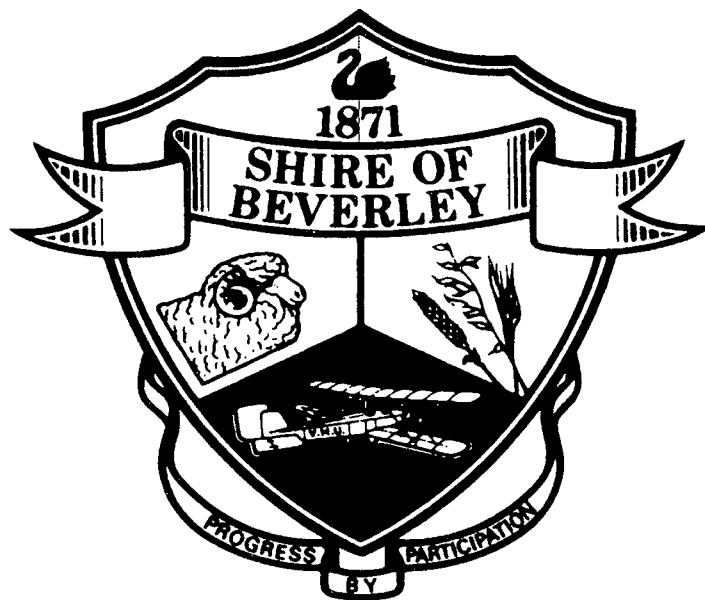


ORDINARY COUNCIL

MEETING

MINUTES



27 JULY 2010

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**MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS ON TUESDAY 27 JULY 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
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Leave of Absence

Nil.

3. PUBLIC QUESTION TIME

Nil.

4. CONDOLENCES

BODE	Percival Nevyn	3 July 2010
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5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. CONFIRMATION OF MINUTES AND BUSINESS ARISING

6.1 Minutes of the Ordinary Meeting of Council held in the Council Chambers on Tuesday 22 June 2010

COUNCIL RESOLUTION

M1/0710 Moved Cr Gogol **Seconded Cr Egberts**
That the Minutes of the Ordinary Meeting of Council held in the Council Chambers on Tuesday 22 June 2010, as printed, be confirmed.

CARRIED 8-0

BUSINESS ARISING

Lot 530 & Lot 54 Vincent Street, Beverley
- Repairs to Boundary Fence
(File Reference: VIN 51105)

COUNCIL RESOLUTION

M2/0710 Moved Cr Alexander **Seconded Cr Egberts**
That Council write to the owner of Lot 530 & Lot 54 Vincent Street, Beverley, offering to remove the boundary fence and stack it on his property.

CARRIED 8-0

6.2 Minutes of the Plant and Works Committee Meeting held in the Council Chambers on Tuesday 22 June 2010

Appendix 1

COUNCIL RESOLUTION

M3/0710 Moved Cr Shaw **Seconded Cr Gogol**
That the Minutes of the Plant and Works Committee Meeting held in the Council Chambers on Tuesday 22 June 2010, as printed, be received, and the recommendations be endorsed.

CARRIED 8-0

BUSINESS ARISING

Nil

7. PRESIDENT AND COUNCILLOR REPORTS

7.1 PRESIDENT'S REPORT

Regional Transition Group

Thank you to Councillors for time committed to our recent workshops. It is important we keep up to date and provide input toward the structural reform process.

Avondale

In early July an informal meeting was held between representatives of the National Trust, Shire of Beverley and Avondale Farm Project Association to gain an understanding of how the National Trust could be assisted with the development of Avondale and what role each party might play in the process.

Councillors would be aware by now of the successful grant application by the Avondale Farm Project Association, on behalf of the National Trust, which will assist with the development of a Master Plan for Avondale.

A grant application has also been submitted by the group to build an interpretation plan for the stables, homestead and museum collection.

The President provided Councillors with the Avondale Report for the Avondale Farm Project Association Inc. 15 July 2010, from Dina Barrett-Lennard, Project Officer, National Trust.

Recreation Feasibility Study

The feasibility study of the Beverley Recreation Precinct has commenced. A meeting with Shire Councillors and senior staff was followed by a community forum between representatives of the various groups who use the oval area and Mark Casserly from CCS Strategic Management. This was well received by those present, with many favourable comments following the evening. The groups were requested to respond to a survey with a follow up meeting set for 12 August 2010.

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

The Shire President provided the following further reports:-

Meeting with Minister Brendon Grylls MLA

The Chief Executive Officer and I met with Brendon Grylls last Friday to discuss the following:-

- Inadequate power supply in Beverley and subsequent additional cost of \$120,000.00 to upgrade the supply for the seniors ILU project. Concerns that future town development such the industrial area, replacement/upgrade of recreation facilities at town oval, joint venture housing and expansion of current seniors accommodation project would be hampered by the inadequate electricity supply with each new development having an upgrade cost to bear.
- Recent strategic planning workshop highlighted the deficiency in power supply, reticulated water, infill sewerage and communications as having a detrimental effect on town development.
- R4R - joint road project between York and Beverley, acquittal of grants before future allocations, opportunity to compound funds for the staging of large projects (e.g. Beverley recreation facilities replacement), how regional component could best be utilized.
- Shire's support of planning and development of Avondale as a Regional and State Heritage Tourism Asset and the sound relationship shared with the National Trust.
- Status update on the Beverley Community Resource Centre.
- We were also presented with a Lotterywest cheque for \$73,888.00 for the successful grant application by the Beverley Art Gallery Society toward lighting and sound at the Outdoor Theatre.

Art Committee

- Undertaking a review of constitution.
- Considering a name change for BAGS to better reflect the Arts.
- Have requested Council give consideration to security for the Gallery & Outdoor Theatre.
- Insurance concerns raised – gallery, exhibition, volunteers, visitors, committee, events.
- Making enquiries about grant funding to restore carriage.
- Names for the outdoor theatre and surrounds are being canvassed for public opinion.

7. PRESIDENT AND COUNCILLOR REPORTS

ITEM 7.1

PRESIDENT'S REPORT

Art Committee

(Continued)

- Arts Festival Programme being developed for outdoor theatre between Christmas & Easter.
- Current Artists in Residence are so impressed they have booked to come back next year for 1 month.
- Have received a donation from Jan Oxwell, which will be used toward a garden seat.
- Naming of the Outdoor Theatre area for consideration and feedback from Council.

COUNCIL RESOLUTION

M4/0710

Moved Cr Foster

Seconded Cr Murray

That the President's Report, be received.

CARRIED 8-0

7.2 COUNCILLOR REPORTS

Cr Egberts

Process for Building Applications

Cr Egberts had provided a report enquiring into the process for building applications. (Council decided to deal with this matter later in the meeting when the Shire Planner would be available to attend – refer to page 22 of the Minutes.)

Cr Pepper

Beverley Tourist Bureau Committee

Cr Pepper provided a report on the Beverley Tourist Bureau Committee AGM he had attended.

**7. PRESIDENT AND COUNCILLOR REPORTS
ITEM 7.2
COUNCILLOR REPORTS
(Continued)**

Cr Gogol

Avondale Project Committee

Cr Gogol provided a report on the Avondale Committee meeting he had attended.

COUNCIL RESOLUTION

M5/0710 Moved Cr Foster **Seconded Cr Murray**
That the Councillor Reports, be received.
CARRIED 8-0

At 10:58am Mr Peter Wright, Shire Planner, entered the Council Chambers and joined the meeting.

8. OFFICERS' REPORTS

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.1.1.1
REPORT DATE:	1 July 2010
SUBJECT:	DEVELOPMENT APPLICATION - OUTBUILDING - LOT 1005 YORK-WILLIAMS ROAD, BEVERLEY
APPLICANTS:	A & K Holmes
FILE REFERENCE:	YOR 51385
AUTHOR:	Shire Planner – Peter Wright

Appendix 2

BACKGROUND

It is proposed to construct a 108m² outbuilding at Lot 1005 York Williams Road, Beverley. 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 72ha in area, zoned Farming and contains an existing outbuilding. Access is via an easement to York Williams 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.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.1
DEVELOPMENT APPLICATION
- OUTBUILDING
- LOT 1005 YORK-WILLIAMS ROAD, BEVERLEY
(Continued)

Only one setback has been nominated on the submitted site plan making it difficult to accurately locate the proposed outbuilding. Measurements using aerial maps indicate the outbuilding is to be located 675 metres from the northeast boundary. Should Council approve the application, it will be recommended the estimated setback be a condition of approval.

