997.00					
Recreation Ground	\$ 265,262.00	\$ 378,259.00	9899-36459	5 Months	6.00%	22/12/10
Office Equipment	\$ 23,688.00					
Bush Fire Fighters	\$ 90,984.00					
Avon River Development	\$ 18,259.00					
Community Bus	\$ 24,144.00					
Cropping Committee	\$ 151,571.00					
Road Construction	\$ 198,109.00	\$ 506,755.00	9899-36504	5 Months	6.00%	22/12/10
	\$2,083,904.00	\$2,083,904.00				

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M20/0810 Moved Cr Alexander
 That the Investment Report for the month of July 2010, be received.

Seconded Cr Pepper

CARRIED 8-0

8.4.1 FINANCE ITEMS

SUBMISSION TO:	August Council Meeting 24 August 2010
AGENDA ITEM:	8.4.1.4
REPORT DATE:	19 August 2010
SUBJECT:	MATERIAL VARIANCES 2010/2011
FILE REFERENCE:	FM 001
AUTHOR:	Deputy Chief Executive Officer – Stephen Gollan

BACKGROUND

Council is required each financial year to review the material variance amount which is used when reporting variances from the monthly financial statements.

COMMENT

Below is an extract from the Local Government (Financial Management) Regulations 1996.

- Part 4 — Financial reports — s. 6.4
34. Financial activity statement report — s. 6.4
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

At the March 2009 Council Meeting, Council resolved: -

That a variance of 15% be set on budget items of \$10,000.00 or greater as per Section 34(5) of the Local Government (Financial Management) Regulations 1996.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M21/0810 **Moved Cr Pepper** **Seconded Cr Egberts**
That Council set a variance of 15% on budget items of \$10,000.00 or greater as per Section 34(5) of the Local Government (Financial Management) Regulations 1996.

CARRIED 8-0

8.4.1 FINANCE ITEMS
ITEM 8.4.1.5
ADOPTION OF 2010/2011 BUDGET
(Continued)

RATE DISCOUNT

- M23/0810 Moved Cr Egberts** **Seconded Cr Pepper**
That in accordance with s6.12 of the Local Government Act 1995, a 10% rate discount be allowed for rates paid in full within thirty five (35) days of the service of the rate notice.
CARRIED 8-0

RATE PENALTY

- M24/0810 Moved Cr Egberts** **Seconded Cr Pepper**
That in accordance with s6.51 of the Local Government Act 1995, an 11% interest charge be levied on all overdue rate instalments and on rates outstanding whether subject to either a formal or informal instalment program or not, (deferred pensioners' rates excluded).
CARRIED 8-0

RATE INSTALMENTS

- M25/0810 Moved Cr Egberts** **Seconded Cr Pepper**
That in accordance with s6.45 of the Local Government Act 1995, an administration charge of \$8.00 for the second and each of the subsequent rates instalment be levied in connection with each formal rate instalment program.
CARRIED 8-0

- M26/0810 Moved Cr Egberts** **Seconded Cr Pepper**
That in accordance with s6.45(3) of the Local Government Act 1995, Council set the interest component for rate installments at 5.50% per annum calculated daily.
CARRIED 8-0

8.4.1 FINANCE ITEMS
ITEM 8.4.1.5
ADOPTION OF 2010/2011 BUDGET
(Continued)

RUBBISH CHARGE

- M27/0810 Moved Cr Egberts Seconded Cr Pepper**
That in accordance with s6.16 of the Local Government Act 1995 Council set the Rubbish Charge for 2010/2011 at \$160.00 per bin, per annum.
CARRIED 8-0

RESERVE FUND

- M28/0810 Moved Cr Egberts Seconded Cr Pepper**
That in accordance with s6.11(3) of the Local Government Act 1995 That Council adopts the 2010 / 2011 Reserve Fund budget.
CARRIED 8-0

INSTALMENT PAYMENTS AND DATES

- M29/0810 Moved Cr Egberts Seconded Cr Pepper**
That in accordance with s6.50 of the Local Government Act 1995, the due dates of instalments under the formal rate instalment program be:
That the instalment due dates are as follows:
1st Instalment 18 October 2010
2nd Instalment 20 December 2010
3rd Instalment 21 February 2011
4th Instalment 18 April 2011
CARRIED 8-0

FORMAL ADOPTION OF 2010 / 2011 BUDGET

- M30/0810 Moved Cr Egberts Seconded Cr Pepper**
That Council adopt the 2010/2011 Budget.
CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	August Council Meeting 24 August 2010
AGENDA ITEM:	8.5.1.1
REPORT DATE:	19 July 2010
SUBJECT:	PROPOSED ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2010
FILE REFERENCE:	LE 010 & RC 019
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 6

BACKGROUND

Currently the Shire of Beverley does not have a local law that regulates which activities in public places are prohibited and which require a permit.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Beverley commenced a review of its local laws on 27 October 2009.

At the conclusion of the review process it was identified that a new Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law was required to govern: -

- Which activities in public places are prohibited and which require a permit;
- Temporary verge crossing for construction works;
- Permissible verge treatments and maintenance of verge treatments;
- Other matters such as assigning of property numbers, some fencing and signs;
- Signs on thoroughfares;
- Animals and shopping trolleys in thoroughfares;
- Flora Roads;
- Special Environmental Areas;
- Planting and Clearing in Thoroughfares; and
- Stallholders and Traders Permits.

The purpose of this report is to allow the Presiding Person to: -

- (1) give notice to the meeting of the intent to make a new Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010;
- (2) give notice of the purpose and effect of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010;
- (3) for the Council to adopt the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law; and

8.1.1 ADMINISTRATION ITEMS

ITEM 8.5.1.1

PROPOSED ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2010 (Continued)

- (4) to allow for advertising of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 for public comment.

COMMENT

The proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 is set out in the appendix to this report.

In making a new local law, the Shire must comply with the provisions of section 3.12 of the 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 Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 is to restrict and prohibit activities on thoroughfares, and trading in thoroughfares and public places.

The effect of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010 is that all persons wishing to conduct an activity on a thoroughfare or trade in a thoroughfare or public place are to comply with the provisions of this local law.

DISCLOSURE OF INTEREST

No disclosure of interest has been tabled.

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).

8.1.1 ADMINISTRATION ITEMS

ITEM 8.5.1.1

PROPOSED ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2010 (Continued)

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

In addition, copies of the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places local law 2010, (gazettal copy), and the National Competition Policy review must be sent to the relevant Ministers (Local Government and Health) for comment.

POLICY IMPLICATIONS

There are no policy implications for this item.

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.

STRATEGIC IMPLICATIONS

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M31/0810

**Moved Cr Pepper
That Council: -**

Seconded Cr Gogol

- 1. Adopt the proposed Shire of Beverley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010, as contained in the appendix to this item for advertising purposes;**

8.1.1 ADMINISTRATION ITEMS

ITEM 8.5.1.1

PROPOSED ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2010

(Continued)

2. Pursuant to section 3.12 of the Local Government Act 1995, give State-wide public notice that it intends to make the Shire of Beverley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010, as contained in the appendix to this item: -
 - (a) the purpose of which is to restrict and prohibit activities on thoroughfares, and trading in thoroughfares and public places; and
 - (b) the effect is that all persons wishing to conduct an activity on a thoroughfare or trade in a thoroughfare or public place are to comply with the provisions of this local law.

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	August Council Meeting 24 August 2010
AGENDA ITEM:	8.5.1.2
REPORT DATE:	14 July 2010
SUBJECT:	PROPOSED NEW LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010
FILE REFERENCE:	LE 010 & CP 036
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 7

BACKGROUND

Currently the Shire of Beverley does not have a local law that regulates activities on local government property owned by, and under the care, control and management of the Shire. Local government property includes halls, reserves, golf courses, swimming pools, libraries, recreation centres, rubbish transfer stations, administration centres and the like.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Beverley commenced a review of its local laws on 27 October 2009.

At the conclusion of the review process it was identified that a local law regulating activities on local government property was required.

The purpose of this report is to allow the Presiding Person to: -

- (1) give notice to the meeting of the intent to make a new Local Government Property Local Law; and
- (2) give notice of the purpose and effect of the proposed Local Government Property Local Law;
- (3) for the Council to adopt the proposed Local Government Property Local Law; and
- (4) to allow for advertising of the Local Government Property Local Law for public comment.

COMMENT

The proposed Local Government Property Local Law is set out in the appendix to this report.

8.1.1

ADMINISTRATION ITEMS

ITEM 8.5.1.2

**PROPOSED NEW LOCAL GOVERNMENT PROPERTY LOCAL LAW
2010**

(Continued)

In making a new local law, the Shire must comply with the provisions of section 3.12 of the 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 proposed local law covers: -

- Determinations by Council as to use of the Shire's property (see below also);
- Circumstances where permits are required to use the Shire's property;
- Behaviour on all Shire property;
- Matters relating to particular Shire properties;
- Fees for entry;
- Objections and appeals; and
- Enforcement.

Determinations

This local law proposes that from time to time, Council will need to make decisions about use of particular property. Amending the local law is a time consuming and expensive process and as such the proposed local law contains a provision that uses may be varied by 'determination'.

Determinations could be used in a wide variety of circumstances including: -

- Prohibit the riding of skateboards on particular Shire property;
- Limit the age of children using particular types of playground equipment;
- Regulate the hours of access by animals to particular areas and on specified times or days of the week;
- Limiting ball games or activities in conservation areas or parks designed for passive use only.

8.1.1

ADMINISTRATION ITEMS

ITEM 8.5.1.2

**PROPOSED NEW LOCAL GOVERNMENT PROPERTY LOCAL LAW
2010**

(Continued)

A process for making determinations has been included in the proposed local law in Part 2. Clauses 2.7 and 2.8 contain a list of the various heads of power for which determinations may be made, and Clause 2.2 sets out the procedure for making a determination. It is considered important to enshrine this process in the proposed local law so as to reduce the potential for challenge from the Parliamentary Joint Standing Committee on Delegated Legislation which scrutinises any provisions of local laws that may be seen as giving local governments the ability to legislate without following due public consultation and advertising processes.

Assuming this provision is retained, because the Shire will need to give notice of its intention to make a determination under the proposed new local law, there may be a period from commencement of the local law where no determinations are in effect. To avoid any problems that may arise as a result of this situation, Schedule 2 of the proposed local law sets out the Shire's first set of determinations.

In future, determinations made after commencement of the local law will not appear in the Schedule, although the Shire will need to keep a register of them in case it wishes to prosecute an offence.

The local law also contains a transitional provision to the effect that certain signs erected by the Shire under the old local laws repealed have effect as determinations, to the extent that they are not inconsistent with the new local law or any determinations made under it.

Policies regarding procedural matters can also be made without the need to make a determination or amendment to the local law. In general, these will relate to simple administrative matters such as key collection/return, standard conditions of use of hired facilities, use of particular items of equipment such as pianos, finishing times for functions etc.

When Permits are Required

Part 3 sets out the requirements for a person to obtain a permit to use local government property, similarly to the Shire's existing by-laws. It basically sets out the Shire's proprietary rights and provides for an offence to be created if a person breaches it.

8.1.1

ADMINISTRATION ITEMS

ITEM 8.5.1.2

PROPOSED NEW LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010

(Continued)

Behaviour

Part 4 of the proposed local law uses a simple and comprehensive approach to prohibit anti-social behaviour on all types of local government property. Note that Clause 4.3 prohibits anyone from taking, killing, or injuring 'fauna' on all local government property.

Specific Types of Property

Part 5 of the proposed local law sets out matters relating to use of swimming pool areas, toilet blocks and change rooms, and airports.

Enforcement Provisions

Provision has been made for breaches of the proposed local law to be dealt with by an infringement notice and modified penalty process. The Shire may still resort to Court prosecution, but this should be avoided except for repeat or serious offences.

The purpose of the proposed Local Government Property Local Law is to provide for the regulation, control and management of activities and facilities on local government property within the district.

The effect of the proposed Local Government Property Local Law is to establish the requirements with which any persons using or being on local government property within the district must comply.

DISCLOSURE OF INTEREST

No disclosure of interest has been tabled.

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 Local Government Property Local Law 2010, (gazettal copy), and the National Competition Policy review must be sent to the relevant Ministers (Local Government and Health) for comment.

8.1.1 ADMINISTRATION ITEMS
ITEM 8.5.1.2
PROPOSED NEW LOCAL GOVERNMENT PROPERTY LOCAL LAW
2010
(Continued)

POLICY IMPLICATIONS

There are no policy implications for this item.

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.

STRATEGIC IMPLICATIONS

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M32/0810 Moved Cr Gogol **Seconded Cr Pepper**
That Council: -

- 1. Adopt the proposed Shire of Beverley Local Government Property Local Law 2010, as contained in the appendix to this item for advertising purposes;**
- 2. Pursuant to section 3.12 of the Local Government Act 1995, give State-wide public notice that it intends to make the Shire of Beverley Local Government Property Local Law 2010, as contained in the appendix to this item: -**
 - (a) the purpose of which is to provide for the regulation, control and management of activities and facilities on local government property within the district ; and**
 - (b) the effect is to establish the requirements with which any persons using or being on local government property within the district must comply.**

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	August Council Meeting 24 August 2010
AGENDA ITEM:	8.5.1.3
REPORT DATE:	19 August 2010
SUBJECT:	PROPOSED NEW PARKING LOCAL LAW 2010
FILE REFERENCE:	LE 010 & TT 013
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 8

BACKGROUND

Currently the Shire of Beverley does not have a local law that regulates the stopping and parking of vehicles or certain classes of vehicles.

To comply with the provisions of section 3.16 of the *Local Government Act 1995*, the Shire of Beverley commenced a review of its local laws on 27 October 2009.

At the conclusion of the review process it was identified that a local law regulating the stopping and parking of vehicles in the main street of Beverley was required.

The purpose of this report is to allow the Presiding Person to: -

- (1) give notice to the meeting of the intent to make a new Parking Local Law 2010; and
- (2) give notice of the purpose and effect of the proposed Parking Local Law 2010;
- (3) for the Council to adopt the proposed Parking Local Law; and
- (4) to allow for advertising of the proposed Parking Local Law 2010 for public comment.

COMMENT

The proposed Parking Local Law 2010 is set out in the appendix to this report.

In general, the proposed new local law deals with the provisions of the Road Traffic Code 2000, under which 'No Standing' becomes 'No Stopping' and other changes. 'No Stopping' provisions of the Code also deal with distances within which the restriction applies to children's crossings, pedestrian crossings and the like.

8.1.1 ADMINISTRATION ITEMS
ITEM 8.5.1.3
PROPOSED NEW PARKING LOCAL LAW 2010
(Continued)

In making a new local law, the Shire must comply with the provisions of section 3.12 of the 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 Parking Local Law 2010 is to constitute a parking region, enable the Shire to regulate the parking of vehicles within the parking region, provide for the management and operation of parking facilities operate by the Shire and the issuing of infringement noticed for parking offences.

The effect of the proposed Parking Local Law 2010 is that all persons parking a vehicle within the parking region are to comply with the provision in this local law.

DISCLOSURE OF INTEREST

No disclosure of interest has been tabled.

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 Parking Local Law 2010, (gazettal copy), and the National Competition Policy review must be sent to the relevant Ministers (Local Government and Health) for comment.

POLICY IMPLICATIONS

There are no policy implications for this item.

8.1.1 ADMINISTRATION ITEMS
ITEM 8.5.1.3
PROPOSED NEW PARKING LOCAL LAW 2010
(Continued)

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.

Road Traffic Code 2000

STRATEGIC IMPLICATIONS

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M33/0810 Moved Cr Gogol Seconded Cr Pepper
That Council: -

- 1. Adopt the proposed Shire of Beverley Parking Local Law 2010, as contained in the appendix to this item for advertising purposes;**
- 2. Pursuant to section 3.12 of the Local Government Act 1995, give State-wide public notice that it intends to make the Shire of Beverley Parking Local Law 2010, as contained in the appendix to this item: -**
 - (a) the purpose of which is to constitute a parking region, enable the Shire to regulate the parking of vehicles within the parking region, provide for the management and operation of parking facilities operate by the Shire and the issuing of infringement noticed for parking offences; and**
 - (b) the effect is that all persons parking a vehicle within the parking region are to comply with the provision in this local law.**

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	August Council Meeting 24 August 2010
AGENDA ITEM:	8.5.1.4
REPORT DATE:	18 August 2010
SUBJECT:	REGIONAL TRANSITION GROUP
FILE REFERENCE:	GOV 013
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

At Council's July meeting it was resolved that version 6 of the Regional Transition Group (RTG) Agreement with the Shires of Cunderdin, Beverley, Quairading, Tammin, York and the Department of Local Government be signed.