STATUTORY ENVIRONMENT

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

At 10:59am Cr Egberts, left the Chambers and returned to the meeting at 11:02am.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M6/0710 Moved Cr Foster **Seconded Cr Gogol**
That Council grant Planning Approval for the construction of an outbuilding at Lot 1005 York-Williams Road, Beverley, subject to the following conditions and advice notes: -

Conditions: -

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.1

DEVELOPMENT APPLICATION

- OUTBUILDING

- LOT 1005 YORK-WILLIAMS ROAD, BEVERLEY

(Continued)

3. The outbuilding shall not be used for: -
 - Commercial purposes, unless as a component of a rural pursuit;
 - Human habitation; and
 - Industrial purposes.
4. The outbuilding shall have a minimum 4 metre firebreak on all sides.
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).
7. The outbuilding shall be setback 675 metres from the northeast boundary as marked in red on the approved plan.

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

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.1.1.2
REPORT DATE:	7 July 2010
SUBJECT:	VARIATION TO CONDITION OF APPROVAL - 55 (LOT 367) BARTRAM STREET, BEVERLEY
APPLICANTS:	National Trust
FILE REFERENCE:	BAR 660
AUTHOR:	Shire Planner – Peter Wright

Appendix 3

BACKGROUND

At its 22 September 2009 meeting Council granted Planning Approval for two grouped dwellings at 55 (Lot 367) Bartram Street, Beverley (former Police quarters). Of relevance Condition 3 of the approval stated: -

“Prior to occupation of dwelling(s) the applicant shall finalise a boundary realignment for the boundary between Lot 367 Bartram Street and Lot 368 Vincent Street. The purpose of the realignment is to have all buildings contained within lot boundaries in compliance with the setback requirements of the Shire of Beverley’s Town Planning Scheme No. 2 (see Advice Note 3).”

In addition Advice Note 3 which provides clarification for Condition 3 States: -

“With regard to Condition 3, the applicant is advised the setback requirements for the Town Centre zone under Table 2 of Town Planning Scheme No. 2 are at Council’s discretion. Therefore the applicant is advised to liaise with the Shire prior to any application for subdivision.”

The applicant is requesting a variation to the condition to allow occupation of the dwellings prior to the boundary realignment. The requested replacement condition is: -

“That the Duplex may be occupied but there will be no transfer of ownership from the National Trust of Australia (WA) until such time as the boundary is realigned.”

COMMENT

The purpose of Condition 3 was to ensure the boundary reflected on ground built form. Currently the building previously used as a Courthouse on Lot 368 Vincent Street intrudes into Lot 367. Satisfaction of Condition 3 will require all buildings to be contained on their own lots.

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.2

VARIATION TO CONDITION OF APPROVAL

- 55 (LOT 367) BARTRAM STREET, BEVERLEY (Continued)

Due to the time required for the applicant to obtain title over Lot 367 and then the length of time required to finalise the subdivision process, construction of the two grouped dwellings has finished prior to the boundary realignment. The applicant is requesting the variation to allow rental occupation of the dwellings instead of having the dwellings remain vacant whilst waiting for the finalization of the bureaucratic processes.

When the boundary is realigned and all conditions are satisfied the applicant intends to sell the dwellings. With some changes to the requested variation to the condition, Council's intent may be implemented and the completed dwellings occupied. Such an outcome will enhance the security of the dwellings and provide increased housing options for Beverley. The suggested wording of the new condition is: -

"The titles for the lots, whether strata or other form of title, shall not be transferred from the applicant, the National Trust of Australia (WA), prior to finalisation of a boundary realignment for the boundary between Lot 367 Bartram Street and Lot 368 Vincent Street. The purpose of the realignment is to have all buildings contained within lot boundaries in compliance with the setback requirements of the Shire of Beverley's Town Planning Scheme No.2 (see Advice Note 3)."

It is also recommended Advice Note 3 be altered to read: -

"With regard to Condition 3, the applicant is advised the dwellings may be occupied prior to boundary realignment provided there is no exchange of title. The applicant is further advised the setback requirements for the Town Centre zone under Table 2 of Town Planning Scheme No. 2 are at Council's discretion. Therefore the applicant is advised to liaise with the Shire prior to any application for subdivision."

STATUTORY ENVIRONMENT

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

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.2
VARIATION TO CONDITION OF APPROVAL
- 55 (LOT 367) BARTRAM STREET, BEVERLEY
(Continued)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M7/0710 Moved Cr Foster **Seconded Cr Gogol**
That Council resolve to vary the Planning Approval, granted on 22 September 2009, for two Grouped Dwellings at 55 (Lot 367) Bartram Street, Beverley, by replacing Condition 3 and Advice Note 3 with the following: -

Condition 3: -

- 3. The titles for the lots, whether strata or other form of title, shall not be transferred from the applicant, the National Trust of Australia (WA), prior to finalisation of a boundary realignment for the boundary between Lot 367 Bartram Street and Lot 368 Vincent Street. The purpose of the realignment is to have all buildings contained within lot boundaries in compliance with the setback requirements of the Shire of Beverley's Town Planning Scheme No.2 (see Advice Note 3).**

Advice Note 3: -

- 3. With regard to Condition 3, the applicant is advised the dwellings may be occupied prior to boundary realignment provided there is no exchange of title. The applicant is further advised the setback requirements for the Town Centre zone under Table 2 of Town Planning Scheme No. 2 are at Council's discretion. Therefore the applicant is advised to liaise with the Shire prior to any application for subdivision.**

CARRIED 8-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.1.1.3
REPORT DATE:	13 July 2010
SUBJECT:	DEVELOPMENT APPLICATION – OUTBUILDING – 396 (LOT 808) COUNTY PEAK ROAD, BALLY BALLY
APPLICANTS:	B Denny
FILE REFERENCE:	COU 51269
AUTHOR:	Shire Planner – Peter Wright

Appendix 4

BACKGROUND

It is proposed to construct a 72m² outbuilding at 396 (Lot 808) County Peak Road, Bally Bally. 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 16ha in area, zoned Farming and contains an existing dwelling. Access is via an easement to County Peak 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.

STATUTORY ENVIRONMENT

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

8.1.1 TOWN PLANNING ITEMS

ITEM 8.1.1.3

DEVELOPMENT APPLICATION - OUTBUILDING

**- 396 (LOT 808) COUNTY PEAK ROAD, BALLY BALLY
(Continued)**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M8/0710

Moved Cr Gogol

Seconded Cr Egberts

That Council grant Planning Approval for the construction of an outbuilding at 396 (Lot 808) County Peak Road, Bally Bally, subject to the following conditions and advice notes: -

Conditions: -

- 1. If the development, the subject of this approval, is not SUBSTANTIALLY COMMENCED within a period of 2 years from the date of this approval being granted, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.**
- 2. Development shall be carried out only in accordance with the terms of the application as approved herein and any approved plan, prepared by the applicant and endorsed by Council's Shire Planner.**
- 3. The outbuilding shall not be used for: -**
 - Commercial purposes, unless as a component of a rural pursuit;**
 - Human habitation; and**
 - Industrial purposes.**
- 4. The outbuilding shall have a minimum 4 metre firebreak on all sides.**
- 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).**

8.1.1

TOWN PLANNING ITEMS

ITEM 8.1.1.3

DEVELOPMENT APPLICATION - OUTBUILDING

- 396 (LOT 808) COUNTY PEAK ROAD, BALLY BALLY

(Continued)

Advice Notes: -

- 1. Nothing in the approval or these conditions shall excuse compliance with all relevant written laws in the commencement and carrying out of the development.**
- 2. The applicant is advised a building licence is required prior to commencement of any building works.**
- 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

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.1.1.4
REPORT DATE:	13 July 2010
SUBJECT:	INITIAL ADOPTION – DEVELOPER CONTRIBUTIONS FOR ROAD AND FOOTPATH UPGRADING POLICY
FILE REFERENCE:	LUP 004
AUTHOR:	Shire Planner – Peter Wright

Appendix 5

BACKGROUND

Requirements to satisfy subdivision and development conditions relating to developer contributions for road and footpath upgrades, has previously caused concern and confusion amongst applicants. To address this matter and provide clear guidance, it is proposed to initiate a Developer Contributions for Road and Footpath Upgrading Policy.

COMMENT

When an application for development or subdivision is approved if there is a nexus between the proposal and upgrading an associated road and/or footpath, Council or the Western Australian Planning Commission may require the applicant to contribute to the upgrade. Currently there are no guidelines regarding the amount of contribution required or how the contribution is calculated or to be spent.