COMMENT

The RTG was signed on Saturday 7 August 2010. It is a condition that the inaugural meeting of the group be held within three months of the execution of this document.

It is necessary that Council appoint its delegates, two elected members, to the Board to oversee the Agreement and represent Beverley's interests.

The inaugural meeting of the Board will need to consider: -

- a) appointment of a Chairperson and Deputy Chairperson;
- b) appointment of a Secretary/Administrator for the Board;
- c) appointment of a participating Council to control and manage the finances of the Board;
- (d) appointment of a consultant to develop a draft business plan;
- (e) develop governance processes for the Board (this would include discussion as to what might be considered a majority for voting purposes; and when are resolutions binding on Council); and
- (f) frequency and location of meetings.

At 12:28pm the meeting adjourned for lunch and resumed at 1:50pm.

8.1.1 ADMINISTRATION ITEMS
ITEM 8.5.1.4
REGIONAL TRANSITION GROUP
(Continued)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M34/0810 Moved Cr Pepper **Seconded Cr Gogol**
That Council: -

- (a) Appoint the Shire President DJ Ridgway and the Deputy Shire President LC Shaw as it's representatives to the Regional Transition Board;**
- (b) Recommend to the Regional Transition Group that Mr Dominic Carbone of Dominic Carbone & Associates, be appointed as the consultant to prepare the necessary business plan; and**
- (c) Advise the Regional Transition Group that any decisions of the Board of a binding nature be endorsed by the individual local government's Minutes prior to being implemented.**

CARRIED 8-0

Cr Ridgway advised her inability to attend the first meeting of the Regional Transition Group Board.

RESOLVED that in the absence of Cr Ridgway for the Inaugural Board Meeting of the South East Avon Regional Transition Group (SEARTG), to be held at the Shire of Cunderdin on Thursday 2 September 2010, that Cr Pepper attend as a proxy for Cr Ridgway.

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	August Council Meeting 24 August 2010
AGENDA ITEM:	8.5.1.5
REPORT DATE:	18 August 2010
SUBJECT:	FORWARD CAPITAL PLANS
FILE REFERENCE:	FM 007
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

As part of the State Government's structural reform agenda all Council's throughout Western Australia must prepare a Forward Capital Works Plan. Funding of \$35,000.00 for this purpose has been provided by the Royalties for Regions via the Country Local Government Fund.

COMMENT

A proposal to prepare a Forward Capital Works Plan at a cost of \$17,450.00 has been forwarded by Dominic Carbone and Associates.

Although Council's purchasing policy states that any purchases, for goods and services having a value of between \$5,000.00 and \$30,000.00 should be subject to obtaining two quotes, as Dominic Carbone has worked closely with Council on Asset Management Plans and is the likely consultant for producing business plans on behalf of the Regional Transition Group, I would suggest that the purchasing policy requiring quotes be waived on this occasion.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M35/0810 Moved Cr Gogol **Seconded Cr Egberts**
That Dominic Carbone of Dominic Carbone and Associates be
contracted to undertake Council's Forward Capital Works Plan at a
cost of \$17,450.00.

CARRIED 8-0

8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER

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

8.5.2.1 USE OF COMMON SEAL

Throughout the past month the Common Seal has been affirmed to lease agreements with the Bowling Club and Historical Society.

M37/0810 Moved Cr Foster **Seconded Cr Pepper**
That Council endorse the use of the Common Seal on lease
agreements with the Bowling Club and the Historical Society.
CARRIED 8-0

8.5.2.2 AVONDALE (File Reference: RC 005)

The Chief Executive Officer read a letter from the Beverley Tourist and Development Association expressing concern at the current closure of Avondale.

RESOLVED that the Chief Executive Officer write to the Beverley Tourist and Development Association advising them of the current arrangements that are set, in relation to Avondale.

8.5.2.3 BEVERLEY MOTOR CYCLE CLUB (File Reference: RC 019)

The Beverley Motor Cycle Club has requested Council give consideration to leasing that portion of Reserve 231 known as 'Ulinga' for the purposes of Motocross and other motor cycle events.

If consent is given the Club would like an indication as to the conditions that might apply, and in particular the timeframe and rental.

The Club will be responsible for the cost of preparing lease documents.

COUNCIL RESOLUTION

M38/0810 Moved Cr Foster **Seconded Cr Shaw**
That Council -

- 1. Develop a lease agreement for the Beverley Motor Cycle Club to use Reserve 231 known as 'Ulinga';**

**8.5.2 INFORMATION BULLETIN REPORT – CHIEF EXECUTIVE OFFICER
ITEM 8.5.2.3
BEVERLEY MOTOR CYCLE CLUB
(Continued)**

2. Approve a lease period of fifteen years at a cost of \$1,000.00 per annum, with yearly CPI increases, along with an option to renew; and

**3. The cost of preparing the lease be borne by the Club.
CARRIED 8-0**

COUNCIL RESOLUTION

**M39/0810 Moved Cr Shaw Seconded Cr Gogol
That the Chief Executive Officer's Information Bulletin Report, be received.**

CARRIED 8-0

9. INFORMATION BULLETIN – GENERAL SECTION

The August Information Bulletin was provided under separate cover. The following matters were addressed by Council.

**9.1 HOUSING FOR OLDER GENERATIONS IN REGIONAL CENTRES –
INFORMATION SESSION (File Reference: LUP 011)**

WA Country Builders extends an invitation to attend an Information Session on Housing for Seniors to be held on Monday 20 September 2010 at the Brookton Country Club at 11:00am.

Councillors Ridgway, Shaw, Alexander, Murray and Pepper indicated they would be able to attend.

**9.2 2010 ROAD TRANSPORT AND ROADS FORUM
(File Reference: RO 017)**

WALGA, in partnership with Main Roads WA, extends an invitation to attend the annual Transport and Roads Forum to be held on Wednesday 13 October 2010 at the Bunbury Regional Exhibition Centre at 9:00am.

Cr Egberts and the Chief Executive Officer have advised they will be attending.

12. CLOSURE

There being no further business the meeting closed at 3:08pm.

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

Presiding Member

Date

APPENDIX LIST

24 AUGUST 2010

		Commencement Page of Appendix Item
Appendix 1	Item 6.2 – Minutes of the Special Meeting of Council to discuss the 2011 to 2014 Draft Plan for the Future Incorporating the Draft 2010/2011 Budget held on 16 August 2010	1
Appendix 2	Item 6.3 – Minutes of the Plant and Works Committee Meeting held on 16 August 2010	3
Appendix 3	Item 8.1.1.1 – Development Application - Fish Sales Van - 28 Council Road, Beverley	5
Appendix 4	Item 8.1.1.2 – Development Application - Outbuilding - Lot 126 Kokendin Road, Talbot West	7
Appendix 5	Item 8.4.1.1 – Schedule of Accounts for the month of July 2010	13
Appendix 6	Item 8.5.1.1 – Proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local law 2010	21
Appendix 7	Item 8.5.1.2 – Proposed New Local Government Property Local Law 2010	47
Appendix 8	Item 8.5.1.3 – Proposed New Parking Local Law 2010	69
Appendix 9	Item 8.5.1.6 – Freedom of Information - Information Statement 2010/2011	87

**MINUTES OF A SPECIAL MEETING OF COUNCIL TO DISCUSS THE 2011 TO 2014
DRAFT PLAN FOR THE FUTURE INCORPORATING THE DRAFT 2010 / 2011
BUDGET HELD IN THE COUNCIL CHAMBERS ON
MONDAY 16TH AUGUST 2010.**

1. COMMENCEMENT

The President declared the meeting open at 9.10am.

2. ATTENDANCE & APOLOGIES

Attendance

Cr DJ Ridgway	President	South Ward
Cr LC Shaw	Deputy President	West Ward
Cr JD Alexander		North Ward
Cr KM Murray		North Ward
Cr P Gogol		North Ward
Cr C Egberts		South Ward
Cr CJ Pepper		West Ward
Mr KL Byers	Chief Executive Officer	
Mr SP Gollan	Deputy Chief Executive Officer	
Mr D Carbone	Dominic Carbone and Associates	

Apologies

Cr MG Roberts	South Ward
Cr BM Foster	West Ward

3. PLAN FOR THE FUTURE 2011 TO 2014

The Chief Executive Officer presented Council with the 2011 to 2014 Draft Plan for the Future and the 2010 / 2011 Draft Budget.

Mr Dominic Carbone gave an overview of the document and advised that the Plan needs to be advertised, seeking public comments.

MS01/0810 *Moved Cr Shaw
That Council*

Seconded Cr Murray

- 1. Receives the 2011 to 2014 Plan for the Future and 2010 / 2011 Draft Budget*
- 2. Advertise the 2011 to 2014 Plan for the Future and 2010 / 2011 Draft Budget seeking community comments.*

CARRIED 7/0

4. CLOSURE

As there was no further General Business the President declared the meeting closed at 11.15am.

I hereby certify these Minutes as being confirmed in accordance with Section 522 of the Local Government Act 1995.

Presiding Member

Date

**MINUTES OF THE PLANT & WORKS COMMITTEE MEETING HELD IN THE COUNCIL CHAMBERS
ON MONDAY 16TH AUGUST 2010**

MEETING COMMENCEMENT

The Chairman declared the meeting opened at 11:00am.

ATTENDANCE

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

APOLOGIES

Nil

CONFIRMATION OF MINUTES

MPW1/0810 *Moved Cr Shaw* *Seconded Cr Murray*
*That the Minutes of the Meeting of the Plant and Works Committee, held on
Tuesday 22nd June 2010, as printed, be confirmed.*

CARRIED
5/0

BUSINESS ARISING

Nil.

GENERAL BUSINESS

- Inspected drain at Kim Birds, Langsford Street, it was agreed that kerbing or pipes are not required. Gravel is to be increased on Mr Birds crossover to prevent any water entering his property
- Inspected the full length of the Westdale Road, agreed to adopt the 5 year works program put forward for this road.
- Smith Street, to remove from this years budget.
- Solar light for the corner of Vincent Street and Hunt Road. Prices range from \$4800 to \$6800 each installed, depending on style, brightness and length of run time required. An existing solar light is to be identified in Brookton for council to inspect, concerns were raised that if these types of lights will be suitable, and will fit in the location requested.
- Sealing of the depot yard. To hold off while further investigation is carried out, there is a possibility the depot is to be relocated.
- Plant replacement. Before the tandem truck is replaced consideration is to be given to replacing the Ford tractor and 216 Cat Skid steer.

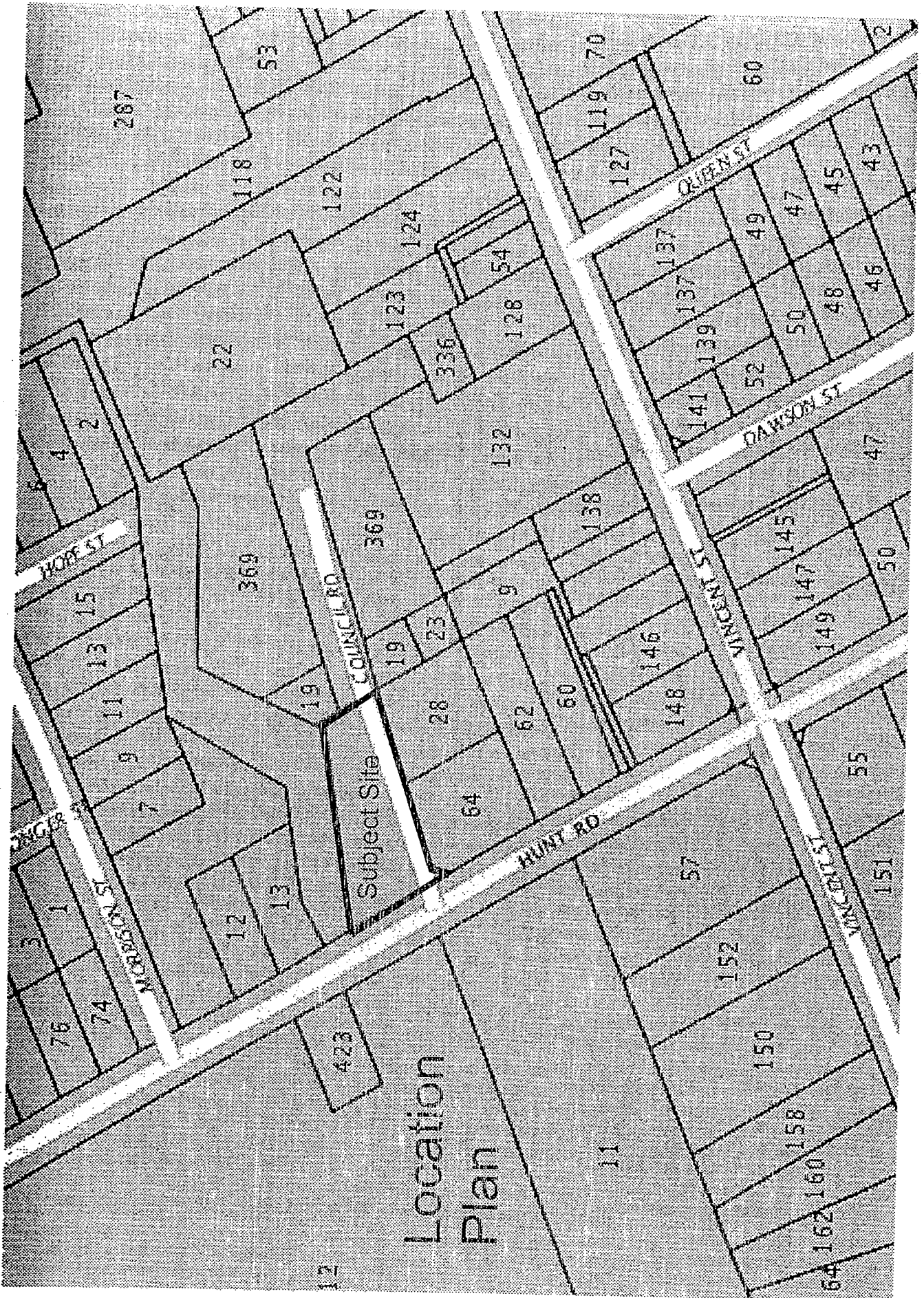
CLOSURE

There being no further business the Chairman declared the meeting closed at 1:20pm.