This policy will provide a transparent and consistent basis for seeking financial contributions to road and footpath upgrades. Staff will be able to provide clear and consistent advice on the Shire's expectations. In addition applicants will be able to see that the contribution is connected to the subdivision or development, thus removing the potential perception that the Shire is inappropriately revenue raising.

A further advantage of a policy is that members of the community have the option of providing comment on the formulation of the document. This is anticipated to produce a more robust, transparent document that is accepted by the community.

To allow Council's intentions to be fulfilled in an open and transparent manner and to provide benefit to both the community and Shire, it will be recommended Council adopt the appended draft Developer Contributions for Road and Footpath Upgrading Policy.

8.1.1 TOWN PLANNING ITEMS

ITEM 8.1.1.4

INITIAL ADOPTION

**- DEVELOPER CONTRIBUTIONS FOR ROAD AND FOOTPATH
UPGRADING POLICY**

(Continued)

STATUTORY ENVIRONMENT

Policies are formulated under Clause 7.6 of the Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M9/0710

Moved Cr Foster

Seconded Cr Egberts

That Council adopt the proposed draft Town Planning Scheme Developer Contributions for Road and Footpath Upgrading Policy and instruct the Shire Planner to advertise the policy in compliance with Clause 7.6.2a) of the Shire of Beverley's Town Planning Scheme No. 2.

CARRIED 8-0

8.1.1 TOWN PLANNING ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.1.1.5
REPORT DATE:	14 July 2010
SUBJECT:	SUBDIVISION APPLICATION – TWO LOT SUBDIVISION – LOT 890 HOBBS ROAD, DALE
APPLICANTS:	A J Marsh Pty Ltd
FILE REFERENCE:	PL142413
AUTHOR:	Shire Planner – Peter Wright

Appendix 6

BACKGROUND

It is proposed to subdivide Lot 890 Hobbs Road, Dale into two lots.

The subject site is approximately 106ha in area, zoned Farming and vacant. The lot is mostly cleared with a waterway traversing the property.

The proposed lots are approximately 50ha and 56ha respectively, with dams on each proposed lot.

No justification for the subdivision, land capability study or explanation of how agricultural viability will be maintained has been provided.

COMMENT

The proposed lots are larger than the recommended minimum lot size contained in the Shire of Beverley's Town Planning Scheme No. 2 (TPS 2). Adjoining lot sizes vary from 25ha to 212ha, therefore the proposal may be considered to be consistent with the prevailing lot sizes for the area.

Some remnant vegetation remains on the lot and there is a waterway traversing the property. To protect the environmental integrity of the site, should Council recommend approval, it will be recommended appropriate conditions of approval be recommended.

Although it is unclear how the proposed lots will remain agriculturally viable and no information has been supplied to justify the subdivision, the proposal complies with the minimum requirements of TPS 2. Therefore it will be recommended the application be approved.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.5
SUBDIVISION APPLICATION
- TWO LOT SUBDIVISION
- LOT 890 HOBBS ROAD, DALE
(Continued)

STATUTORY ENVIRONMENT

All subdivision is determined by the Western Australian Planning Commission after having regard for the Shire of Beverley's Town Planning Scheme No. 2. The application complies with the minimum requirements of The Shire of Beverley's Town Planning Scheme No. 2.

OFFICER'S RECOMMENDATION

Moved Cr Alexander

Seconded Cr Gogol

That Council resolve to recommend to the Western Australian Planning Commission that application WAPC No. 142413 for the Subdivision of Lot 890 Hobbs Road, Dale, be approved subject to the following conditions: -

1. Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.
2. Prior to commencement of site works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government.
3. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows: -

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

4. Measures being taken to ensure the identification, mapping and protection of any vegetation on the site worthy of retention prior to commencement of site works.

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.5
SUBDIVISION APPLICATION
- TWO LOT SUBDIVISION
- LOT 890 HOBBS ROAD, DALE
(Continued)

5. A fence restricting stock access to remnant vegetation identified as a result of condition 4, is to be constructed on the remnant vegetation boundary to protect native vegetation.
6. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended), is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows: -

"Boundary fences that prohibit the passage of stock to areas of remnant vegetation and revegetation are to be maintained to a standard that adequately restricts the passage of all stock."
7. Suitable arrangements being made for the revegetation and fencing of all watercourses located on the appended approved subdivision plan with appropriate native species.
8. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that no reticulated water supply can be supplied to the land by a licensed water service supplier and as a consequence owners will be required to make their own arrangements to provide an adequate water supply of potable water.

AMENDMENT TO MOTION

M10/0710 Moved Cr Alexander **Seconded Cr Egberts**
That Council resolve to recommend to the Western Australian Planning Commission that application WAPC No. 142413 for the Subdivision of Lot 890 Hobbs Road, Dale, be approved subject to the following conditions: -

1. **Suitable arrangements being made with the local government for the provision of vehicular crossovers to service the lots shown on the approved plan of subdivision.**

8.1.1 TOWN PLANNING ITEMS
ITEM 8.1.1.5
SUBDIVISION APPLICATION
- TWO LOT SUBDIVISION
- LOT 890 HOBBS ROAD, DALE
(Continued)

2. Prior to commencement of site works, a detailed plan identifying building envelope(s) on all lots on the approved plan of subdivision is to be prepared in consultation with the local government.
3. A Restrictive Covenant, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction to be included on the Deposited Plan. The restrictive covenant is to state as follows: -

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

THE AMENDMENT WAS PUT AND CARRIED 7-1

THE AMENDMENT BECAME THE MOTION AND WAS PUT AND CARRIED 7-1

Cr Ridgway requested that her vote against the above Motion 10/0710 be recorded.

Following is the reason for the Amendment to item 8.1.1.5 above: -

Council was of the opinion it would be an unfair burden on the applicant to comply with the conditions that relate to Remnant Vegetation on the property.

8.1.2 INFORMATION BULLETIN REPORT – SHIRE PLANNER

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

At 11:32am Cr Pepper declared an interest in the matter of the Fish Sales Van operating in Council's Vincent Street car park on the southern side of the Railway line, as he is an owner of a competitive outlet, and left the meeting.

8.1.2.1 Fish Sales Van

The CEO tabled correspondence from Beverley Supermarket & Liquor in regard to the York Seafood Van operating on Mondays from the car park opposite the Beverley Supermarket.

RESOLVED that a report be presented to the next Ordinary Council meeting.

At 11:40am Cr Pepper returned to the meeting.

8.1.2.2 Process for Building Applications

At this point in the meeting Council agreed to deal with the matter mentioned under item 7.2 in regard to a ratepayer enquiry, presented to Council by Cr Egberts, into the process for building applications.

At 11:45am Mr Keith Byers, Chief Executive Officer, left the Chambers. Mr Byers returned at 11:46am.

Moved Cr Egberts

That Council refund the building application fee of \$257.

The Motion lapsed for want of a seconder.

RESOLVED that Council write to the applicants clarifying the situation in regard to their building application.

COUNCIL RESOLUTION

M11/0710 Moved Cr Egberts

That the Shire Planner's Information Bulletin Report, be received.

Seconded Cr Pepper

CARRIED 8-0

At 12:05 Mr Peter Wright, Shire Planner, left the meeting.

8.2.1 HEALTH & BUILDING SERVICES ITEMS

Nil.

8.2.2 INFORMATION BULLETIN REPORTS – HEALTH & BUILDING SERVICES

8.2.2.1 GENERAL

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

8.2.2.2 HEALTH SERVICES REPORT – JUNE / JULY 2010

The Environmental Health Officer had provided an Information Bulletin Report under separate cover.

(Council decided to deal with this matter later in the meeting when the Environmental Health Officer would be available to attend – refer to page 31 of these Minutes.)

8.2.2.3 BUILDING LICENSES ISSUED

Building licenses issued up to 16 July 2010: -

Lic No: 63 09/ 10 No: 94 Harper Street, Beverley Building: Shed Value: \$17,000	Lic No: 64 09/ 10 No: 1 Lukin Street, Beverley Building: Single Dwelling Value: \$90,000
Lic No: 01 10/ 11 No: Lot 81 Dempster Street, Beverley Building: Shed/Workshop Value: \$10,000	Lic No: 02 10/ 11 No: 29705 Lukin Street, Beverley Building: Hangar Value: \$19,000
Lic No: 03 10/ 11 No: 203 Hamersley Street, Beverley Building: Garage/Shed Value: \$6,000	Lic No: 04 10/ 11 No: 121 Forrest Street, Beverley Building: Alterations to wet area to Dwelling Value: \$10,000
Lic No: 05 10/ 11 No: 21 Forrest Street, Beverley Building: Shed/Workshop Value: \$12,000	Lic No: 06 10/ 11 No: Lot 65 Hamersley Street, Beverley Building: Shed Value: \$12,000

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

**M12/0710 Moved Cr Alexander Seconded Cr Foster
That the Health & Building Services Information Bulletin Reports,
be received.**

CARRIED 8-0

At 12:08pm Mr Keith Byers, Chief Executive Officer, left the Chambers and Mr Steve Vincent, Works Supervisor, entered the Chambers and joined the meeting.
At 12:10pm the Chief Executive Officer returned to the meeting.

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.3.1.1
REPORT DATE:	20 July 2010
SUBJECT:	LANGSFORD STREET DRAINAGE
FILE REFERENCE:	WO LAN 152
AUTHOR:	Works Supervisor – Steve Vincent

BACKGROUND

Council has received a letter, dated 15/06/2010, from Mr Kim Bird requesting a drainage system be installed on the western side of Langsford Street. (A copy of the letter was provided to Councillors.)

I have spoken with other residents on Langsford Street, and they have no problems with water runoff since the road has been sealed.

COMMENT

Other recent correspondence with Mr Bird: -

14/5/10 (Email received) -

"Sir,

Contrary to your telephone message, "We" that is both YOU and I have spoken about a proper gutter drainage system down our road to stop the water erosion that is wrecking our driveway and flooding our back veranda

On our last conversation you DID advise that a pipe would be put at the driveway and an open drain constructed down Langsford Street. Now look at the Damage that this small amount of rain has done to my driveway and the runoff is from the road.

We will be making a claim on our insurance to have it addressed, I have given the Insurance company the Shire's contact details.

Please provide all future correspondence in writing so as to alleviate these inconsistencies in your memory.

*Sincerely
KIM BIRD
KnLB"*

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS
ITEM 8.3.1.1
LANGSFORD STREET DRAINAGE
(Continued)

19 May 2010 (Letter sent) -

"Re: Langsford Street Crossover

Dear Mr Bird

In reply to your email received on Friday 14th May 2010.

Your crossover is located near the top of the hill and does not require a pipe and therefore, I have never advised you that a pipe will be installed.

The last time I spoke to you with regards to this matter (11/12/08) we agreed that a pipe is not required and that raising the height of your crossover with gravel would resolve the issue. After this work was carried out I met with you to inspect the crossover to ensure you were happy with the job. At that time you stated the work was completed to your satisfaction.

If you would like a pipe installed in your crossover, the Shire charges a price of \$1107 for a standard 4.8m length by 300 Ø pipe. The Council will pay a subsidy of 50% for the first crossover installed on a property.

If the existing gravel has been disturbed due to the recent works, the Shire can arrange for this gravel to be reinstated at no charge.

*Yours sincerely
Steve Vincent"*

22/5/10 (Email Received) -

"Dear Sir,

In considering a pipe to be installed

Does this mean the Shire will then put in the associated open drain to take the water away?

From our entire boundary fronting the Langsford Street side?

The rain received this morning the 22/05 has the end of the drain installed by you, pouring water into our driveway.

This has scoured our block and caused an erosion area which needs re-instatement.

8.3.1 PLANT, WORKS, RECREATION AND TOURISM ITEMS
ITEM 8.3.1.1
LANGSFORD STREET DRAINAGE
(Continued)

The simple speed bump you suggested is not satisfactory and was only appropriate when there was no sealing of the road.

There is now more runoffs than previously and the drain installed by the Shire drains the whole lot up to the corner back into our gate.

We have photographic evidence of the water fall it created on our parking area and front steps.

We see the responsibility of the Shire as being abrogating and will have contractors price a solution which will be charged to the Shire.

The Local Government Act 1995 and the Rural Roads Authority precludes the Shire from draining a road reserve onto private property.

Your comments would be appreciated prior to us seeking legal advice.

Sincerely

Kim Bird

KnLB"

26 May 2010 (Letter sent) -

"Re: Langsford Street Crossover

Dear Mr Bird

You have stated in your email (22 May 2010) that your crossover was appropriate prior to the road being sealed.

Once a compacted gravel road is wet, the water runoff is practically the same whether the road is sealed or not, therefore there has been no increase in water runoff due to the road being sealed in the 60 metre section of road prior to your crossover.

Please refer to my letter dated 19 May 2010, regarding the options for your crossover. For any further correspondence referring to this matter please write to the Council, this letter will then be tabled at the next Council meeting.

Yours sincerely

Steve Vincent"

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

Weed spraying is underway on the town street verges, street trees have been lopped, annuals have been planted in various gardens and trees have been planted along the creek line behind the caravan park.

8.3.2.1.2 Grading

Two graders are operating in the Dale area and on the York-Williams Road. The other grader is operating in the east of the Shire, shoulder grading the bitumen roads and maintenance grading around the Jacobs Well area.

8.3.2.1.3 Walgy Road

Gravel has been carted to cover rocks and build up areas that have become hollow.

8.3.2.1.4 Westdale / York-Williams Road Intersection

This intersection has had a road safety audit carried out. Once the report is received the information will be forwarded to Main Roads WA as an application for Black Spot Funding.

8.3.2.1.5 Bridge Maintenance

Termite treatment has been carried out on the following Bridges - 4904 Dongadilling Road, 4927 Greenhills South Road and 4816 Greenhills South Road.

8.3.2.1.6 Town Hall

New kerbing has been laid along Vincent Street and the old pavers and ramp have been removed in preparation for the new works.

8.3.2.1.7 Langsford Street Damage

I have been in touch with Western Power regarding the recent damage caused to the road and street sign by their contractors. They have issued us with an order to repair the damage and bill them.

At 12:28pm Mr Steve Vincent, Works Supervisor, left the meeting and Council adjourned for lunch.

At 2:00pm Council resumed the meeting with Mr Peter Ibbott, Environmental Health Officer, in attendance.

At this point in the meeting Council agreed to deal with item 8.2.2.2 - refer to page 23 of these Minutes.

**8.2.2 INFORMATION BULLETIN REPORTS – HEALTH & BUILDING
SERVICES
ITEM 8.2.2.2
HEALTH SERVICES REPORT – JUNE / JULY 2010**

At 2:08pm Mr Keith Byers, Chief Executive Officer, left the Chambers.

COUNCIL RESOLUTION

M15/0710	Moved Cr Alexander	Seconded Cr Foster
	That the Health Services Report for June / July 2010, be received.	
		CARRIED 8-0

At 2:15pm Mr Peter Ibbott, Environmental Health Officer, left the meeting.

8.4.1 FINANCE ITEMS

SUBMISSION TO: July Council Meeting 27 July 2010
AGENDA REFERENCE: 8.4.1.3
DATE: July 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 June 2010 with the ANZ Bank.

RESERVE	INVESTMENT	TOTAL	ACCT #	TERM	RATE	EXPIRY
Building	\$ 985,299.00	\$ 985,299.00	9669-41335	2 Months	5.10%	29/06/10
Plant	\$ 423,955.00	\$ 423,955.00	9669-40287	14 Days	5.05%	28/06/10
Annual Leave	\$ 112,997.00					
Recreation Ground	\$ 265,262.00	\$ 378,259.00	9669-41167	14 Days	5.05%	28/06/10
Office Equipment	\$ 22,728.00					
Bush Fire Fighters	\$ 87,295.00					
Avon River Development	\$ 17,618.00					
Community Bus	\$ 21,859.00					
Cropping Committee	\$ 112,900.00					
Road Construction	\$ 190,091.00	\$ 452,491.00	9669-41538	14 Days	5.05%	28/06/10
	\$2,240,004.00	\$2,240,004.00				

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M18/0710 Moved Cr Pepper **Seconded Cr Gogol**
That the Investment Report for the month of June 2010, be received.

CARRIED 8-0

8.4.1 FINANCE ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.4.1.4
REPORT DATE:	25 June 2010
SUBJECT:	REVIEW OF FINANCIAL MANAGEMENT SYSTEM AND PROCEDURES
FILE REFERENCE:	FM 007
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 8

BACKGROUND

Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996 require the Chief Executive Officer to undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than every four financial years) and report to the local government the results of those reviews.

COMMENT

To comply with the requirements of the Regulations, Accountant, Dominic Carbone of Dominic Carbone and Associates was commissioned by the Chief Executive Officer to undertake the review and report on Council's financial management systems and procedures.

The financial management review provides the Chief Executive Officer and the Council with an independent assessment of the appropriateness and effectiveness of the Shire's financial management systems.