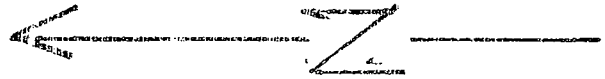
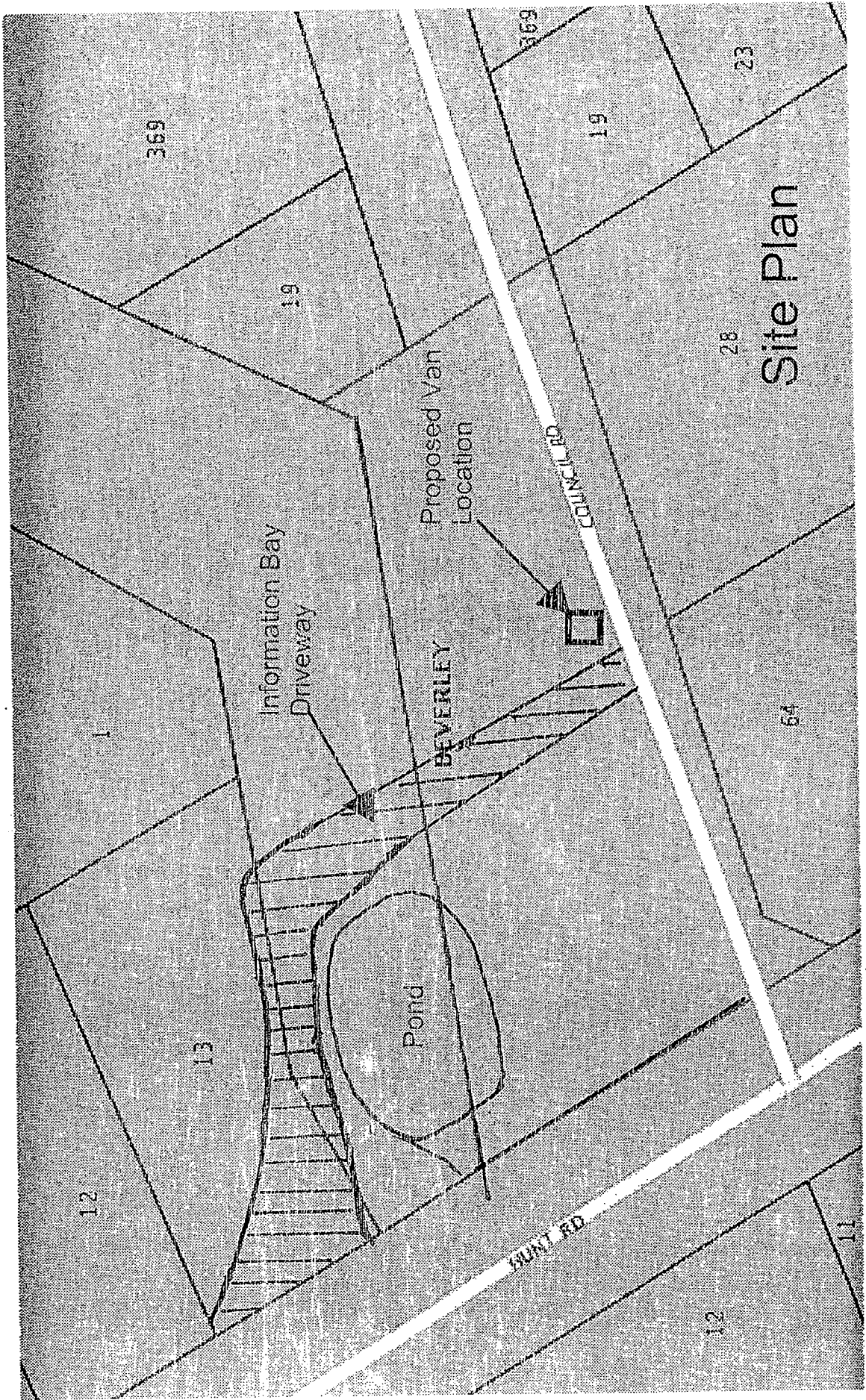
Thereby certify these Minutes as being confirmed in accordance with Section 5.22 of the Local Government Act 1995.

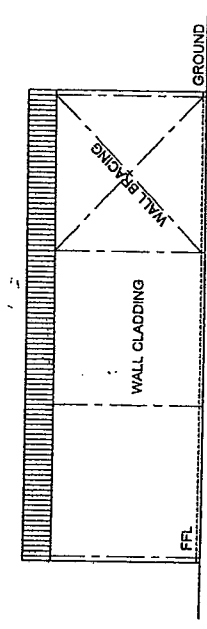
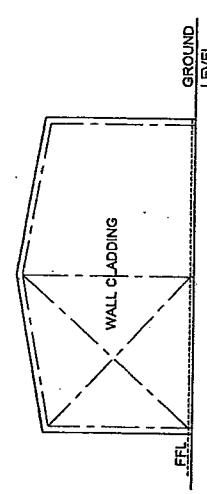
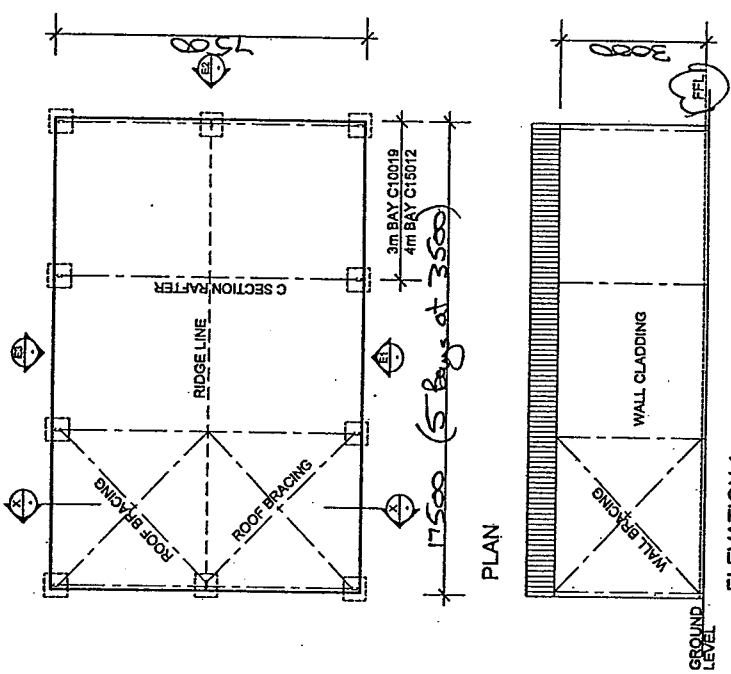
Presiding Member

Date



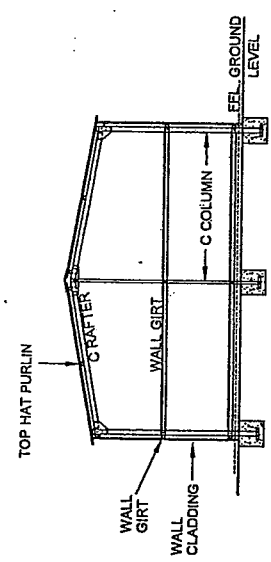
Location
Plan



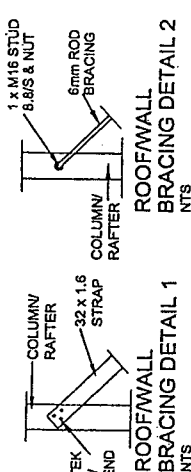


ELEVATION 2

ELEVATION 3

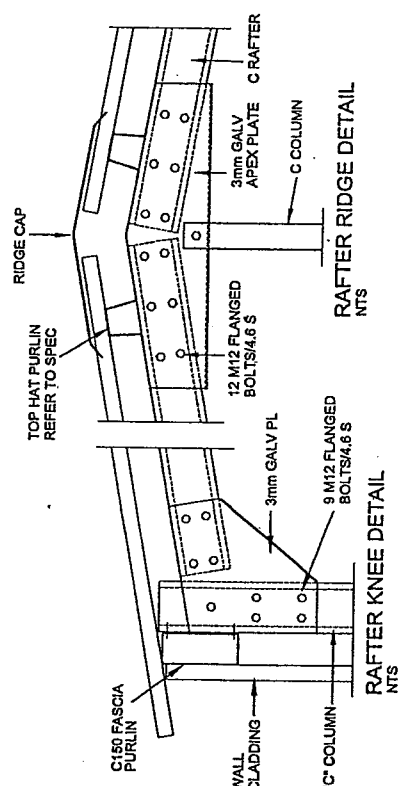


SECTION THROUGH X-X



ROOFWALL BRACING DETAIL 1

ROOFWALL BRACING DETAIL 2



RAFTER RIDGE DETAIL

RAFTER KNEE DETAIL

SPAN		UP TO 5400	UP TO 6000	UP TO 7500	UP TO 9000
HEIGHT (H)		UP TO 3100	UP TO 3100	UP TO 3400	UP TO 4200
AFTERS & COLUMNS		C10019, 3m BAY	C15012, 4m BAY	C15024, 4m BAY	C15024, APEX TIE 4m BAY
PURLINS & GIRTS		3m BAYS = TS8475 SPACINGS 1200 ENDS, 1600 MIDDLES, 4m BAYS = TS8410			
PEX & KNEE JOINTS		3mm GALV PLATES			
BRACING		20mm ROD OR 32mm x 1.6mm STRAP			
CLADDING		0.42 BMT ROOF & WALLS			
FLASHINGS		0.55 BMT			
ROOF PITCH		5 - 15°			
HEIGHT TO 3100		400 x 400	400 x 400	450 x 450	500 x 500
HEIGHT FROM FINISHED		x 400 DEEP	x 400 DEEP	x 450 DEEP	x 500 DEEP
SLAB ON FOOTING SIZE		450 x 450	500 x 500	550 x 550	600 x 600
HEIGHT TO 3650		x 600 DEEP	x 600 DEEP	x 600 DEEP	x 600 DEEP
NAKED FOOTING SIZE					

SPECIFICATIONS

DESIGN
 * WIND REGION A, TERRAIN CATEGORY 2 - 4.
 * WIND LOAD DESIGN TO AS1170
 * EARTHQUAKE ACCELERATION CO-EFFICIENT 0.15
 * SITE IDENTIFICATION: FOR SITE CLASSIFICATION A - S AS CONFIRMED BY INSPECTION TO AS2870.1
 * ALL WORKMANSHIP AND MATERIALS USED IN FABRICATION AND ERECTION SHALL COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS



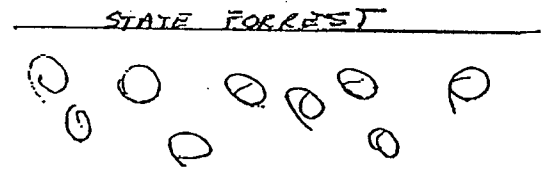
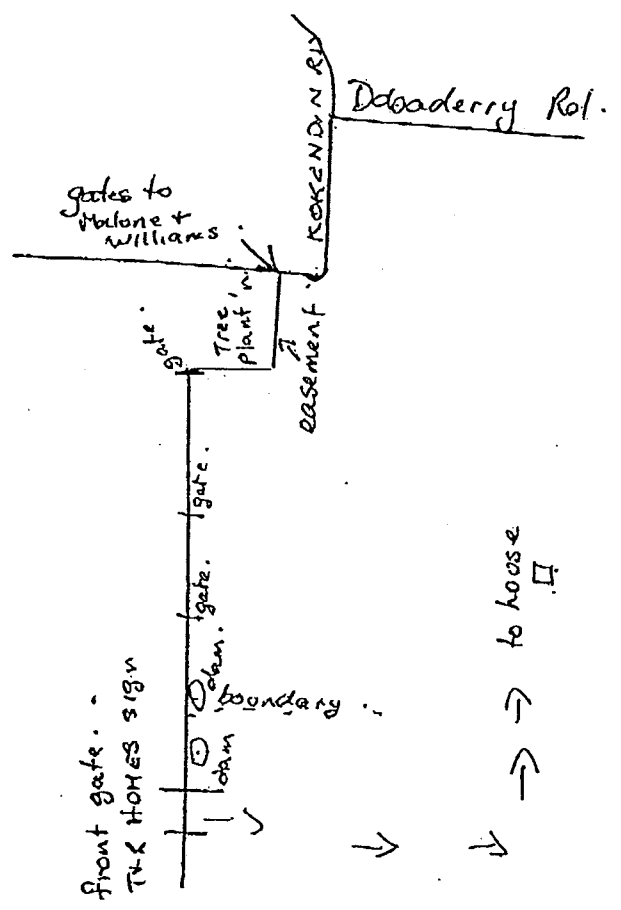
GARAGE WHOLESALERS
 UNIT 10, 11 HANSON STREET MADDEGONG, WA 6108
 Ph: 9459 9855 Fax: 9459 9844

STRUCTURE CONSULTING
 Sam Nejad, B.Sc Eng, MIE Aust, CP Eng, NFER.
 PO Box 118, Geiradon, WA 6531
 Ph: 99239078, Mob: 0828920950, Email: nelad@modnet.com.au

CLIENT: Lynn Wilkinson + Michael Carthon
 ADDRESS: Loc 23757 Kokendin Rd
 SALESMAN: Nevele
 DATE: 2/8/10
 JOB NO: GW 8209

TYPE OF SHED: FULLY ENCLOSED OPEN SIDED

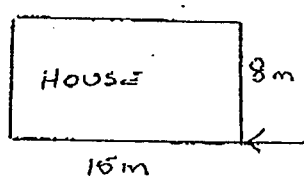
FOOTING: FULLY ENCLOSED 2 Bays OPEN SIDED - 3 Bays



SHIRE OF BEVERLEY
 16 AUG 2010
 FILE REF: KOK 1211

easement - ^NProperty Mark Stevens
this section -
(not to scale).
1.2km to easement

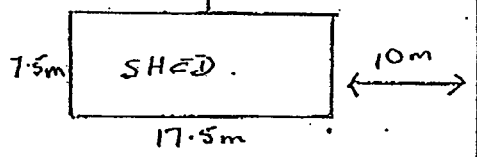
SHIRE OF BEVERLEY
16 AUG 2010
FILE REF: KOK 1211