The review procedures undertaken included documentation, analysis and testing of financial internal controls. The Shire's financial records were examined to ascertain the level of effectiveness of the financial systems including the following: -

- Proper collection of all money owing to the Shire;
- Safe custody and security of all money collected and held by the Shire;
- Proper maintenance and security of the Shire's financial records;

8.4.1

FINANCE ITEMS

ITEM 8.4.1.4

REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES

(Continued)

- Proper accounting of all revenue, expenses, assets and liabilities of the Municipal and Trust funds;
- Proper authorisation for the incurring of liabilities and making of payments;
- Cost management;
- Budgeting;
- Financial reporting;
- Internal control procedures and policies;
- Delegation and policies; and
- Flowcharting of the following processes –
 - Mail/Cashiering;
 - Accounts Receivable;
 - Accounts Payable;
 - Petty Cash Imprest System; and
 - Payroll.

The review reveals the following: -

- (a) In relation to the investment of surplus funds Council should consider adopting a delegation which authorises the Chief Executive Officer to transfer surplus funds, not required by the Shire for immediate use, to an appropriate secured investment account / term deposit.

A copy of the draft delegation has been included for Council's consideration and adoption. (*Refer Appendix 1 to this item, appended under Appendix 9.*)

- (b) Flowcharts for Accounts Receivable, Mail / Cashiering, Accounts Payable and Petty Cash have been compiled.

Accounts Receivable flowchart – the Customer Service Officer currently processes the supporting documentation to initiate an invoice and checks the supporting documentation to the batch report, then updates the batch to generate the invoice.

- i) It is recommended that the checking of supporting documentation to the batch report be verified and certified by another appropriate officer, in order to ensure proper segregation of duties; and

8.4.1 FINANCE ITEMS
ITEM 8.4.1.4
REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND
PROCEDURES
(Continued)

- ii) That written quotations, as required by the Shire's Purchasing Policy, be attached to the payment voucher in order that proof is provided in relation to the compliance requirement under the policy.

It is recommended that this procedure be adopted by Council.

Proper authorisation for the incurring of liabilities and making of payments

The Shire's Bank Accounts Policy provided details on the positions identified and being authorised signatories to cheques and that two signatories are requires on cheques.

A draft delegation is appended for Council's consideration. (*Refer Appendix 2 to this item, appended under Appendix 9.*)

Regulation II of the Local Government (Financial Management) Regulations 1996 requires a local government to develop procedures for proper authorised use of credit cards.

The review is appended. (*Refer Appendix 3 to this item, appended under Appendix 9.*)

Other matters

In order to undertake the review of the appropriateness and effectiveness of Council's Financial Management Systems and Procedures it was noted that policies and delegations had not been updated for some time.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M19/0710 Moved Cr Foster **Seconded Cr Pepper**
That Council resolve –

- 1) **That the Financial Management Systems and Procedures Review completed by Accountant, Dominic Carbone of Dominic Carbone and Associates be received.**

8.4.1

FINANCE ITEMS

ITEM 8.4.1.4

REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES

(Continued)

2) (I) Delegation for Investments

That Council delegates its authority and powers to the Chief Executive Officer, to invest money held in the Municipal, Reserve and Trust Funds, that are not required for the time being for any purpose in accordance with part III of the Trustees Act 1962 or an investment approved by the Minister, subject to the following conditions: -

- a) The establishment of documented internal control over investments; and
- b) Compliance with Regulation 19(2) Local Government (Financial Management) Regulations and Council Administrative Policy Financial Management Investments.

(II) Accounts Receivable

That the checking of supporting documentation to the batch report be verified and certified by another appropriate officer, in order to ensure proper segregation of duties.

(III) Council Purchasing

That written quotations as required by the Shire's Purchasing Policy be attached to the payment voucher in order that proof is provided in relation to the compliance requirement under the policy.

(IV) Payment of Accounts - Signatories

That Council delegates its authority and powers to the Chief Executive Officer, to make payments by cheque or Electronic Fund Transfer (EFT) from the Trust and Municipal Funds, subject to the following conditions: -

- a) That EFT payment relating to payroll be authorised by at least two (2) officers, with one (1) authorising officer, being either the Chief Executive Officer or Deputy Chief Executive Officer.

8.4.1

FINANCE ITEMS

ITEM 8.4.1.4

REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES

(Continued)

- b) In relation to a) above, one officer must be the Chief Executive Officer or Deputy Chief Executive Officer.
- c) That EFT payments other than payroll be authorised by two officers, with at least one being a signatory to Council cheques.

(V) Financial Management – Corporate Credit Cards

a) Use of Corporate Credit Cards

The use of Corporate Credit Cards shall only be approved if there is a demonstrated need and advantage to the Shire. These include: -

- (i) Elimination or reducing time spent on paper based ordering and payments;
- (ii) Reduction of administrative costs;
- (iii) Reducing the number of payments per month;
- (iv) Provision of a useful resource in an emergency situation; and
- (v) Reducing the need to carry cash on the premises.

b) Applications for Corporate Credit Cards and Approval

All applications for a Corporate Credit Card shall be approved by the Chief Executive Officer.

In the case of the Chief Executive Officer, the Council shall approve the application and determine the conditions for use and maximum credit limit and credit limit for each individual transaction.

8.4.1

FINANCE ITEMS

ITEM 8.4.1.4

REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES

(Continued)

c) Register

A register shall be maintained by the Deputy Chief Executive officer of all Credit Cards issued. The register shall include: -

- (i) Date of approval by Chief Executive officer;**
- (ii) Name of card holder;**
- (iii) Conditions of use of the card; and**
- (iv) A review date for continuing use of the card, not exceeding 24 months.**

d) Issuing of Corporate Credit Cards to Elected Members

- (1) The Local Government Act does not make provision for the issuing of credit cards to Elected Members. (A Local Government can only pay allowances or reimburse expenses to an Elected Member).**
- (2) Elected Members shall not be issued with a Corporate Credit Card as there are no provisions within the Act which allow an Elected Member to incur a debt.**

e) Policies and Procedures Governing the Use of Corporate Credit Cards

The following shall be controlling the use of Corporate Credit Cards: -

General: -

- (i) An agreement shall be signed by the cardholder, which sets out the cardholder's responsibilities and legal obligations when using the Credit Card;**

8.4.1

FINANCE ITEMS

ITEM 8.4.1.4

REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES

(Continued)

- (ii) A register by the Deputy Executive Officer of all current cardholders should be kept which includes card numbers, expiry date of the Credit Card, credit limit and details of goods and services the cardholder has authority to purchase;**
- (iii) All new and existing cardholders shall be provided with a copy of the policies relating to the use of Credit Cards;**
- (iv) When an employee misplaces their Credit Card, they shall promptly report the matter to the Deputy Chief Executive Officer who shall immediately cancel the card;**
- (v) Credit Cards shall not be transferred to other users;**
- (vi) Use of the reward schemes, such as Fly Buys, will not be permitted for personal gain;**
- (vii) All surrendered Credit Cards shall be destroyed by the Deputy Chief Executive Officer in the presence of another employee;**
- (viii) In the event that a cardholder fails to comply with the policy's requirements, the Chief Executive Officer shall withdraw the use of the Corporate Credit Card and take appropriate disciplinary action. All criminal/illegal acts of alleged misuse shall be reported to the Police and other relevant authorities; and**
- (ix) The use of Corporate Credit Cards for personal entertainment uses is prohibited.**

8.4.1 FINANCE ITEMS
ITEM 8.4.1.4
REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND
PROCEDURES
(Continued)

f) Purchasing

- (i) Credit Cards shall only be used for purchasing goods and services on behalf of the Shire;**
- (ii) Personal expenditure is strictly prohibited;**
- (iii) A Credit Card shall not be used for cash withdrawals;**
- (iv) Maximum credit limit shall be based on the cardholder's need and approved by the Chief Executive Officer and the following will be used as a guide: -**

Maximum credit limit and transaction limit per car will be as follows:

Name	Credit Limit \$	Maximum Credit Limit per Transaction
Chief Executive Officer	10,000	5,000

- (i) Purchases by facsimile, telephone or over the internet shall be authorised by the person and all paperwork shall be kept and verified payments;**

g) Payments

- (i) The cardholder shall provide appropriate and sufficient documentary evidence of all charges, as required, on a regular basis;**

8.4.1

FINANCE ITEMS

ITEM 8.4.1.4

REVIEW OF FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES

(Continued)

- (ii) Time frames for all payment of accounts shall be monitored by the Deputy Chief Executive Officer to ensure that credit charges are minimised and accounts are paid so as not to incur a penalty or interest;
- (iii) Cardholders cannot approve expenditure incurred on their own cards – these will be referred to the Chief Executive Officer for approval – the Chief Executive Officer shall refer any such instances to the Deputy Chief executive Officer.