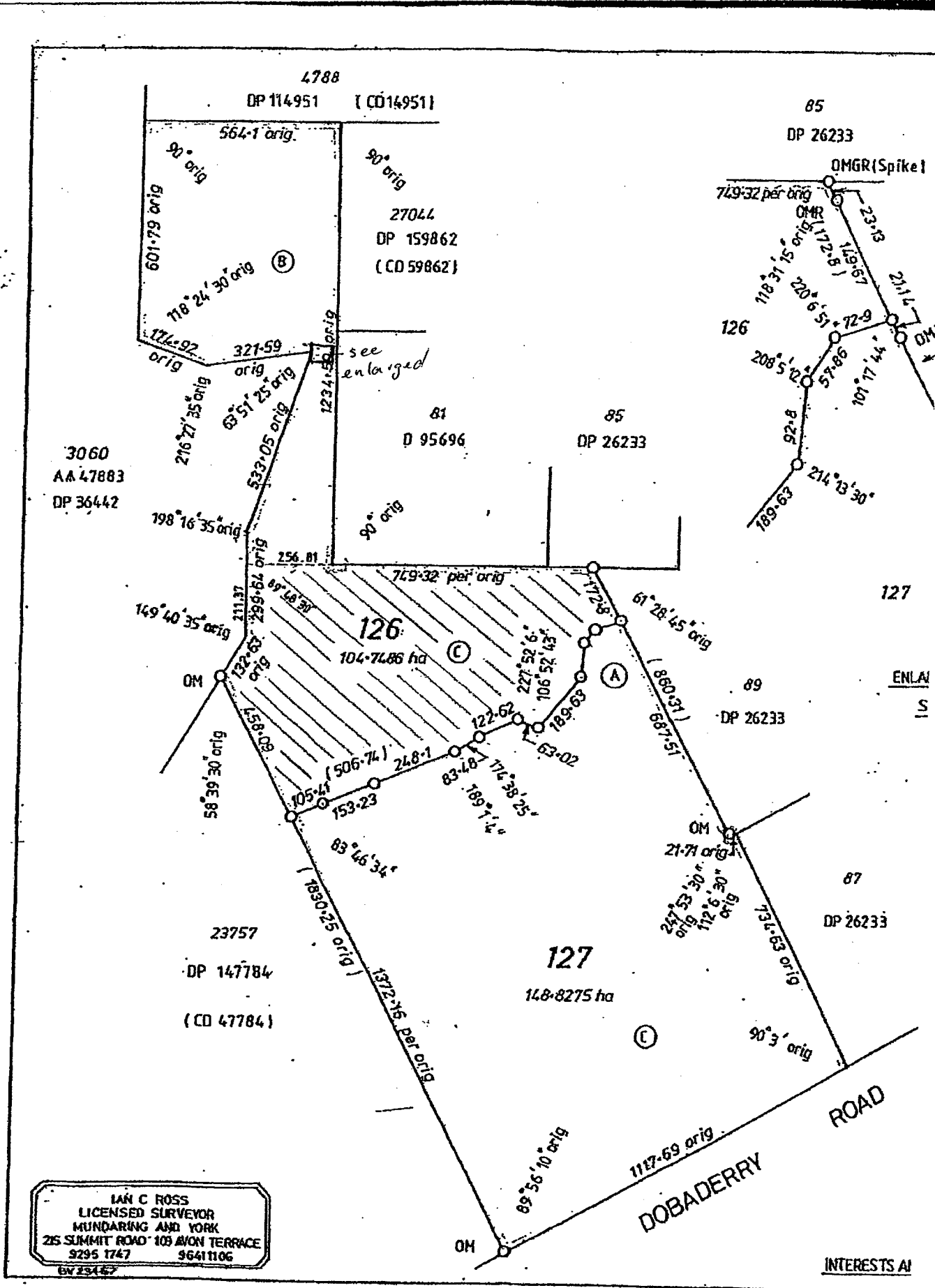
4.6m

BOUNDARY FENCE

100m



72



IAN C ROSS
 LICENSED SURVEYOR
 MUNDARING AND YORK
 25 SUMMIT ROAD 103 AVON TERRACE
 9295 1747 96411106
 BY 23467

INTERESTS AI

65959

CHEQUE DETAIL - Municipal and Trust Accounts - JULY 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt	06/07/2010	CANON FINANCE AUSTRALIA LIMITED	1 of 3 ANNUAL LEASE PAYMENTS		-10,175.00	
EFT Pymt	06/07/2010	FUEL DISTRIBUTORS OF WA P/L	7,180 L DIESEL		-9,173.88	
EFT Pymt	06/07/2010	LEONHARDT Karina	JUL 10 BLARNEY ISSUE		-700.00	
EFT Pymt	06/07/2010	LEWIS Alison	JUL 10 BLARNEY ISSUE		-200.00	
EFT Pymt	06/07/2010	NATWAY FURNITURE & CONSTRUCTIONS	RLWY STN ART GALLERY - VARIOUS WORKS			
Liability Chq	08/07/2010	COLONIAL FIRST STATE-MOULTON Clare	SUPER CONTRIB: FE 07 JUL 10		0.00	0.00
Liability Chq	08/07/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 07 JUL 10		0.00	0.00
Liability Chq	08/07/2010	WALGSP - SUPER	SUPER CONTRIB: FE 07 JUL 10		0.00	0.00
EFT Pymt	16/07/2010	AITS	FUEL TAX CREDIT: JUN 10		-193.49	
EFT Pymt	16/07/2010	ALEX'S GREEN CORNER	80 PUNNETS of FLOWERS		-224.00	
EFT Pymt	16/07/2010	ALEXANDER Jim	VERMIN CONTROL PROGRAMME - JIM ALEXANDER		-303.60	
EFT Pymt	16/07/2010	ALLIRA HILL	GRAVEL ROYALTIES: JAN to JUN 2010		-2,505.80	
EFT Pymt	16/07/2010	AUSSIE IT	PRINTER TONERS		-1,515.39	
EFT Pymt	16/07/2010	AUST TEMP FENCING PTY LTD	TOWN HALL: HIRE OF MESH PANEL FENCING		-949.39	
EFT Pymt	16/07/2010	AVON EXPRESS - STANFIELD Cobb	FREIGHT CHARGES: 04 - 26 JUN 10		-66.00	
EFT Pymt	16/07/2010	AVON TRADING	JUN 2010 HARDWARE SUPPLIES		-681.53	
EFT Pymt	16/07/2010	AVON WASTE	BIN COLLECT @ \$1.62 per BIN, GST INC & RECYCLING BINS		-2,091.10	
EFT Pymt	16/07/2010	BEV AG SOCIETY	2010 SHOW SPONSORSHIP & TROPHY DONATION		-1,100.00	
EFT Pymt	16/07/2010	BEV ELECT SERVICES (BOWDEN M)	DEAD FINISH : REWIRING		-8,624.00	
EFT Pymt	16/07/2010	BEV FARM SERVICES	VERMIN CONTROL PROGRAMME & NOXIOUS WEED - TOWN		-339.02	
EFT Pymt	16/07/2010	BEV NEWS - Barry & Pauline	JUN 2010 ACCOUNT		-2,245.93	

CHEQUE DETAIL - Municipal and Trust Accounts - JULY 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt	16/07/2010	16/07/2010	BEV STEEL FABRICATION	VAROUIS: PARTS	-501.17	
EFT Pymt	16/07/2010	16/07/2010	BEV SUPERMARKET & LIQUOR	JUN 2010 PURCHASES	-382.23	
EFT Pymt	16/07/2010	16/07/2010	BLECHY'S TYRE & BATTERY	JUN 10 - TYRE MAINTENANCE	-1,040.00	
EFT Pymt	16/07/2010	16/07/2010	BOC LIMITED	JUN 2010: CYLINDER RENTAL & GAS PURCHASE	-199.41	
EFT Pymt	16/07/2010	16/07/2010	BODHI ALLIANCE PTY LTD	TOWN HALL: REVIEW of DISABLED ACCESS	-1,399.25	
EFT Pymt	16/07/2010	16/07/2010	BRB - BUILDERS REGO	JUL 09 - JUN 10 BUILDING APPLICATIONS x 71	-2,435.50	
EFT Pymt	16/07/2010	16/07/2010	BUNNINGS BUILDING SUPPLIES P/L	HARDWARE SUPPLIES	-240.00	
EFT Pymt	16/07/2010	16/07/2010	CARDNO (WA) PTY LTD	ROMAN BUREAU SERVICES	-2,750.00	
EFT Pymt	16/07/2010	16/07/2010	COLONIAL FIRST STATE-MOULTON Clare	SUPER CONTRIB: FE 07 JUL 10	-79.56	
EFT Pymt	16/07/2010	16/07/2010	COOTE MOTORS	SUNDRY PLANT: PARTS	-100.30	
EFT Pymt	16/07/2010	16/07/2010	COUNTRY COPIERS NORTHAM	READING: 22 APR - 23 JUN 10	-884.07	
EFT Pymt	16/07/2010	16/07/2010	COURIER AUSTRALIA	FREIGHT CHARGES: 22 JUN - 09 JUL 2010	-102.27	
EFT Pymt	16/07/2010	16/07/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 07 JUL 10	-135.54	
EFT Pymt	16/07/2010	16/07/2010	DCA - DOMINIC CARBONE & ASSOC	MAY 10 FINANCIALS & BUDGET PREP	-1,628.00	
EFT Pymt	16/07/2010	16/07/2010	DPT REG DEV & LANDS	VARIOUS RESERVE LEASES to 31 DEC 10	-6,412.00	
EFT Pymt	16/07/2010	16/07/2010	FREEMASONS TAVERN - KEPAJE UNIT TRUST	ORD COUNCIL MEET: 22 JUN 10	-307.50	
EFT Pymt	16/07/2010	16/07/2010	FUEL DISTRIBUTORS OF WA P/L	4,000 L DIESEL & 995 L ULP	-6,239.62	
EFT Pymt	16/07/2010	16/07/2010	FULTON HOGAN INDUSTRIES	EZ STREET 1TN BULK	-671.00	
EFT Pymt	16/07/2010	16/07/2010	HAINES NORTON	MAY 10 BAS - PREP & RECONCILIATION	-440.00	
EFT Pymt	16/07/2010	16/07/2010	HOSEMASTERS INTL P/L	BE036 (LDR04): PARTS	-643.71	
EFT Pymt	16/07/2010	16/07/2010	HOWARD PORTER	BE013 (TRK07) & BE3514 (TRL06): PARTS	-631.90	
EFT Pymt	16/07/2010	16/07/2010	HUTCHINSON, LB & M	GRAVEL ROYALTIES: JAN to JUN 2010	-6,152.30	

CHEQUE DETAIL - Municipal and Trust Accounts - JULY 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt	16/07/2010	J H COMPUTER SERVICES P/L	WORK SUPERVISORS LAPTOP: BATTERY		-169.00	
EFT Pymt	16/07/2010	JAS Richard	VARIOUS VEHICLES: SERVICES & PARTS		-882.00	
EFT Pymt	16/07/2010	KAY Lyn	YOUTH COORDINATOR: 21 JUN - 10 JUL 2010		-1,350.00	
EFT Pymt	16/07/2010	KENNARDS HIRE	RLWY STN ART GALLERY: HIRE of DRILL		-225.90	
EFT Pymt	16/07/2010	LANDGATE (DOLA)	TITLE SEARCHES		-54.00	
EFT Pymt	16/07/2010	LANDGATE (VGO)	VARIOUS VALUATION FEES		-120.23	
EFT Pymt	16/07/2010	LEWIS MOTORS	BEVO (SDN21): REPAIRS		-893.95	
EFT Pymt	16/07/2010	LGMA	LGMA MEMBERSHIP SUBSCRIPTION		-388.00	
EFT Pymt	16/07/2010	LGSA - LOC GOV SUPERS ASSOC	MEMBERSHIP FEE - WORK SUPERVISOR		-38.50	
EFT Pymt	16/07/2010	LITTLE ECO HILL	RLWY STN ART GALLERY - BOBCAT HIRE		-660.00	
EFT Pymt	16/07/2010	MINCHIN, BM & SONS	GRAVEL ROYALTIES: JAN to JUN 2010		-4,862.00	
EFT Pymt	16/07/2010	MORRIS PEST & WEED	VARIOUS BRIDGES: TERMITE TREATMENT		-1,465.20	
EFT Pymt	16/07/2010	MSA CONSTRUCTION	RELIEF "BUILDING INSPECTOR"		-3,811.50	
EFT Pymt	16/07/2010	NATIONAL TRUST OF AUSTRALIA (WA)	COURT HOUSE LOTS: SHARE of BOUNDARY FENCE		-3,800.50	
EFT Pymt	16/07/2010	NNT - NEAT N TRIM	UNIFORMS: VARIOUS STAFF		-3,097.00	
EFT Pymt	16/07/2010	ORICA/SPECTRUM	JUN 2010 CHLORINE CYLINDER RENTAL (ORICA)		-37.62	
EFT Pymt	16/07/2010	PCS - PERFECT COMPUTER SOLUTIONS	COMPUTER SUPPORT		-2,776.50	
EFT Pymt	16/07/2010	PEEL ENGRAVING & IM-PRESS RUBBER STAMP	NAME BADGE: PETER IBOTT		-18.50	
EFT Pymt	16/07/2010	QUICK CORP AUST	JUN 10 STATIONERY ORDER		-885.14	
EFT Pymt	16/07/2010	RED 11	SAL SACRIFICE: MOULTON Gail		-1,652.41	
EFT Pymt	16/07/2010	RIDGWAY Dee	09/10 YR TRAVEL CLAIM & REIMBURSEMENT		-416.62	
EFT Pymt	16/07/2010	RSEA	KOKEBY EAST RD: BARRIER HIRE - WATER FILLABLE		-371.25	

CHQ LISTINGS 2010-2011.xlsx - JUL 10

CHEQUE DETAIL - Municipal and Trust Accounts - JULY 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt	16/07/2010	RURAL PRESS REGIONAL MEDIA WA P/L (THE A ADVERTISING - BUSH FIRE CONTROL OFFICERS			-188.76	
EFT Pymt	16/07/2010	RYLAN PTY LTD	KERBING: TOWNSITE		-4,682.70	
EFT Pymt	16/07/2010	SCANLAN SURVEYS PTY LTD	OVAL: DRAINAGE DESIGN SURVEY		-6,325.00	
EFT Pymt	16/07/2010	SHIRE OF BROOKTON	JUN 10: PLANNERS SCHEME & EHO RELIEF		-11,327.23	
EFT Pymt	16/07/2010	SHIRE OF QUAIRADING	ENVIRONMENT SERVICES JAN - JUN 2010		-11,121.00	
EFT Pymt	16/07/2010	SHIRE OF YORK	RANGER SERVICES - DOG CONTROL		-345.29	
EFT Pymt	16/07/2010	SIMS DB & JT & CO	GRAVEL ROYALTIES: JAN to JUN 2010		-2,337.50	
EFT Pymt	16/07/2010	TEEDE'S AUTO ELECTRICS	BE037 (TRK06): WIRING REPAIRS		-148.50	
EFT Pymt	16/07/2010	TOTAL EDEN	VARIOUS AREAS: RETIC PARTS		-57.50	
EFT Pymt	16/07/2010	WALGA - WA LOCAL GOVERNMENT ASSOCIATI	2010/11 MEMBERSHIP SUBSCRIPTIONS		-18,977.28	
EFT Pymt	16/07/2010	WALGSP - SUPER	SUPER CONTRIB: FE 07 JUL 10		-5,671.20	
EFT Pymt	16/07/2010	WHATELY Mark	GRAVEL ROYALTIES: JAN to JUN 2010 & PUSHING FEES		-12,813.00	
EFT Pymt	16/07/2010	WHISPERING GUMS TREE FARM & NURSERY	TALBOT WEST RD: REVEGATION SEEDLINGS		-1,408.00	-157,593.36
Liability Chq	22/07/2010	COLONIAL FIRST STATE-MOULTON Clare	SUPER CONTRIB: FE 21 JUL 10		0.00	0.00
Liability Chq	22/07/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 21 JUL 10		0.00	0.00
Liability Chq	22/07/2010	WALGSP - SUPER	SUPER CONTRIB: FE 21 JUL 10		0.00	0.00
Liability Chq	22/07/2010	ATO - AUSTRALIAN TAX OFFICE	JUL 10 PAYG TAX		0.00	0.00
Liability Chq	22/07/2010	LGRCEU	JUL 10 UNION FEES		0.00	0.00
Liability Chq	22/07/2010	SHIRE OF BEVERLEY	2010-07 JUL - SAL DEDUCT (RATES)		0.00	0.00
EFT Pymt	30/07/2010	BEV BOWLING CLUB	REIMB: INS CLAIM - FUSED PUMP		-2,240.00	
EFT Pymt	30/07/2010	COLONIAL FIRST STATE-MOULTON Clare	SUPER CONTRIB: FE 21 JUL 10		-47.00	
EFT Pymt	30/07/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 21 JUL 10		-135.74	

CHEQUE DETAIL - Municipal and Trust Accounts - JULY 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		30/07/2010	FUEL DISTRIBUTORS OF WA P/L	4,500 L DIESEL	-5,601.15	
EFT Pymt		30/07/2010	KAY Lyn	YOUTH COORDINATOR: 12 - 23 JUL 2010	-900.00	
EFT Pymt		30/07/2010	LEONHARDT Karina	AUG 10 BLARNEY ISSUE	-700.00	
EFT Pymt		30/07/2010	LGRCEU	JUL 10 UNION FEES	-104.40	
EFT Pymt		30/07/2010	WALGSP - SUPER	SUPER CONTRIB: FE 21 JUL 10	-5,419.11	-15,147.40
D/Debit		30/07/2010	DPI - LICENSING SERVICES	JUN/JUL 10 LICENSING PAYMENTS	-68,500.00	-68,500.00
D/Debit		30/07/2010	CBA - MERCHANT BANKING	JUN 2010 TRANSACTION FEES	-84.52	-84.52
D/Debit		30/07/2010	CBA - MERCHANT BANKING	JUN 2010 ACCESS FEE	-28.40	-28.40
D/Debit		30/07/2010	ANZ- ONLINE BANKING/BANK FEES	JUN 2010 FEES	-72.22	-72.22
EFT Pymt		30/07/2010	WESTNET PTY LTD	JUL 2010 INTERNET ACCESS	-66.00	-66.00
Cheque #	735	06/07/2010	SYNERGY	ELECTRICITY ACCOUNTS: VARIOUS	-8,343.25	-8,343.25
Cheque #	736	12/07/2010	SHIRE OF BEVERLEY	2010 VEHICLE REGISTRATIONS	-5,706.95	-5,706.95
Cheque #	737	16/07/2010	AUST POST	JUNE 2010 POSTAGE	-341.77	-341.77
Cheque #	738	16/07/2010	BCITF-BUILDING & CONSTRUC TRAINING FUND 09/10 BCITF COLLECTION (21 APPLICATIONS)		-7,061.17	-7,061.17
Cheque #	739	16/07/2010	GIBSON RAISON	BUTCHERS & TALBOT WEST RD: ROAD WIDENING	-3,492.75	-3,492.75
Cheque #	740	16/07/2010	PETTY CASH, SHIRE OF BEVERLEY	30 JUN 10 PETTY CASH RECOUP	-17.10	-17.10
Cheque #	741	16/07/2010	ROZEMA HOMES	RENOVATION WORKS - INFANT HEALTH BUILDING	-6,700.00	-6,700.00
Cheque #	742	16/07/2010	SYNERGY	POWER: 5 WRIGHT ST	-227.75	-227.75
Cheque #	743	16/07/2010	TELSTRA	JUL 10 TELEPHONE ACCOUNTS	-2,708.35	-2,708.35
Cheque #	744	30/07/2010	WATER CORPORATION	10/11 SERVICE & SEWERAGE FEES: VARIOUS	-13,548.75	-13,548.75
G J	1405	13/07/2010	ANZ CREDIT CARD	JUN 10 # - CREDIT CARD	-165.00	-165.00
					-321,481.52	-321,481.52