(VI) Review of Financial Policies, Delegations and Procedures

That a review of Financial Policies, Delegations and Procedures be undertaken to ensure the appropriateness and effectiveness of Council's financial management systems.

CARRIED 8-0

(Late Item)

8.4.1 FINANCE ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.4.1.5
REPORT DATE:	26 July 2010
SUBJECT:	ST JOHN AMBULANCE AUSTRALIA – BEVERLEY SUB CENTRE – HEART DEFIBRILLATORS
FILE REFERENCE:	FM 011
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 9

BACKGROUND

St John Ambulance has advised that there have been several incidences whereby persons in Beverley have had heart attacks of which they have died. Had there been heart defibrillators in town some may have been prevented.

With this in mind it has been suggested that four defibrillators be purchased and placed in various venues within the townsite. The cost is \$2,500.00 each.

COMMENT

The Sub Centre has been able to raise \$3,000 for this project from the sale of the Old Ford Ambulance. Council along with other local organisations have been asked to consider making a donation towards the defibrillators.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M20/0710 Moved Cr Shaw **Seconded Cr Foster**
That Council make a donation of \$2,500.00, towards the purchase of four heart defibrillators, when adopting the 2010 / 11 budget.
CARRIED 8-0

8.5.1

ADMINISTRATION ITEMS

ITEM 8.5.1.1

MINING EXPLORATION LICENCE 70/3922

(Continued)

- 3. Abandoned equipment and temporary buildings being removed from the mining tenement prior to or at the termination of the exploration program.**
- 4. No activities taking place to the detriment of any roads, streets or verges.**
- 5. Minimum disturbances being made to the natural vegetation.**
- 6. Adequate suppression control methods and practices being used.**
- 7. Except with the approval of the Shire of Beverley, all mining excavations or drilling operations being backfilled and the ground reinstated and revegetated to the satisfaction of the Shire of Beverley's Works Supervisor.**
- 8. All works comply with the Environmental Protection (Noise) Regulations 1997.**
- 9. All waste materials, rubbish and plastic sample bags to be removed within 60 days of placement.**

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.5.1.2
REPORT DATE:	13 July 2010
SUBJECT:	STRUCTURAL REFORM – REGIONAL TRANSITION GROUP AGREEMENT
FILE REFERENCE:	GOV 013
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 11

BACKGROUND

In February 2010 the Minister for Local Government, Hon. GM Castrilli requested Council to consider participating in a Regional Transition Group (RTG) to provide a structure for transitioning several local governments into a single entity by 2013.

Key aspects of the RTG are that: -

- the proposal remains voluntary;
- the decision to participate is a matter for each local government;
- the ultimate membership of each group is also up to local governments to determine;
- the State Government will provide funding to assist with the development of regional business plans; and
- even after local governments have agreed to participate they can withdraw throughout the process.

At Council's Ordinary Meeting of 23 March 2010 Council resolved to inform the Minister for Local Government that Council agrees to participate in a Regional Transition Group with the Shires of Cunderdin, Quairading, York and Brookton (should they remain interested), subject to satisfactory conditions being placed in the RTG Agreement.

On 6 May 2010 the Minister for Local Government confirmed his support for a proposed Regional Transition Group involving the Shires of Beverley, Cunderdin, Quairading, Tammin and York.

COMMENT

Council along with the other participants (Shires of Cunderdin, Quairading, Tammin and York, along with the Department of Local Government have been developing an RTG Agreement.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.2
STRUCTURAL REFORM – REGIONAL TRANSITION GROUP
AGREEMENT
(Continued)

Following a number of drafts the appended Version 6 is put forward for Council's consideration.

The contribution from the State Government to assist with the business plans identified in the agreement is \$150,000, whilst each participating Council is to provide \$5,000 either in cash or in-kind.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M22/0710 Moved Cr Pepper **Seconded Cr Alexander**
That Council authorise the Shire President and the Chief Executive Officer to sign and affix the Common Seal to the Regional Transition Group Agreement, as appended.

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.5.1.3
REPORT DATE:	7 July 2010
SUBJECT:	PROPOSED NEW CEMETERIES LOCAL LAW 2010
FILE REFERENCE:	LE 011 & PH 024
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 12

BACKGROUND

The current principal Cemeteries local law was first adopted by Council on 17 June 1960 and gazetted on 1 August 1960. Amendments were made to the principal local law on 4 March 1977, 9 November 1979, 23 October 1981, 26 October 1984 and 17 May 1991 relating to fees and charges.

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 more contemporary local law relating to cemeteries was required and that the existing Cemeteries local law needed to be repealed.

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 Cemeteries local law;
- (2) give notice of the purpose and effect of the proposed Cemeteries Local Law;
- (3) for the Council to adopt the proposed Local Law; and
- (4) to allow for advertising of the local law for public comment.

COMMENT

The proposed new Cemeteries local law is based on the WALGA model gazetted in 1998 and incorporates all changes made to that model by various local governments since its gazettal.

In making a new local law the Shire must comply with the provisions of section 3.12 of the Act.

8.5.1

ADMINISTRATION ITEMS

ITEM 8.5.1.3

PROPOSED NEW CEMETERIES LOCAL LAW 2010

(Continued)

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 this local law is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.

The effect of this local law is that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, 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).

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

In addition, copies of the proposed Local Law, as amended, (gazettal copy), and the National Competition Policy review must be sent to the relevant Minister for comment.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.3
PROPOSED NEW CEMETERIES LOCAL LAW 2010
(Continued)

POLICY IMPLICATIONS

The introduction of the proposed new local law will require Council to adopt new policies relating to the administration of the cemetery as follows: -

- (1) Specifications relating to the construction of monuments; and
- (2) Specifications relating to the types of material that can be used for, and size of, memorial plaques.

The adoption of such policies should be undertaken after the final adoption of the proposed local law, and after considering any comments from the Department of Local Government in relation to the local law.

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.

Cemeteries Act 1986

STRATEGIC IMPLICATIONS

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

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.3
PROPOSED NEW CEMETERIES LOCAL LAW 2010
(Continued)

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M23/0710 Moved Cr Foster **Seconded Cr Pepper**
That Council, pursuant to section 3.12 of the Local Government Act 1995, give Statewide public notice that it intends to make the Shire of Beverley Cemeteries Local Law 2010, as contained in the appendix to this item,

- 1. the purpose of which is to provide for the orderly management of those Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds; and**
- 2. the effect being that all persons in the administration of the cemeteries, burying deceased persons in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.**

CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.5.1.4
REPORT DATE:	14 July 2010
SUBJECT:	PROPOSED NEW DOGS LOCAL LAW 2010
FILE REFERENCE:	LE 011
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 13

BACKGROUND

The current principal Dogs Local Law was first adopted by Council on 13 December 1984, and gazetted on 30 August 1985. An amendment was made to the principal local law on 4 November 1988 relating to the addition of further dog exercise areas.

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 more contemporary local law relating to dogs was required and that the existing Dogs Local Law needed to be repealed.

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 Dogs Local Law;
- (2) give notice of the purpose and effect of the proposed Dogs Local Law;
- (3) for the Council to adopt the proposed local law; and
- (4) to allow for advertising of the local law for public comment.

COMMENT

The proposed new Dogs Local Law is based on the WALGA model drafted in 2005 and incorporates all changes made to that model by various local governments since its drafting.

In making a new local law, the Shire must comply with the provisions of section 3.12 of the Act.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.4
PROPOSED NEW DOGS LOCAL LAW 2010
(Continued)

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 Dogs Local Law is to make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas, in which dogs are prohibited, and, that are dog exercise areas.

The effect of the proposed Dogs Local Law is to extend the control over dogs which exist under the Dog Act 1976.

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 law, as amended, (gazettal copy), and the National Competition Policy review must be sent to the relevant Minister for comment.

POLICY IMPLICATIONS

There are no policy implications for this item.

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.5.1.5
REPORT DATE:	19 July 2010
SUBJECT:	PROPOSED NEW PEST PLANTS LOCAL LAW 2010
FILE REFERENCE:	LE 011 & EM 004
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 14

BACKGROUND

The current principal Pest Plants Local Law was first adopted by Council on 19 November 1981, and gazetted on 2 April 1982.

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 Pest Plants Local Law was required to reflect current legislation and drafting requirements.

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 Pest Plants Local Law 2010;
- (2) give notice of the purpose and effect of the proposed Pest Plants Local Law 2010;
- (3) for the Council to adopt the proposed Pest Plants Local Law; and
- (4) to allow for advertising of the proposed Pest Plants Local Law 2010 for public comment.

COMMENT

The proposed Pest Plants 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.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
PROPOSED NEW PEST PLANTS LOCAL LAW 2010
(Continued)

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 Pest Plants Local Law 2010 is to prescribe pest plants within the district.

The effect of the proposed Pest Plants Local Law 2010 is that owners and occupiers of land within the district are to comply with the provisions 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 Pest Plants 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.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.5
PROPOSED NEW PEST PLANTS 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.

Agriculture and Related Resources Protection Act 1976.

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

M25/0710 Moved Cr Pepper **Seconded Cr Foster**
That Council -

1. **adopt the proposed Shire of Beverley Pest Plants 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 Statewide public notice that it intends to make the Shire of Beverley Pest Plants Local Law 2010, as contained in the appendix to this item -**
 - (a) **the purpose of which is to prescribe pest plants within the district; and**
 - (b) **the effect is that owners and occupiers within the district are to comply with the provisions in this local law.**

CARRIED 7-1

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.5.1.6
REPORT DATE:	21 July 2010
SUBJECT:	2010 / 2011 FIRE BREAK ORDER
FILE REFERENCE:	ES 002
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

Council has previously adopted the Fire Break Order when adopting the budget.

COMMENT

To assist with the printing of the Fire Break Order in the rate booklet and to discuss items contained within the notice it would be prudent to discuss this matter earlier than we have done in the past.

At a recent Fire Control Officers meeting a sub-committee formed to review the Fire Break Order.

This committee met and agreed “that rather than implementing change to the Firebreak Order, members were of the opinion that educating property owners was a better fire prevention strategy”.

Shown below is the Fire Break Order that was adopted in 2009 / 2010.

FIRE BREAK ORDER

BUSH FIRE ACT 1954

All owners and occupiers of land are required on or before 15 November every year to provide and thereafter maintain free of all inflammable material until 15 April of the following year, firebreaks as stipulated in the manner described in the following schedule.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.6
2010 / 2011 FIRE BREAK ORDER
(Continued)

SCHEDULE

RURAL LAND

Buildings and Haystacks: A firebreak of at least 4 metres wide and not more than 60 metres from the perimeter of all buildings (including temporary dwellings e.g. caravans) and/or haystacks or groups of buildings and/or haystacks so as to completely surround the buildings, haystacks and/or fuel dumps.

Bulldozed Bush: A firebreak 20 metres wide shall be maintained immediately inside the external boundaries of all land which has been bulldozed, chained or prepared in any similar manner for clearing by burning (whether it is intended to burn the bush or not).

Stationary Pumps and Motors: A firebreak 4 metres wide shall be cleared and maintained around all stationary pumps and motors.

Harvesting and Straw Baling Operations: During the period when harvesting and straw baling operations are being conducted, there shall be provided in the same paddock or within 400 metres of that paddock an operational independent mobile fire-fighting unit having a water capacity of not less than 650 litres. The tank of the unit shall be kept full of water at all times during the harvest operations. The responsibility to supply the unit being that of the landowner.

Operation of Plant and Machinery: During the restricted and prohibited burning times, **ALL MACHINERY AND TRUCKS** carting grain shall not be operated on rural land unless fitted with a fire extinguisher. On days of HARVEST BANS there shall be no movement of any vehicles within paddocks. **No Slashers or mowing equipment** to be used during the Prohibited Burning Period.

Paddock Burns: At any time throughout the year, where a landowner intends to burn paddocks, the following must be provided to prevent escape of fire:

1. A firebreak 2.2 metres wide clear of all inflammable material completely surrounding the area to be burnt.
2. An operational fire-fighting unit having a capacity of not less than 650 litres.
3. Permits to burn may be required. Contact your Fire Control Officer for details.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.6
2010 / 2011 FIRE BREAK ORDER
(Continued)

TOWNSITE LAND

All lots with an area of 2.012 ha (5 acres) or less, shall be clear of all inflammable material or have grass mown to a height no greater than 15cm.

All lots or combination of lots that comprise of one holding and having an area greater than 2.012ha (5 acres) shall be either clear of all inflammable material or have a firebreak 2.2 metres wide free of all inflammable material provided inside and along all external boundaries.

GENERAL INFORMATION

Fuel Dumps: You shall remove all flammable materials or material likely to become flammable during summer from land occupied by bulk storage tanks and/or drums used for storage of liquid fuel whether the bulk storage tanks and/or drums contain liquid or not. This includes the land on which ramps for holding the drums are constructed. The flammable free ground must be maintained to a distance of at least 4 metres outside the perimeter of any drum, stack of drums or drum ramp or bulk storage tank.

Variations to Requirements: By the Order. For permission to provide firebreaks in alternative positions or by alternative date or to take alternative action to abate fire hazards on the land, an application must be made no later than 14 days prior to the date firebreaks are required. If permission is not granted by the Shire or its duly authorized officer, you shall comply with the requirements of this notice.

Penalty for Failure to Comply: The penalty for failing to comply with this notice is a fine of up to \$1,000.00. If the owner or occupier fails to carry out the works required by this Firebreak Order the Shire of Beverley may enter the land and prepare the firebreaks at the cost of the owner or occupier.

Burning: If the requirements of this notice are carried out by burning, such burning must be in accordance with the relevant provisions of the Bush Fire Act 1954.

During the Easter Holiday Period no person shall light a fire in a paddock without prior consent of a Fire Control Officer.

8.5.1 ADMINISTRATION ITEMS
ITEM 8.5.1.6
2010 / 2011 FIRE BREAK ORDER
(Continued)

Angle Grinders and Welders: The use of Angle Grinders, Welders or similar equipment should be undertaken with extreme caution and there shall be in attendance an operational fire fighting appliance. **(The use of this equipment is not permitted on days on which a fire ban has been declared).**

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M26/0710 Moved Cr Alexander **Seconded Cr Pepper**
That Council adopt the above Fire Break Order for 2010 / 2011.
CARRIED 8-0

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.5.1.7
REPORT DATE:	21 July 2010
SUBJECT:	USE OF OLD RACECOURSE – PERTH TRACTOR PULL ASSOCIATION
FILE REFERENCE:	RC 002
AUTHOR:	Chief Executive Officer – Keith Byers

Appendix 15

BACKGROUND

On 26 September 2007 Council and the Perth Tractor Pull Association entered into a five year Memorandum of Understanding (MOU) enabling the latter to utilise the Old Racecourse (Reserve 3378) for the purpose of Tractor Pull events.

The MOU specifically stated that all events should cease by 6:00pm and that the cost per meeting be \$250.00.

COMMENT

The Perth Tractor Pull Association has requested that the current MOU be extended to expire on 26 September 2015 with the option for either party to request a review at any time.

The Association has also requested permission to have the curfew extended to 7:00pm throughout the summer months to enable twilight meetings to be held.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

M27/0710 **Moved Cr Pepper** **Seconded Cr Egberts**
That the existing Memorandum of Understanding between the Shire of Beverley and the Perth Tractor Pull Association, permitting the Association to utilise the Old Beverley Racecourse, be extended to expire on 26 September 2015 and that the curfew for ceasing individual meetings be extended to 7:00pm, subject to Council receiving no adverse complaints.

CARRIED 8-0

(Late Item)

8.5.1 ADMINISTRATION ITEMS

SUBMISSION TO:	July Council Meeting 27 July 2010
AGENDA ITEM:	8.5.1.8
REPORT DATE:	22 July 2010
SUBJECT:	CAMPBELL SHAW SUBDIVISION - ROAD NAMES
FILE REFERENCE:	RO 014 & PL 138852
AUTHOR:	Chief Executive Officer – Keith Byers

BACKGROUND

After two previous attempts to recommend names for the two roads in the Shaw subdivision, Council at its June 2010 meeting resolved that the major road be named "Shaw Road" (for the portion of road extending west then south from the eastern boundary of Lot 7) and (under Motion M22/0610) the off-shoot road at the end of the subdivision (the second road in the unnamed roads in the Campbell Shaw subdivision) be named "Noongale Road".

COMMENT

Mrs Sandy Shaw has requested that Council reconsider its decision naming the major leg "Campbell-Shaw Road" (a hyphenated surname) and the off-shoot road be named "Bush Hill Road".

It was suggested that Noongale Road be given to a road / street of more significance, perhaps closer to the townsite at or on a tourist route.