CHEQUE DETAIL - Municipal and Trust Accounts - JULY 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
WAGES & SALARIES						
EFT Pymt		8/07/2010	WAGES & SALARIES	FE - 07 JUL 10	-33,712.92	
EFT Pymt		22/07/2010	WAGES & SALARIES	FE - 21 JUL 10	-31,820.24	
				WAGES & SALARIES	-65,533.16	-65,533.16
TRANSFERS to TRUST						
GJ	1411	29/06/2010		WAGES DEDUCTS: JUL 10 ADV RATE PYMTS	-340.00	
				TRANSFERS to TRUST	-340.00	-340.00
UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT						
Cheque #	744	30/07/2010	WATER CORPORATION	10/11 SERVICE & SEWERAGE FEES: VARIOUS	13,548.75	
				UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT	13,548.75	13,548.75
PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS						
Cheque #	731	23/06/2010	ALFORD Anthony	RLWY STN ART GALLERY: CONSTRUCTION of STAGE	-1,212.50	
				PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS	-1,212.50	-1,212.50
OTHER AMENDMENTS/GENERAL JOURNALS						
				OTHER AMENDMENTS/GENERAL JOURNALS	0.00	0.00
INVESTMENTS						
				INVESTMENTS	0.00	0.00
				TOTAL EXPENDITURE for MUNICIPAL ACCOUNT		-375,018.43

SHIRE OF BEVERLEY
CHEQUE DETAIL - Municipal and Trust Accounts - JULY 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
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TRUST ACCOUNT DETAILS

PAYMENTS PRESENTED IN CURRENT BANK #						
PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS						
EFT Tfr		19/07/2010	BEV SHIRE	ASS 54 (FORDHAM F) TFR of CR BAL to MUNI re ASS 51267	-88.53	
PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS						
					-88.53	-88.53

TOTAL EXPENDITURE for TRUST ACCOUNT

-88.53

TOTAL EXPENDITURE as reconciled to the JULY 2010 BANK RECONCILIATIONS

Municipal Account Expenditure	-375,018.43
Trust Account Expenditure	-88.53
Total Expenditure for JULY 2010	-375,106.96

SHIRE OF BEVERLEY

LOCAL GOVERNMENT ACT 1995

**ACTIVITIES ON THOROUGHFARES
AND
TRADING IN THOROUGHFARES
AND
PUBLIC PLACES**

LOCAL LAW 2010

LOCAL GOVERNMENT ACT 1995

Shire of Beverley

**ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES
AND PUBLIC PLACES LOCAL LAW 2010**

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LOCAL GOVERNMENT ACT 1995

Shire of Beverley

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES
AND PUBLIC PLACES LOCAL LAW 2010

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 make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law is cited as the *Shire of Beverley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*.

1.2 Definitions

In this local law unless the context otherwise requires—

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

“**applicant**” means a person who applies for a permit;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

“**bicycle**” has the meaning given to it in the *Road Traffic Code 2000*;

“**built-up area**” has the meaning given to it in the *Road Traffic Code 2000*;

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government’s regular domestic rubbish collection service;

“**carriageway**” means the paved or made portion of a thoroughfare used or intended for use by vehicles;

“**CEO**” means the chief executive officer of the local government;

“**charitable organisation**” means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**crossing**” means a crossing giving access from a public thoroughfare to—

(a) private land; or

(b) a private thoroughfare serving private land;

“**crossover**” has the same meaning as crossing;

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

“**footpath**” means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;

“**garden**” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

“**intersection**” has the meaning given to it in the *Road Traffic Code 2000*;

“**kerb**” includes the edge of a carriageway;

“lawn” means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

“liquor” has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

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

“local government property” means anything except a thoroughfare—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;

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

“lot” has the meaning given to it in the *Planning and Development Act 2005*;

“owner” or “occupier” in relation to land does not include the local government;

“permissible verge treatment” means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

“permit” means a permit issued under this local law;

“permit holder” means a person who holds a valid permit;

“person” does not include the local government;

“premises” for the purpose of the definition of “public place” in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

“public place” includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

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

“sign” includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

“Thoroughfare” has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

“townsite” means the townsites within the district which are—

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the Act;

“vehicle” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,
but excludes—
 - (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and
 - (b) a pram, a stroller or a similar device; and

“verge” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

1.3 Application

This local law applies throughout the district.

1.4 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions

A person shall not—

- (a) plant any plant which exceeds or which may exceed 0.75m in height on a thoroughfare so that the plant is within 6m of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless —
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device.

2.2 Activities allowed with a permit—general

(1) A person shall not, without a permit—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) subject to Division 3 of this Part, throw, place or deposit anything on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;
- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (f) damage a thoroughfare;
- (g) light any fire or burn anything on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
- (h) fell any tree onto a thoroughfare;
- (i) unless installing a permissible verge treatment—
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install anything on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
- (k) on a public place use anything or do anything so as to create a nuisance;
- (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
- (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.

(2) The local government may exempt a person from compliance with subclause (1):

- (a) if that person complies with a policy issued by the local government issued under clause 6.4 in relation to a specific activity in a thoroughfare, verge or footpath; or
- (b) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—
 - (a) that is permitted under the *Liquor Control Act 1988* or under another written law; or
 - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Verge treatments

Subdivision 1—Preliminary

2.4 Interpretation

In this Division, unless the context otherwise requires—

“acceptable material” means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

2.5 Application

This Division only applies to the townsite.

Subdivision 2—Permissible verge treatments

2.6 Permissible verge treatments

- (1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.
- (2) The permissible verge treatments are—
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that—
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare; and
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (c) the installation of an acceptable material; or
 - (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.7 Only permissible verge treatments to be installed

- (1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.8.

2.8 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment shall—

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment;
- (c) not disturb a footpath on the verge;
- (d) ensure the verge treatment does not cause a sight distance obstruction to any person using a footpath on the verge or a carriageway or crossing adjoining the verge or in proximity to it;

- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, gully, inspection pit, channel, kerb, or tree planted by the local government; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment:
 - (i) do not protrude above the level of the lawn when not in use,
 - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons, and
 - (iii) do not otherwise present a hazard to pedestrians or other persons.

2.9 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

Subdivision 3—Existing verge treatments

2.10 Transitional provision

(1) In this clause—

“former provisions” means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(2) A verge treatment which—

- (a) was installed prior to the commencement day; and
- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions, is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

Subdivision 4—Public works

2.11 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any—
 - (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
 - (ii) sprinklers, pipes or other reticulation equipment.

Division 3—Property numbers

Subdivision 1—Preliminary

2.12 Interpretation

In this Division, unless the context requires otherwise—

“Number” means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

Subdivision 2—Assignment and marking of numbers

2.13 Assignment of numbers

The local government may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

Division 4—Fencing

2.14 Public place—Item 4(1) of Division 1, Schedule 3.1 of Act

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule

3.1 of the Act—

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property.

Division 5—Signs erected by the local government

2.15 Signs

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

2.16 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.15 if—

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

Division 6—Driving on a closed thoroughfare

2.17 No driving on closed thoroughfare

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless—
 - (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
 - (b) the person has first obtained a permit.

- (2) In this clause—

“closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

3.1 Interpretation

In this Part, unless the context otherwise requires—

“advertising sign” means a sign used for the purpose of advertisement and includes an “election sign”;

“direction sign” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

“election sign” means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election; and

“portable direction sign” means a portable free standing direction sign; and

“portable sign” means a portable free standing advertising sign.

Division 2—Permit

3.2 Advertising signs and portable direction signs

- (1) A person shall not, without a permit—
 - (a) erect or place an advertising sign on a thoroughfare; or
 - (b) post any bill or paint, place or affix any advertisement on a thoroughfare.
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m² in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place,

- activity or event during the hours of that activity or event.
- (3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
- (a) on a footpath;
 - (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
 - (c) on or within 3m of a carriageway;
 - (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
 - (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit

In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

Division 3—Conditions on permit

3.4 Conditions on portable sign

If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—

- (a) the portable sign shall—
 - (i) not exceed 1m in height;
 - (ii) not exceed an area of 1m² on any side;
 - (iii) relate only to the business activity described on the permit;
 - (iv) contain letters not less than 200mm in height;
 - (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
 - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
 - (vii) be secured in position in accordance with any requirements of the local government;
 - (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
 - (ix) be maintained in good condition; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign—

- (a) being erected at least 30m from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;

- (g) being removed within 24 hours of the close of polls on voting day;
- (h) not being placed within 100m of any works on the thoroughfare;
- (i) being securely installed;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division 1—Animals and vehicles

4.1 Leaving animal or vehicle in public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

4.2 Prohibitions relating to animals

- (1) In subclause (2), “owner” in relation to an animal includes—
 - (a) an owner of it;
 - (b) a person in possession of it;
 - (c) a person who has control of it; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal shall not—
 - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place;
 - (c) train or race the animal on a thoroughfare; or
 - (d) subject to subclause (4), allow an animal to excrete on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.
- (4) An owner of an animal does not commit an offence if the excreta is immediately removed.

4.3 Removal of Vehicle or Animal

An authorised person may impound an animal or vehicle left in contravention of clause 4.1.

Division 2—Shopping trolleys

4.4 Definitions

In this Division—

“retailer” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

“shopping trolley” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

4.5 Shopping trolley to be marked

A retailer must clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

4.6 Person not to leave trolley in public place

A person must not leave a shopping trolley in a public place or on public place other than in an area set aside for the storage of shopping trolleys.

4.7 Retailer to remove abandoned trolley

- (1) If a shopping trolley is found in a public place or on, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1).

4.8 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

4.9 Impounding of abandoned trolley

An authorised person may impound a shopping trolley that is—

- (a) left on a thoroughfare, verge or public place that is not marked in accordance with clause 4.5; or
- (b) not removed by a retailer after having been so advised under clause 4.7(2).

PART 5—ROADSIDE CONSERVATION

Division 1—Preliminary

5.1 Interpretation

In this Part—

“MRWA” means Main Roads Western Australia;

“protected flora” has the meaning given to it in section 6(1) of the *Wildlife Conservation Act 1950*;

“rare flora” has the meaning given to it in section 23F of the *Wildlife Conservation Act 1950*;

“Roadside Conservation Committee” means the Roadside Conservation Committee established under the Land Resource Policy Council within the Office of Premier and Cabinet; and

“special environmental area” means an area designated as such under clause 5.7.

5.2 Application

This Part does not apply to the townsite.

Division 2—Flora roads

5.3 Declaration of flora road

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

5.4 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the “Code of Practice for Roadside Conservation and Road Maintenance” prepared by the Roadside Conservation Committee.

5.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA “flora road” sign.

5.6 Driving only on carriageway of flora roads

- (1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.
- (2) Subclause (1) does not apply where—
 - (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the

- carriageway;
- (b) there is no carriageway; or
- (c) an exemption from the application of subclause (1) has been obtained from the local government.

Division 3—Special environmental areas

5.7 Designation of special environmental areas

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which—

- (a) as protected flora or rare flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

5.8 Marking of special environmental areas

The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

Division 4—Planting in thoroughfares

5.9 Permit to plant

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

5.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to—

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

Division 5—Clearance of vegetation

5.11 Permit to clear

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

5.12 Application for permit

In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

Division 6—Fire management

5.13 Permit to burn thoroughfare

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

5.14 Application for permit

In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall—

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

5.15 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will—

- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
- (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

5.16 Prohibitions on burning

Subject to any other written law and notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government—

- (a) for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or
- (b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.

Division 7—Firebreaks

5.17 Permit for firebreaks on thoroughfares

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

5.18 When application for permit cannot be approved

- (1) The local government is not to approve an application for a permit for the purpose of clause 5.17 where the thoroughfare is less than 20m wide.
- (2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

Division 8—Commercial wildflower harvesting on thoroughfares

5.19 General prohibition on commercial wildflower harvesting

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

5.20 Permit for revegetation projects

- (1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
- (2) The local government may approve an application for a permit under subclause (1) only where—
 - (a) the seed is required for a revegetation project in any part of the district; and
 - (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
- (3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions—
 - (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
 - (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

PART 6—TRADING IN THOROUGHFARES AND PUBLIC PLACES

Division 1—Stallholders and traders

Subdivision 1—Preliminary

6.1 Interpretation

In this Division, unless the context otherwise requires—

“**Competition Principles Agreement**” means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

“**public place**” includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and

(b) local government property,

but does not include premises on private property from which trading is lawfully conducted under a written law.

“stall” means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

“stallholder” means a person in charge of a stall;

“stallholder’s permit” means a permit issued to a stallholder;

“trader” means a person who carries on trading;

“trader’s permit” means a permit issued to a trader; and

“trading” includes—

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of—
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them; and
- (c) the going from place to place, whether or not public places, and—
 - (i) offering goods or services for sale or hire;
 - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services; or
 - (iii) carrying out any other transaction in relation to goods or services,

but does not include—

- (d) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
- (e) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (f) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (g) the selling or hiring or the offering for sale or hire of—
 - (i) goods by a person who represents a manufacturer of the goods; or
 - (ii) services by a person who represents a provider of the services,

which are only sold directly to consumers and not through a shop.

Subdivision 2—Permits

6.2 Stallholder’s permit

- (1) A person shall not conduct a stall on a public place unless that person is—
 - (a) the holder of a valid stallholder’s permit; or
 - (b) an assistant specified in a valid stallholder’s permit.
- (2) Every application for a stallholder’s permit shall—
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
 - (c) specify the proposed location of the stall;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
 - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
 - (f) be accompanied by an accurate plan and description of the proposed stall.

6.3 Trader's permit

- (1) A person shall not carry on trading unless that person is—
 - (a) the holder of a valid trader's permit; or
 - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall—
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
 - (c) specify the location or locations in which the applicant proposes to trade;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
 - (e) specify the proposed goods or services which will be traded; and
 - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

6.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

6.5 Exemptions from requirement to pay fee or to obtain a permit

- (1) In this clause—

"charitable organisation" means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

"commercial participant" means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

- (2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—
 - (a) on a portion of a public place adjoining the normal place of business of the applicant; or
 - (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.
- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Subdivision 3—Conduct of stallholders and traders

6.6 Conduct of stallholders and traders

- (1) A stallholder while conducting a stall or a trader while trading shall—
 - (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
 - (b) not display a permit unless it is a valid permit; and
 - (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in

accordance with the provisions of the *Trade Measurement Administration Act 2006*.

- (2) A stallholder or trader shall not—
- (a) attempt to conduct a business within a distance of 300m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader;
 - (b) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
 - (c) act in an offensive manner;
 - (d) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
 - (e) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

Division 2—Outdoor eating facilities on public places

6.7 Interpretation

In this Division—

“**Facility**” means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

“**permit holder**” means the person to whom a permit has been issued for the purpose of clause 6.16; and

“**public place**” has the meaning given to it in clause 6.1.

6.8 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

6.9 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not—

- (a) the Facility is conducted in conjunction with and as an extension of food premises which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the *Health Act 1911* and whether the use of the premises is permitted under the town planning scheme;
- (c) the Facility will comply with any local law made under section 172 of the *Health Act 1911*;
- (d) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (e) the Facility would—
 - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
 - (ii) impede pedestrian access; and
- (f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

6.10 Obligations of permit holder

(1) The permit holder for a Facility shall—

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law and any local law made under section 172 of the *Health Act 1911*;
- (b) ensure that the eating area is kept in a clean and tidy condition at all times;
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;

- (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and
 - (e) be solely responsible for all rates and taxes levied upon the land occupied by the Facility.
- (2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.
 - (3) In subclause (2), "work" includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

6.11 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

6.12 Use of Facility by public

- (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.
- (2) A person shall leave a Facility when requested to do so by the permit holder.

6.13 Temporary removal of Facility may be requested

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service in the event of an emergency.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

PART 7—PERMITS

Division 1—Applying for a permit

7.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall—
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form;
 - (d) contain any other information required, for that particular type of permit, under this local law; and
 - (e) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

7.2 Decision on application for permit

- (1) The local government may—
 - (a) approve an application for a permit unconditionally or subject to any conditions; or

- (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

7.3 Relevant considerations in determining application for permit

- (1) In determining an application for a permit, the local government is to have regard to –
 - (a) any relevant policy of the local government;
 - (b) the National Competition Principles Agreement;
 - (c) the desirability of the proposed activity;
 - (d) the location of the proposed activity; and
 - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit on any one or more of the following grounds –
 - (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
 - (b) that the applicant is not a desirable or suitable person to hold a permit; or
 - (c) such other grounds as the local government may consider to be relevant in the circumstances of the case.

Division 2—Conditions

7.4 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

7.5 Imposing conditions under a policy

- (1) In this clause—

“policy” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).

- (2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 7.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

7.6 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3—General

7.7 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 7.10.

7.8 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of—
 - (a) this Part; and
 - (b) any other provision of this local law relevant to the permit which is to be renewed,

shall apply, with appropriate modifications, to an application for the renewal of a permit.

7.9 Transfer of permit

- (1) An application for the transfer of a valid permit is to—
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—
 - (a) an endorsement on the permit signed by the CEO; or
 - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

7.10 Production of permit

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorized person.

7.11 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government on any one or more of the following grounds—
 - (a) the permit holder has not complied with a—
 - (i) condition of the permit; or
 - (ii) provision of any written law which may relate to the activity regulated by the permit; or
 - (b) if it is relevant to the activity regulated by the permit—
 - (i) the permit holder has become bankrupt, or gone into liquidation;
 - (ii) the permit holder has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property.
- (2) On the cancellation of a permit the permit holder—
 - (a) shall return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 8—OBJECTIONS AND APPEALS

8.1 Application of Part 9 Division 1 of Act

When the local government makes a decision—

- (a) under clause 7.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 9—MISCELLANEOUS NOTICES

9.1 Notice to redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

9.2 Hazardous plants

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
- (2) Subclause (1) does not apply where the plant was planted by the local government.

9.3 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

9.4 Notice to remove thing unlawfully placed on thoroughfare

Where anything is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 10—ENFORCEMENT

Division 1—Notices given under this local law

10.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

10.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

Subdivision 1—General

10.3 Offences

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

Subdivision 2—Infringement notices and modified penalties

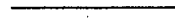
10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.5 Forms

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.



SCHEDULE 1
LOCAL GOVERNMENT ACT 1995
Shire of Beverley
ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES
AND PUBLIC PLACES LOCAL LAW 2010

PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	125

2.1(b)	Damaging lawn or garden	125
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
2.1(d)	Placing hazardous substance on footpath	200
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(g)	Riding of bicycle, skateboard or similar device on mall or verandah of shopping centre	125
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200
2.2(1)(b)	Throwing or placing anything on a verge without a permit	200
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	200
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	200
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	200
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	200
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	200
2.3(1)	Consumption or possession of liquor on thoroughfare	200
2.7(1)	Installation of verge treatment other than permissible verge treatment	250
2.8	Failure to maintain permissible verge treatment or placement of obstruction on verge	200
2.9	Failure to comply with notice to rectify default	200
2.15(2)	Failure to comply with sign on public place	125
2.17(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare or verge	125
3.2(3)	Erecting or placing of advertising sign in a prohibited area	125
4.1(1)	Animal or vehicle obstructing a public place or local government property	125
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
4.2(2)(b)	Animal on public place with infectious disease	125
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
4.2(2)(d)	Failure to remove animal excreta	125
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125

5.6(1)	Driving a vehicle on other than the carriageway of a flora road	300
5.9	Planting in a thoroughfare without a permit	300
5.11	Failure to obtain a permit to clear a thoroughfare	600
5.13	Burning of a thoroughfare without a permit	600
5.17	Construction of firebreak on thoroughfare without a permit	600
5.19	Commercial harvesting of native flora on thoroughfare	600
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	350
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.6(1)(a)	Failure of stallholder or trader to display or carry permit	125
6.6(1)(b)	Stallholder or trader not displaying valid permit	125
6.6(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
6.6(2)	Stallholder or trader engaged in prohibited conduct	125
6.8	Establishment or conduct of outdoor eating facility without a permit	350
6.10	Failure of permit holder of outdoor eating facility to comply with obligations	200
6.12(1)	Use of equipment or outdoor eating facility without purchase of food or drink from facility	125
6.12(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	125
7.5	Failure to comply with a condition of a permit	200
7.9	Failure to produce permit on request of authorized person	125
10.1	Failure to comply with notice given under local law	200
	All other offences not specified	125

Dated date

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

D RIDGWAY, Shire President.

K BYERS, Chief Executive Officer.

Shire of Beverley

LOCAL GOVERNMENT PROPERTY

LOCAL LAW 2010

LOCAL GOVERNMENT ACT 1995

Local Government Act 1995
SHIRE OF BEVERLY
LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010

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**FIRST SCHEDULE
*PRESCRIBED OFFENCES***

**SECOND SCHEDULE
*DETERMINATIONS***

Local Government Act 1995

SHIRE OF BEVERLEY

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2010

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 make this local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law is cited as the *Shire of Beverley Local Government Property Local Law 2010*.

1.2 Definitions

In this local law unless the context otherwise requires -

"Act" means the *Local Government Act 1995*;

"applicant" means a person who applies for a permit under clause 3.2;

"authorised person" means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

"building" means any building which is local government property and includes a –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

"code" means the Code of Practice for the Design, Operation, Management and Maintenance of Aquatic Facilities as published by the Executive Director, Public Health, pursuant to the provisions of section 344A (2) of the Health Act 1911;

"CEO" means the chief executive officer of the local government;

"commencement day" means the day on which this local law comes into operation;

"Council" means the council of the local government;

"date of publication" means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

"determination" means a determination made under clause 2.1;

"district" means the district of the local government;

"function" means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

"Health Act" means the Health Act 1911;

"liquor" has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*;

"local government" means the Shire of Beverley;

"local government property" means anything except a thoroughfare –

- (a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

"Manager" means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

"permit" means a permit issued under this local law;

"permit holder" means a person who holds a valid permit;

"person" does not include the local government;

"pool area" means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

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

"sign" includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

"trading" means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

"vehicle" includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,
but excludes –
 - (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and
 - (d) a pram, a stroller or a similar device.

1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.4 Interpretation

In this local law, a reference to local government property includes a reference to any part of that local government property.

1.5 Application

This local law applies throughout the district.

1.6 Repeal

The following local laws are repealed –

"Shire of Beverley Local Government Property Local Law published in the Government Gazette on 5th June 2001."

1.7 Overriding power to hire or agree

Despite anything to the contrary in this local law, the Shire may –

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2 –
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 2 –
 - (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and
 - (c) have effect on the commencement day.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
 - (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and

- (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person shall comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane;
 - (d) use a children’s playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (f) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property; and

(g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device.

(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –

(a) the days and times during which the activity may be pursued;

(b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;

(c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;

(d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;

(e) may specify that the activity can be pursued by a class of persons or all persons; and

(f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

(1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property -

(a) smoking on premises;

(b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;

(c) taking, riding or driving a vehicle on the property or a particular class of vehicle;

(d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;

(e) the playing or practice of -

(i) golf, archery, pistol shooting or rifle shooting; or

(ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;

(f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and

(g) bring, ride or drive an animal.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –

(a) the days and times during which the activity is prohibited;

(b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;

(c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;

(d) that an activity is prohibited in respect of a class of persons or all persons; and

(e) may distinguish between different classes of the activity.

(3) In this clause –

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 - PERMITS

Division 1 - Preliminary

3.1 Application of Part

This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2 – Applying for a Permit

3.2 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall -
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

3.3 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) The local government may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.

Division 3 - Conditions

3.4 Conditions which may be imposed on a permit

- (1) Examples of the conditions that the local government may impose on a permit are conditions relating to -
 - (a) the payment of a fee;
 - (b) compliance with a standard or a policy of the local government adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
- (2) Examples of the type and content of the conditions on which a permit to hire local government property may be issued –
 - (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

3.5 Imposing conditions under a policy

- (1) In this clause –

"policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government must give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit shall not be taken to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

3.6 Compliance with conditions

Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

Division 4 - General

3.7 Agreement for building

Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

3.8 Duration of permit

A permit is valid for one year from the date on which it is issued, unless—

- (a) it is otherwise stated in this local law or in the permit; or
- (b) it is cancelled under clause 3.12.

3.9 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of this Part apply to an application for the renewal of a permit as though it were an application for a permit.

3.10 Transfer of permit

- (1) An application for the transfer of a valid permit is to -
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.
- (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.11 Production of permit

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

3.12 Cancellation of permit

- (1) Subject to clause 7.1, a permit may be cancelled by the local government if the permit holder has not complied with a –
 - (a) condition of the permit; or
 - (b) determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder -
 - (a) shall return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Division 5 – When a permit is required

3.13 Activities needing a permit

- (1) A person shall not without a permit –
 - (a) subject to subclause (3), hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted -
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stop any vehicle on local government property;
 - (h) conduct a function on local government property ;
 - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (j) light a fire on local government property except in a facility provided for that purpose;
 - (k) parachute, hang glide, abseil or base jump from or on to local government property;
 - (l) erect a building or a refuelling site on local government property;
 - (m) make any excavation on or erect or remove any fence on local government property;
 - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (o) de-pasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
 - (p) deposit or store any thing on local government property;

- (q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly; or
 - (r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property;
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.14 Permit required to camp outside a facility

- (1) In this clause –

"facility" has the same meaning as is given to it in section 5(1) of the Caravan Parks and Camping Grounds Act 1995.

- (2) This clause does not apply to a facility operated by the local government.
- (3) Except in accordance with a determination or a permit, a person must not –
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property.
- (4) The maximum period for which the local government may approve an application for a permit in respect to paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.15 Permit required for possession and consumption of liquor

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
- (a) that is permitted under the *Liquor Control Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6 – Responsibilities of Permit Holder

3.16 Responsibilities of permit holder

A holder of a permit shall in respect of local government property to which the permit relates –

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) report any damage or defacement of the local government property to the local government; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

A person shall not in or on any local government property behave in a manner which –

- (a) is likely to interfere with the enjoyment of a person who might use the property; or
- (b) interferes with the enjoyment of a person using the property.

4.2 Behaviour detrimental to property

- (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –
'detrimental to the property' includes –
 - (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
 - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

4.3 Taking or injuring any fauna

- (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.
- (2) In this clause –

"Animal" means any living thing that is not a human being or plant; and

"fauna" means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

4.4 Intoxicated persons not to enter local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

4.5 No prohibited drugs

A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

4.6 Refusal of entry to local government property

- (1) An authorised person may refuse to allow entry, or suspend admission, to any local government property by any person who he or she believes has behaved or is likely to behave in a manner contrary to the provisions of this Part.
- (2) This refusal or suspension can be for any period of up to 12 months as decided by that authorised person.
- (3) A decision made under this clause is a decision to which clause (8) applies.

Division 2 - Signs

4.7 Signs

- (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
 - (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Swimming pool areas

5.1 When entry must be refused

- (1) A Manager or an authorised person shall refuse admission to a pool area any person who –
- (a) in her or his opinion is -
 - (i) under the minimum age of that specified in the Code and who is unaccompanied by a responsible person over the age of that specified in the Code;
 - (ii) under the minimum age that specified in the Code and who is accompanied by a responsible person over the age of that specified in the Code where the responsible person is incapable of, or not providing, adequate supervision of, or care, for that person;
 - (iii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iv) under the influence of liquor or a prohibited drug; or
 - (b) is to be refused admission under and in accordance with a decision of the local government for breaching a clause of this local law.
- (2) If a person referred to in paragraph (a) or (b) of subclause (1) is in a pool area, a Manager of an authorised person must –
- (a) direct the person to leave; and
 - (b) if the person refuses or fails to leave, remove the person or arrange for the person to be removed, from the pool area

5.2 Consumption of food or drink may be prohibited

A person must not consume any food or drink in an area where consumption is prohibited by a sign.

Division 2 - Fenced or closed property

5.3 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 3 - Toilet blocks and change rooms

5.4 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
- (a) females - then a person of the male gender must not use that entry of the toilet block or change room;
 - (b) males - then a person of the female gender must not use that entry of the toilet block or change room;
 - (c) families – then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or care giver, where the child is –
- (a) under the age of 7 years; or

- (b) otherwise permitted by an authorised person to use the relevant entry.

5.5 Use of shower facilities

A person may use a shower facility in change rooms only on condition that –

- (a) the facilities must be used by the person only for the purposes of cleansing and washing themselves;
- (b) use of the facilities must be restricted to a maximum period of 15 minutes, or such lesser time as required by an attendant; or
- (c) the facilities must not be used for the purposes of laundering or washing any clothing or other articles.

Division 4 - Aerodrome (airport)

5.6 Access of animals restricted

- (1) Subject to section 8 of the Dog Act 1976 and section 66J of the Equal Opportunity Act 1984, a person shall not bring an animal on to an aerodrome unless –
 - (a) the animal is being air freighted from the aerodrome;
 - (b) the animal has been air freighted to the aerodrome; or
 - (c) the person is authorised to do so by the local government.
- (2) A person in charge of an animal shall keep the animal under control and shall not allow it to wander at large on the aerodrome.
- (3) If an animal is at any time on an aerodrome in contravention of subclause (2), in addition to the person specified in that subclause, the owner of the animal at that time commits an offence against subclause (2).

PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY

6.1 No unauthorised entry to function

- (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –
 - (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

PART 7 - OBJECTIONS AND APPEALS

7.1 Application of Division 1, Part 9 of the Act

Division 1 of Part 9 of the Act applies to a decision under this local law -

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

PART 8 - MISCELLANEOUS

8.1 Authorised person to be obeyed

A person on local government property shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

8.2 Persons may be directed to leave local government property

An authorised person may direct a person to leave, or temporarily suspend a person from, local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

8.3 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

8.4 Liability for damage to local government property

- (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –
 - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where –
 - (a) a vehicle caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle; or
 - (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.
- (3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

PART 9 - ENFORCEMENT

Division 1 – Notices given under this local law

9.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 11.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 – Offences and penalties

Subdivision 1 - General

9.3 Offences and general penalty

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

Subdivision 2 – Infringement notices and modified penalties

9.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.5 Form of notices

- (1) For the purposes of this local law -
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3 – Evidence in legal proceedings

9.6 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

FIRST SCHEDULE

PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	125
3.6	Failure to comply with conditions of permit	125
3.13(1)	Failure to obtain a permit	125
3.14(3)	Failure to obtain permit to camp outside a facility	125

3.15(1)	Failure to obtain permit for liquor	125
3.16	Failure of permit holder to comply with responsibilities	125
4.2(1)	Behaviour detrimental to property	350
4.45	Under influence of liquor or prohibited drug	125
4.6(2)	Failure to comply with sign on local government property	125
5.6	Unauthorised entry to fenced or closed local government property	125
5.7	Gender not specified using entry of toilet block or change room	125
6.1(1)	Unauthorised entry to function on local government property	125
9.1	Failure to comply with notice	250
	All other offences not specified	125

**SECOND SCHEDULE 2
DETERMINATIONS**

The following determinations are to be taken to have been made by the local government under clause 2.1.

PART 1 – PRELIMINARY

1.1 Definitions

In these determinations unless the context otherwise requires –

"local law" means the *Local Government Property Local Law* made by the local government;

1.2 Interpretation

Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

PART 2 – APPLICATION

2.1 Animals on local government property

(1) Unless authorised by a written law, or by a permit or a determination, a person must not:

(a) tether any animal to a:

(i) tree, shrub, or tree guard or

(ii) wall or fence, unless an approved tethering point is provided and clearly identified;

or

(b) permit any animal to enter into any local government property.

(2) This clause does not apply to a guide dog used for the assistance of visually impaired persons.

2.2 Vehicles on local government property

(1) Unless authorised by a permit or determination, a person must not take or cause a vehicle to be taken onto or drive on local government property unless –

(a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;

- (b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –
 - (i) providing a service or making a delivery in connection with the local government property; or
 - (ii) maintaining the local government property;
 - (c) the person is driving an emergency vehicle in the course of his or her duties; or
 - (d) the vehicle is a motorised wheel chair, and the driver of that vehicle is a disabled person.
- (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour, or in such a manner as to cause danger, inconvenience or annoyance to any person;
- (3) Other than in accordance with paragraphs (b), (c) or (d) of subclause (1), a person must not drive a vehicle on local government property or part of it that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder of an authorised person

2.3 Activities prohibited on local government property

- (1) A person must not play or practise archery, pistol or rifle shooting on local government property except on land which is reserved by the Local government for that purpose, or as otherwise provided by a determination or permit.
- (2) A person must not, on any local government property, use or ride a bicycle or wheeled recreational device, or skateboard –
- (a) inside or on the curtilage to, a building;
 - (b) in a pool area;
- (3) Unless authorised by a permit or by an authorised person, a person must not take a glass container—
- (a) within 5m of the edge of a swimming pool on local government property;
 - (b) on to a children’s playground; or
 - (c) within any area of local government property where a sign prohibits glass containers.

2.4 Deposit of refuse, rubbish or liquid waste

- (1) A person must not, on local government property deposit or discard the waste or rubbish from any animal.
- (2) A person must not, on local government property, deposit or discard refuse, rubbish or liquid waste, except in a place or receptacle set aside by the local government for that purpose and subject to any conditions that may be specified on the receptacle or a sign in relation to the type of waste that may be deposited or other conditions.

Dated date

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

D RIDGWAY, Shire President

K BYERS, Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF BEVERLEY

**PARKING
LOCAL LAW 2010**

SHIRE OF BEVERLEY

PARKING LOCAL LAW 2010

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PARKING LOCAL LAW 2010

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 make the following local law.

PART 1—DEFINITION AND OPERATION

1.1 Citation

This local law is cited as the *Shire of Beverley Parking Local Law 2010*.

1.2 Commencement

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

1.3 Interpretation

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

“Act” means the Local Government Act 1995;

“authorised person” means a person authorised by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law;

“authorised vehicle” means a vehicle authorised by the local government, Chief Executive Officer, authorised person or by any written law to park on a thoroughfare or parking facility;

“bicycle” means any wheeled vehicle that is designed to be propelled solely by human power;

“bus” means an omnibus as defined by the Road Traffic Act 1974;

“bus stop” has the meaning given to it in the Code;

“bus embayment” has the meaning given to it in the Code;

“caravan” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

“carriageway” has the meaning given to it in the Code;

“centre” in relation to a carriageway, means a line or a series of lines, marks or other indications placed at, or near, the middle of the carriageway or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;

“children’s crossing” has the meaning given to it in the Code;

“CEO” means the Chief Executive Officer of the local government and includes an acting Chief Executive Officer;

“Code” means the *Road Traffic Code 2000*;

“commercial vehicle” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

“district” means the district of the local government;

“driver” means any person driving or in control of a vehicle;

“emergency vehicle” has the meaning given to it in the Code;

“footpath” includes every footpath, pedestrian access way or other place—

- (a) intended for the use of pedestrians only, or in the case of a dual use path, for the use of pedestrians and bicyclists only; or
- (b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and

- bicyclists and not by vehicles other than bicycles;
- "Loading Zone"** means a parking bay which is set aside for use by commercial vehicles if there is a sign referable to that bay marked 'Loading Zone';
- "local government"** means the Shire of Beverley;
- "median strip"** has the meaning given to it in the Code;
- "motorcycle"** means a motor vehicle that has two wheels or, where a sidecar is attached, three wheels;
- "motor vehicle"** means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;
- "no parking area"** means a portion of a carriageway that lie—
- (a) between two consecutive signs inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
 - (b) between a sign inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose, and the end of the carriageway or an area in which parking is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;
- "no parking sign"** means a sign with the words 'no parking' in red letters on a white background, of the letter 'P' within a red annulus and a red diagonal line across it on a white background;
- "no stopping area"** has the meaning given to it by the Code;
- "no stopping sign"** means a sign with the words 'no stopping' or 'no standing' in red letters on a white background, of the letter 'S' within a red annulus and a red diagonal line across it on a white background;
- "occupier"** has the meaning given to it in the Act;
- "owner"** where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or if the vehicle is not licensed under that Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land has the meaning given to it by the Act;
- "park"**, in relation to a vehicle, means to permit a vehicle, whether occupied or not by any person, to remain stationary for any period of time except for the purpose of—
- (a) avoiding conflict with other traffic; or
 - (b) complying with the provisions of any law when the vehicle is being driven;
- "parking area"** means a portion of a carriageway—
- (a) between two consecutive signs inscribed with the word "Parking" or with an equivalent symbol depicting this purpose and each with an arrow pointing generally towards the other of them; or
 - (b) extending from a sign inscribed with the word "Parking" or with an equivalent symbol depicting this purpose in the general direction indicated by the arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or with an equivalent symbol depicting this purpose, or to the end of the carriageway or an area in which the parking of vehicles is prohibited,
- and is on that side of the carriageway of the thoroughfare nearest the sign;
- "parking facilities"** includes land, buildings, shelters, parking bays and other facilities open to the public generally for the parking of vehicles, and signs, notices and facilities used in connection with the parking of vehicles;
- "parking region"** means the area described in the First Schedule;
- "parking bay"** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;
- "parking station"** means any land, or structure provided for the purpose of accommodating vehicles;
- "public bus"** has the meaning give to it by the Code;
- "public place"** means any place to which the public has access whether or not that place is on private property;
- "reserve"** means any land—
- (a) which belongs to the local government;
 - (b) of which the local government is the management body under the Land Administration Act 1997; or
 - (c) which is an "otherwise unvested facility" within section 3.53 of the Act;
- "right of way"** means a portion of land that is —
- (a) shown and marked "Right of Way" or "R.O.W", or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;

- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*, but does not include -
 - (i) a private driveway; or
 - (ii) a right of way created by easement between two parties;

"Road Traffic Act" means the Road Traffic Act 1974;

"Schedule" means a Schedule to this local law;

"sign" includes a traffic sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

"special purpose vehicle" means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Service, a motor breakdown service vehicle or a vehicle being used by a government authority or a local government in connection with its functions, but does not include an emergency vehicle;

"symbol" includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

"thoroughfare" has the meaning given to it in the Act;

"traffic island" has the meaning given to it by the Code;

"trailer" means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

"vehicle" includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means; and

"verge" means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

- (2) For the purposes of the application of the definitions "no parking area" and "parking area" an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (3) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.4 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in the Fourth Schedule, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).
- (5) A sign that—
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - (b) relates to the parking of vehicles within the parking region,
 shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the standing of vehicles, it shall be deemed for the purposes of this Local Law to operate and have effect as if it related to the parking of vehicles.

1.5 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows—

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.6 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

PART 2—PARKING BAYS AND PARKING STATIONS

2.1 Determination of parking bays and parking stations

The local government may by resolution constitute, determine and vary and also indicate by signs—

- (a) parking bays;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking bays and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking bays and parking stations;
- (e) permitted classes of persons who may park in specified parking bays or parking stations; and
- (f) the manner of parking in parking bays and parking stations.

2.2 Vehicles to be within parking bay on thoroughfare

- (1) Subject to subclause (2), a person shall not park a vehicle in a parking bay in a thoroughfare otherwise than—
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the bay; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the bay is situated.
- (2) Where a parking bay in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that bay wholly within it.

2.3 Parking prohibitions and restrictions

- (1) A person shall not—
 - (a) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked "M/C", if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle—
 - (a) in a parking bay other than in a bay marked "M/C"; and
 - (b) in such bay other than against the kerb.
- (3) Notwithstanding the provisions of subclause (1)(a) a driver may park a vehicle in a permissive parking bay (except in a parking area for people with disabilities) for twice the length of time allowed, provided that:
 - (a) the driver's vehicle displays an ACROD sticker; and
 - (b) a person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

PART 3—PARKING GENERALLY

3.1 Prohibition and regulation of parking by signs

The local government may by resolution prohibit or regulate by signs or otherwise the parking of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

3.2 Restrictions on parking in particular areas

- (1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare,—
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A person shall not park a vehicle—
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
 - (c) in a bay marked "M/C" unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

- (3) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking bay unless the bay is marked "M/C".
- (4) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating "Authorised Vehicles Only".
- (5) In a Loading Zone, a person shall not—
 - (a) park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or
 - (b) park a commercial vehicle which is being loaded or unloaded with goods for more than 30 minutes.
- (6) In paragraph (b) of subclause (5) "goods" means an article or collection of articles weighing at least 13.6kg and of which the cubic measurement is not less than 0.17m³.

3.3 Parking vehicle on a carriageway

Unless otherwise permitted by a sign, a person parking a vehicle on a carriageway other than in a parking bay shall park it—

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law;
- (e) so that it does not obstruct any vehicle on the carriageway; and
- (f) so that it is entirely within the confines of any parking bay marked on the carriageway.

3.4 Vehicle to be wholly within parking area

A person shall not park a vehicle partly within and partly outside a parking area.

3.5 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates or marks on the carriageway indicate that vehicles have to park in a different position where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

3.6 When angle parking applies

(1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words "angle parking" (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

3.7 General prohibitions on parking

(1) (a) This clause does not apply to a vehicle parked in a parking bay nor to a bicycle in a bicycle rack.

(b) Paragraphs (c), (e) and (g) of subclause (2) do not apply to a vehicle which parks in a bus embayment.

(2) A person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath or pedestrian crossing;
- (g) on a bridge or other elevated structure or within a tunnel or underpass;

- (h) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (j) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
 - (k) within 6 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—
- (a) a children's crossing or pedestrian crossing; or
 - (b) the nearest rail of a railway level crossing.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—
- (a) a pedestrian crossing or children's crossing; or
 - (b) the nearest rail of a railway level crossing.

3.8 Parking on verges

- (1) A person shall not—
- (a) park a vehicle;
 - (b) park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) park a vehicle during any period when the parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge; so that any portion of it is on a verge.
- (2) Subclause 1(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the verge.
- (3) Subclause 1(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.

3.9 Limitation on parking of vehicles with tare in excess of 2,000 kgs on carriageway

A person shall not park a vehicle having a tare in excess of 2,000 kgs on a carriageway for more than two hours consecutively.

3.10 Limitation on parking of over length vehicles on carriageway

A person shall not park a vehicle or any combination of vehicles that together with anything in or on that vehicle is more than 8 metres in length, on a carriageway for more than two hours consecutively.

3.11 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

3.12 Authorised person may mark tyres

- (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

3.13 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

3.14 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

3.15 Parking on private land

- (1) In this clause a reference to "land" does not include land—
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the Land Administration Act 1997;
 - (c) which is an "otherwise unvested facility" within section 3.53 of the Act;
 - (d) which is the subject of an agreement referred to in clause 1.4 (2); or
 - (e) which is identified in the Fourth Schedule.
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

3.16 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

3.17 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 4 – STOPPING GENERALLY

4.1 No stopping

A driver shall not stop on a part of a carriageway, or in an area –

- (a) to which a 'no stopping' sign applies; or
- (b) during the times a sign specifies a 'no stopping' restriction is in operation.

4.2 No Parking

- (1) A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is—
 - (a) dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- (2) For the purposes of subclause (1) – "unattended", in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

4.3 Stopping in a parking bay for people with disabilities

- (1) A driver shall not stop in a parking area for people with disabilities unless:
 - (a) the driver's vehicle displays an ACROD sticker; and
 - (b) either the driver or the passenger in that vehicle is a person with disabilities.
- (2) In this clause a 'parking area for people with disabilities' is a length or area:
 - (a) to which a 'permissive parking' sign displaying a "people with disabilities" symbol applies;
 - (b) to which a 'people with disabilities parking' sign applies;
 - (c) indicated by a road marking that consists of, or includes, a "people with disabilities" symbol; or
 - (d) set aside within a parking region as a 'parking bay for use of a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988*.

PART 5 – MISCELLANEOUS

5.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an authorised person.

5.2 Unauthorised signs and defacing of signs

A person shall not without the authority of the local government—

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

5.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

5.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

5.5 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of—

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

5.6 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

PART 6 —PENALTIES

6.1 Offences and penalties

- (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) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of the Second Schedule directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

6.2 Averment on complaint as to clause 1.4 (2) agreement

An averment on a complaint that this local law applies to a parking facility or a parking station under an agreement referred to in clause 1.4 (2), shall be sufficient proof that this local law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.

6.3 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the Third Schedule;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in the Third Schedule;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in the Third Schedule; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in the Third Schedule.

FIRST SCHEDULE
SHIRE OF BEVERLEY
PARKING LOCAL LAW 2010
PARKING REGION

The parking region is the area of the Shire of Beverley enclosed by the following roads—

That portion of Vincent Street, from Hunt Road intersection to Bartram Street intersection,

and includes both sides of the above named roads within that area, but excludes the following portions of the district

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

SECOND SCHEDULE
SHIRE OF BEVERLEY
PARKING LOCAL LAW 2010
PRESCRIBED OFFENCES

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to park wholly within parking bay	60
2	3.2 (1)(a)	Parking wrong class of vehicle	100
3	3.2 (1)(b)	Parking by persons of a different class	100
4	3.2 (1)(c)	Parking during prohibited period	100
5	3.2 (2)(a)	Parking in no parking area	80
6	3.2(2)(b)	Parking contrary to signs or limitations	60
7	3.2(2)(c)	Parking vehicle in motor cycle only area	60
8	3.2(3)	Parking motor cycle in bay not marked 'M/C'	60
9	3.2(4)	Parking without permission in an area designated for 'Authorised Vehicles Only'	65
10	3.3(a)	Failure to park on the left of two-way carriageway	80
11	3.3(b)	Failure to park on boundary of one-way carriageway	60
12	3.3(a) or 3.3(b)	Parking against the flow of traffic	80
13	3.3(c)	Parking when distance from farther boundary less than 3 metres	60

14	3.3(e)	Causing obstruction	125
15	3.5(a) or (b)	Failure to park at approximate right angle or parallel to carriageway	60
16	3.6(2)	Failure to park at an appropriate angle	60
17	3.7(2)(a)	Double parking	125
18	3.7(2)(b)	Parking on or adjacent to a median strip	80
19	3.7(2)(c)	Denying access to private drive or right of way	125
20	3.7(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	125
21	3.7(2)(e)	Parking within 9 metres of traffic island	60
22	3.7(2)(f)	Parking on footpath/pedestrian crossing	150
23	3.7(2)(h)	Parking contrary to continuous line markings	60
24	3.7(2)(i)	Parking on intersection	150
25	3.7(2)(j)	Parking within 1 metre of fire hydrant or fire plug	80
26	3.7(2)(k)	Parking within 6 metres of intersection	60
27	3.7(3)(a) or (b)	Parking vehicle within 9 metres of departure side of children's crossing	60
28	3.7(4)(a) or (b)	Parking vehicle within 18 metres of approach side of children's crossing	60
30	3.8(2)(a)	Parking commercial vehicle, bus or caravan on verge	60
31	3.8(2)(b)	Parking on verge contrary to sign	60
32	3.9	Parking vehicle with tare of over 2000kgs for over 2 hours	100
33	3.10	Parking over length vehicle in excess of 2 hours	100
34	3.11	Parking contrary to direction of authorised person	60
35	3.14(c)	Parking a trailer/caravan on a thoroughfare	100
36	3.15(2)	Parking on land that is not a parking facility without consent	125
37	3.15(3)	Parking on land not in accordance with consent.	125
38	3.16	Driving or parking on reserve	125
39	4.1(1)	Stopping contrary to a 'no stopping' sign	125

40	4.1(2)	Parking contrary to a 'no parking' sign	85
41	4.1(3)	Stopping within continuous yellow lines	125
42	4.3	Stopping in disabled parking area	120
43	5.6	Leaving vehicle so as to obstruct a public place	80
44		All other offences not specified	80

THIRD SCHEDULE
Local Government Act 1995

SHIRE OF BEVERLEY

Parking Local Law 2010

Form 1

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / / To: ⁽¹⁾
..... of: ⁽²⁾

.....
.....

It is alleged that on / / at ⁽³⁾ at ⁽⁴⁾
..... your vehicle— make:
..... ; model: ; registration: , was
involved in the commission of the following offence—
.....
.....

contrary to clause of the Parking and Parking Facilities Local Law. You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless—

- (a) within 28 days after being served with this notice—
 - (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

⁽⁵⁾
⁽⁶⁾

Insert—

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorised person
- (6) Name and title of authorised person giving notice

THIRD SCHEDULE
Local Government Act 1995
SHIRE OF BEVERLEY
Parking Local Law 2010
Form 2
INFRINGEMENT NOTICE

Serial No

Date / / To: ⁽¹⁾
..... of: ⁽²⁾

It is alleged that on / / at ⁽³⁾ at ⁽⁴⁾ in respect of vehicle—

make: ;

model: ;

registration:,

you committed the following offence—

.....
.....
.....
contrary to clause of the Parking and Parking Facilities Local Law. The modified penalty for the offence is \$ If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at ⁽⁵⁾

within a period of 28 days after the giving of this notice. If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

⁽⁶⁾

.....
⁽⁷⁾

Insert—

- (1) Name of alleged offender or "the owner"
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

THIRD SCHEDULE
Local Government Act 1995
SHIRE OF BEVERLEY
 Parking Local Law 2010
 Form 3
INFRINGEMENT NOTICE

Serial No

Date / / To: ⁽¹⁾

..... of: ⁽²⁾

It is alleged that on / / at ⁽³⁾ at ⁽⁴⁾ in respect of vehicle—
 make: ; model: ; registration: , you
 committed the following offence—

..... contrary to clause
 of the Parking and Parking Facilities Local Law.

The modified penalty for the offence is \$ If you do not wish to have a complaint of the alleged offence heard and
 determined by a court, the amount of the modified penalty may be paid to an authorised person at ⁽⁵⁾ within
 a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice—

(a) you pay the modified penalty; or

(b) you—

(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and
 address of the person who was the driver or person in charge of the above vehicle at the time the offence is
 alleged to have been committed; or

(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the
 time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court
 proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's
 licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will
 also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.
 Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

⁽⁶⁾

⁽⁷⁾

Insert—

- (1) Name of owner or "the owner"
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

THIRD SCHEDULE
Local Government Act 1995

SHIRE OF BEVERLEY

Parking Local Law 2010

Form 4

WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No Date
/...../.....

To: ⁽¹⁾

of: ⁽²⁾

Infringement Notice No.dated / /

in respect of vehicle— make: ; model: ; registration:
..... ,

for the alleged offence of

.....

.....

has been withdrawn.

The modified penalty of \$

has been paid and a refund is enclosed.

has not been paid and should not be paid.

delete as appropriate.

⁽³⁾

⁽⁴⁾

Insert—

(1) Name of alleged offender to whom infringement notice was given or "the owner".

(2) Address of alleged offender.

(3) Signature of authorised person

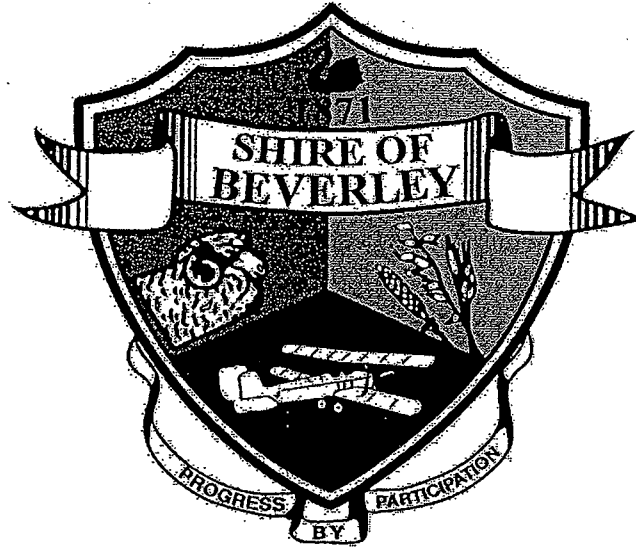
(4) Name and title of authorised person giving notice

Dated: date.

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

D RIDGWAY, Shire President.

K BYERS, Chief Executive Officer.



SHIRE OF BEVERLEY

FREEDOM OF INFORMATION STATEMENT

2010/2011

Reviewed:

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1

2.0 MISSION STATEMENT

The provision for the good rule and government, convenience, comfort and safety of persons within the Shire of Beverley.

3.0 DETAILS OF LEGISLATION ADMINISTERED

Including, yet not limited to:

Local Government Act 1995
Local Government (Miscellaneous Provisions) Act 1960
Bushfires Act
Dog Act
Town Planning Development Act
Health Act
Dividing Fences Act
Caravan Park and Camping Ground Act

4.0 COUNCIL STRUCTURE

4.1 Council Structure

The Council is comprised of nine (9) Councillors. The President is elected from within the Councillors who are representative of the three (3) Wards in the Shire.

President – Cr Dee Ridgway
Deputy President – Cr Lew Shaw

4.2 Wards

North Ward

Cr Jim Alexander, Cr Keith Murray and Cr Peter Gogol

South Ward

Cr Dee Ridgway, Cr Corrie Egberts and Cr Mal Roberts

West Ward

Cr Belinda Foster, Cr Lew Shaw and Cr Chris Pepper

4.3 COMMITTEES

To enable Council to efficiently administer its business. All committees are appointed to oversee various aspects of its operations, all Committee meetings are held on an "as needs basis". All recommendations made by the committees are to be referred to the Council for endorsement.

DEVELOPMENT SERVICES COMMITTEE

Members

Councillors Pepper, Egberts, Foster and Ridgway and Chief Executive Officer.

Purpose

Will meet at least once annually to:

Inspect all Council owned or controlled buildings to determine appropriate work requirement for recommendation to Council for inclusion into future budget(s).

All other Committee meetings will be on an "as needs basis" to discuss items referred to the Committee by Council in the area of Council controlled buildings and properties.

PLANT AND WORKS COMMITTEE

Members

Councillors Pepper, Alexander, Gogol, Murray, Shaw, Chief Executive Officer and Works Supervisor

Purpose

Will meet at least once annually to:

Inspect all Council owned plant and road network to determine appropriate work requirement for recommendation to Council for inclusion into future budget(s).

All Committee meetings will be on an "as needs basis" to discuss items referred to the Committee by Council in the area of Council controlled plant and roads.

BEVERLEY CROPPING COMMITTEE

Members

Councillors Shaw, Murray, Ridgway and Deputy Chief Executive Officer (Secretary)

Purpose

Will meet at least once annually to:

Inspect all land that is controlled by Council for the purpose of Community Cropping.

All Committee meetings will be on an "as needs basis" to discuss items referred to the Committee by Council in the area of Community Cropping program.

RECREATION GROUND COMMITTEE

Members

Councillors Ridgway, Shaw, Foster, Murray, Alexander and Chief Executive Officer

Purpose

Will meet at least once annually to:

Inspect Council's Recreation precinct to determine appropriate work requirement for recommendation to Council for inclusion into future budget(s).

All other Committee meetings will be on an "as needs basis" to discuss items referred to the Committee by Council in the area of recreation.

AUDIT & ADMINISTRATION COMMITTEE

[Legally required in accordance with the Local Government (Audit) Regulations, 1996]

Members

Councillors Ridgway, Pepper, Shaw and Roberts

Purpose:

The roles and responsibilities of the Finance & Audit Committee will be in accordance with Clause 16 of the Local Government (Audit) Regulations 1996 ie: -

Clause 16(a) – Audit Committee is to provide guidance and assistance to the local government:-

- (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
- (ii) as to the development of a process to be used to select and appoint a person to be auditor

Clause 16(b) – Audit Committee may provide guidance and assistance to the local government as to –

- (i) matters to be audited;
- (ii) the scope of the audits;
- (iii) its functions under Part 6 of the Act; and
- (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

Other matters include:-

- Committee to be of three or more persons, including elected members and other persons (if considered appropriate by Council).
- Employees and CEO may only be on the Committee as observers.
- Absolute Majority of Council required to appoint Committee members.
- Council may only delegate powers and duties under Part 7 of the LG Act to the Committee.
- Decisions of Committee to be by simple majority.
- Appointment of Council Auditors requires the recommendation of the Committee.
- Committee is to ensure matters identified by an auditor are detailed in the Auditors Report.
- Committee may refer a copy of the Audit Report to the CEO for action.
- Meet with the Auditor at least once every year (can be by electronic communication).
- Examine Auditors Report and ensure action is taken where necessary.

REPRESENTATIVES ON OUTSIDE COMMITTEES

Art Gallery Committee

Cr Ridgway

Avondale Committee

Cr Gogol (Proxy Cr Shaw)

Beverley Tourist and Development Committee

Cr Pepper (Proxy Cr Gogol)

Beverley Community Resource Centre Committee

Cr Ridgway

Beverley Naturalist Club

Cr Roberts

Yenyenning Lakes Committee

Cr Gogol

Frail Aged Lodge Committee

Cr Murray

Beverley Men's Shed Committee

Cr Gogol

5.0 DETAILS OF DECISION MAKING FUNCTIONS

5.1 Role of the Councillor

As stated in Section 2.10 of the Local Government Act 1995. A councillor;

- (a) Represents the interest of electors, ratepayers and residents of the district;
- (b) Provides leadership and guidance to the community in the district;
- (c) Facilitates communication between the community and the Council;
- (d) Participates in the local government's decision-making processes at Council and Committee meetings; and
- (e) Performs other such functions as are given to the Councillor by this Act or any other written law.

5.2 Council Meetings

These are held on the 4th Tuesday of every month (unless otherwise advertised) in the Council Chambers, 136 Vincent Street, Beverley, commencing at 10.00am.

Public Question Time

15 minutes is allocated at the commencement of a Council meeting to allow members of the public to ask questions.

6.0 PUBLIC PARTICIPATION IN THE FORMULATION OF POLICY AND PERFORMANCE OF COUNCIL FUNCTIONS

6.1 Committees or bodies which involve public representation

No committees or bodies which involve public representation exist within Council at this time.

6.2 Committees that don't involve direct public representation but may be open to the public

No such Committees exist. However, if Council does resolve to delegate authority to a Committee these meetings will be open to the public.

6.3 Participation in Committees

Council members are elected to committees by the following process:-

- i) Members identify which committees they have an interest in sitting on.
- ii) Members vote by secret ballot their choice of committee members from the list of members who have indicated their interest in being on a particular committee.

7

7.0 DOCUMENTS HELD

7.1 Any person can attend the office during office hours and inspect free of charge, subject to limitations any of the following in relation to council in the form in which it is normally held.

- a) annual report to electors;
- b) annual budget;
- c) annual financial report;
- d) various brochures available at the counter;
- e) shire library facilities;
- f) equal opportunity policy statement
- g) confirmed minutes of Council, committee and electors meetings;
- h) Principal Activities Plan, now Plan for the Future
- i) register of financial interests;
- j) schedule of fees and charges;
- k) schedule of loan repayments;
- l) loans register;
- m) proposed local law of which Statewide public notice has been given;
- n) local laws made by Council;
- o) any written law that Council has the duty or power to enforce;
- p) rates record;
- q) notice papers and agenda relating to any council or committee meeting and reports other documents that have been -
 - i) tabled at a council or committee meeting; or
 - ii) produced by council or a committee and presented at a council or committee meeting.
- t) prepared business plan;
- u) register of owners and occupiers and electoral rolls;
- v) register of delegations to committees.

7.2 Documents available to the public - for which a fee may be charged.

- a) maps of the Shire of Beverley;
- b) the annual financial report;
- c) the annual budget;
- d) municipal inventory;
- e) town planning documents;
- f) freedom of information statement.

7.3 Other documents held which may be available for inspection within the Freedom of Information Act

- a) register of delegations to CEO and employees;
- b) unconfirmed minutes of council or committee meetings;
- c) notice papers and agenda relating to council or committee meetings and reports and other documents which –

- i) are to be tabled at the meeting; or
 - ii) have been produced by the local government or a committee for presentation at the meeting.
- d) and which have been made available to members of Council or the committee.
- e) the information contained in a tenders register;
- f) property ownership enquiries.

7.4 Limits on right to inspect Local Government Information

A person's right to inspect information does not extend to the inspection of information:-

- a) which is not current at the time of inspection; and
- b) which, in the CEO's opinion, would divert a substantial and unreasonable portion of resources away from other functions.
- c) in relation to any debt owed by a person other than the debt of the person making the enquiry.
- d) relating to minutes of meetings or notice papers and agenda and supporting reports and documents of a meeting which:-
 - i) was closed to the public; or
 - ii) in the CEO's opinion, could have been closed to members of the public, but was not closed.
- e) in relation to contracts for the CEO and senior employees if:-
 - i) the information relates to a matter other than the salary or the remuneration or benefits payable under the contract; and
 - ii) in the CEO's opinion, the information should not be available for inspection by members of the public because of the private nature of the information.

7.5 Format in which information is held-

- a) library holds brochures, videos, cassettes and books, available for borrowing through the library system;
- b) rates records are held on computer hard disk;
- c) minutes of meetings are held in guard and bound books;
- d) annual report to electors, financial report and budget are held in booklet form and on hard disk;
- e) register of loans - hard copy;
- f) register of tenders - hard copy;
- g) register of delegations to committee - hard copy;
- h) maps - hard copy;
- i) principal activities and business plans - hard copy;
- j) register of financial interests - hard copy;
- k) owners, occupiers and electoral rolls - hard disk and soft copy;

- l) municipal inventory – hard disk;
- m) correspondence, both incoming and outgoing is in filing cabinets for short term or held in the storeroom for long term archives. A system index schedule (numbers used in filing records) is held in booklet form;
- n) personal information - held in filing system and on computer hard disk.

8.0 THE OPERATION OF FREEDOM OF INFORMATION IN THE SHIRE OF BEVERLEY

8.1 How and to whom initial enquiries should be made?

- i) In accordance with Section 12 (i) Initial enquiries should be made:
 - a) in writing;
 - b) give enough information so that the documents requested can be identified;
 - c) give an Australian address to which notices can be sent; and
 - d) be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to the Freedom of Information Coordinator:-

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

Telephone and fax numbers:

Phone: (08) 9646 1200

Fax: (08) 9646 1409

Email – sgollan@beverley.wa.gov.au

- ii) Applications will be acknowledged in writing and you will be notified of the decision within 45 days.
- iii) It is the aim of the Shire of Beverley to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the Freedom of Information Process.
- iv) If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

8.2 Freedom of Information Charges -

A scale of fees and charges set under the Freedom of Information Act Regulations.

i) Personal Information about the applicant	<i>no fee</i>
ii) Application fee (for non personal information)	\$30.00
iii) Charge for time dealing with the application (per hour, or pro rata)	\$30.00
iv) Access time supervised by staff (per hour, or pro rata)	\$30.00
v) Photocopying staff time (per hour, or pro rata)	\$30.00
vi) Per photocopy	0.20
vii) Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
viii) Duplicating a tape, film or computer information	<i>Actual Cost</i>
ix) Delivery, packaging and postage	<i>Actual Cost</i>
x) Advance deposit may be required of the estimated charges	25%
xi) Further advance deposit may be required to meet the charges for dealing with the application	
xii) For financially disadvantaged applicants, those issued with prescribed pensioner concession cards, the charge payable may be reduced by 25%.	

Access to documents can be granted by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

8.3 Notice of decision -

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details of the decision and procedures to follow.

Refusal of Access -

Applicants who are dissatisfied with a decision are entitled to ask for an internal review. Application should be made in writing within 30 days of receiving the notice of decision.

You will be notified of the outcome of the review within 15 days.

If you disagree with the result you then can apply to the Information Commissioner for an external review, and details would be advised to applicants when the internal review decision is issued.

8.4 Person responsible for decisions regarding access or the amendment of personal information under Freedom of Information -

The Deputy Chief Executive Officer makes decisions regarding access or the amendment of personal information under Freedom of Information.