If Council was to adopt the recommendation, Noongale Road might be considered for the proposed road on the Butterworth subdivision which links Ewert and Berringer Roads.

To rescind Council's motion it is necessary to comply with Regulation 10 of the Local Government (Administration) Regulations 1996.

OFFICER'S RECOMENDATION

For Council's consideration.

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 Youth Action Plan – David Vaughan (File Reference: CS 006)

Councillors received a copy of the Youth Action Plan for the Shire of Beverley at a Council Forum held on Wednesday 8 July 2010.

COUNCIL RESOLUTION

M30/0710 Moved Cr Pepper **Seconded Cr**
That the Youth Action Plan prepared by Mr David Vaughan, be received.

CARRIED 8-0

8.5.2.2 Justice of the Peace (File Reference: CS 021)

Information in regard to an application by Mrs Madeleine Whitburn to become a Justice of the Peace was provided to Councillors under separate cover in the July Information Bulletin.

COUNCIL RESOLUTION

M31/0710 Moved Cr Foster **Seconded Cr Alexander**
That Council provide a letter of support for Mrs Madeleine Whitburn to become a Justice of the Peace.

CARRIED 8-0

8.5.2.3 WALGA Infopage – Local Government Grain Freight Network Mapping and Heavy Vehicle Access Policy Project (File Reference: ED 004)

The Chief Executive Officer tabled the above Infopage for Councillors information.

COUNCIL RESOLUTION

M32/0710 Moved Cr Foster **Seconded Cr Murray**
That the Chief Executive Officer's Information Bulletin Report, be received.

CARRIED 8-0

9. INFORMATION BULLETIN REPORT – PARTS ONE AND TWO – GENERAL SECTIONS

The July Information Bulletin was provided under separate cover.

COUNCIL RESOLUTION

M33/0710 Moved Cr Gogol Seconded Cr Shaw
That the July Information Bulletin, be received.
CARRIED 8-0

10. TABLED CORRESPONDENCE

- **WA COUNTRY HEALTH SERVICE**
 - Wheatbelt Population Health Newsletter – V1, 2010
 - Wheatbelt Population Health Newsletter – Issue 4 – Winter 2010
- **REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT POLICY BRANCH of DEPARTMENT OF INFRASTRUCTURE, TRANSPORT, REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT**
 - Local Government National Report 2007 - 08
- **AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION**
 - National Local Roads and Transport Congress 2010
 - National Local Roads and Transport Policy Agenda 2010 - 20
 - A 10–Point Plan – National Resilience – Local Communities
 - Women in Politics – Showing the Way in 2010
 - Regional and Local Community Infrastructure program – Stimulating Local Economies
 - National General Assembly of Local Government – Population Participation & Productivity
- **LGIS**
 - Risk Matters Magazine
- **ROAD SAFETY COUNCIL OF WA**
 - Road Safety Network Newsletter – June 2010
- **LGM**
 - Magazine – June / July 2010
- **HERITAGE COUNCIL OF WA**
 - Heritage Matters Newsletter

11. OTHER BUSINESS

Nil.

12. CLOSURE

There being no further business the meeting closed at 4:15pm.

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

27 JULY 2010

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**MINUTES OF THE PLANT & WORKS COMMITTEE MEETING HELD IN THE COUNCIL CHAMBERS
ON TUESDAY 22nd JUNE 2010**

MEETING COMMENCEMENT

The Chairman declared the meeting opened at 2:25pm.

ATTENDANCE

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

APOLOGIES

Nil

OBSERVERS

Cr DJ Ridgway

CONFIRMATION OF MINUTES

MPW1/0610 *Moved Cr Pepper* *Seconded Cr Gogol*
That the Minutes of the Meeting of the Plant and Works Committee, held on
Monday 19th April 2010, as printed, be confirmed.

CARRIED

5/0

BUSINESS ARISING

Nil.

GENERAL BUSINESS

Refuse Site Loader

The meeting discussed whether a traxcavator or a conventional loader would be of more benefit for use within the Refuse Site. The committee felt that the Steel Tyred Loader that is used to compact the rubbish that is placed in the hole works very well.

It was agreed that Council continue to search for a Second Hand Loader.

Water Pipe to Airfield

The meeting discussed upgrading the scheme water pipe to the Beverley Airfield Buildings due to the lack of water pressure to the buildings and the water bombing tank.

The meeting agreed to place an allocation of \$10,000.00 in the 2010 / 2011 draft budget to replace the water pipe at the Airfield.

Spray Unit

The meeting held discussions on purchasing a new spray unit for spraying around the shire.

It was agreed that costs be sought for the purchase of a small spray unit and for larger areas contractors be used.

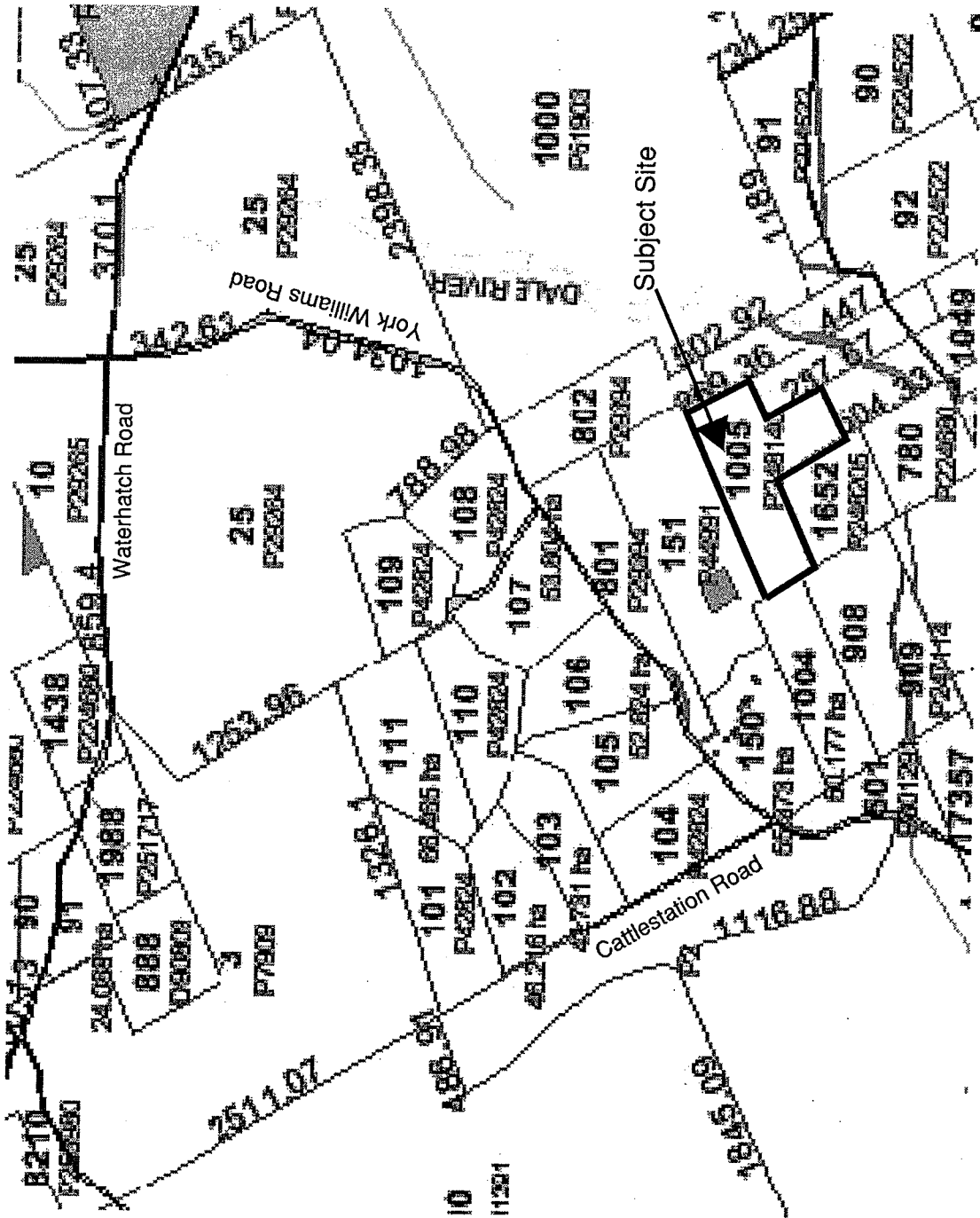
CLOSURE

There being no further business the Chairman declared the meeting closed at 3:00pm.

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

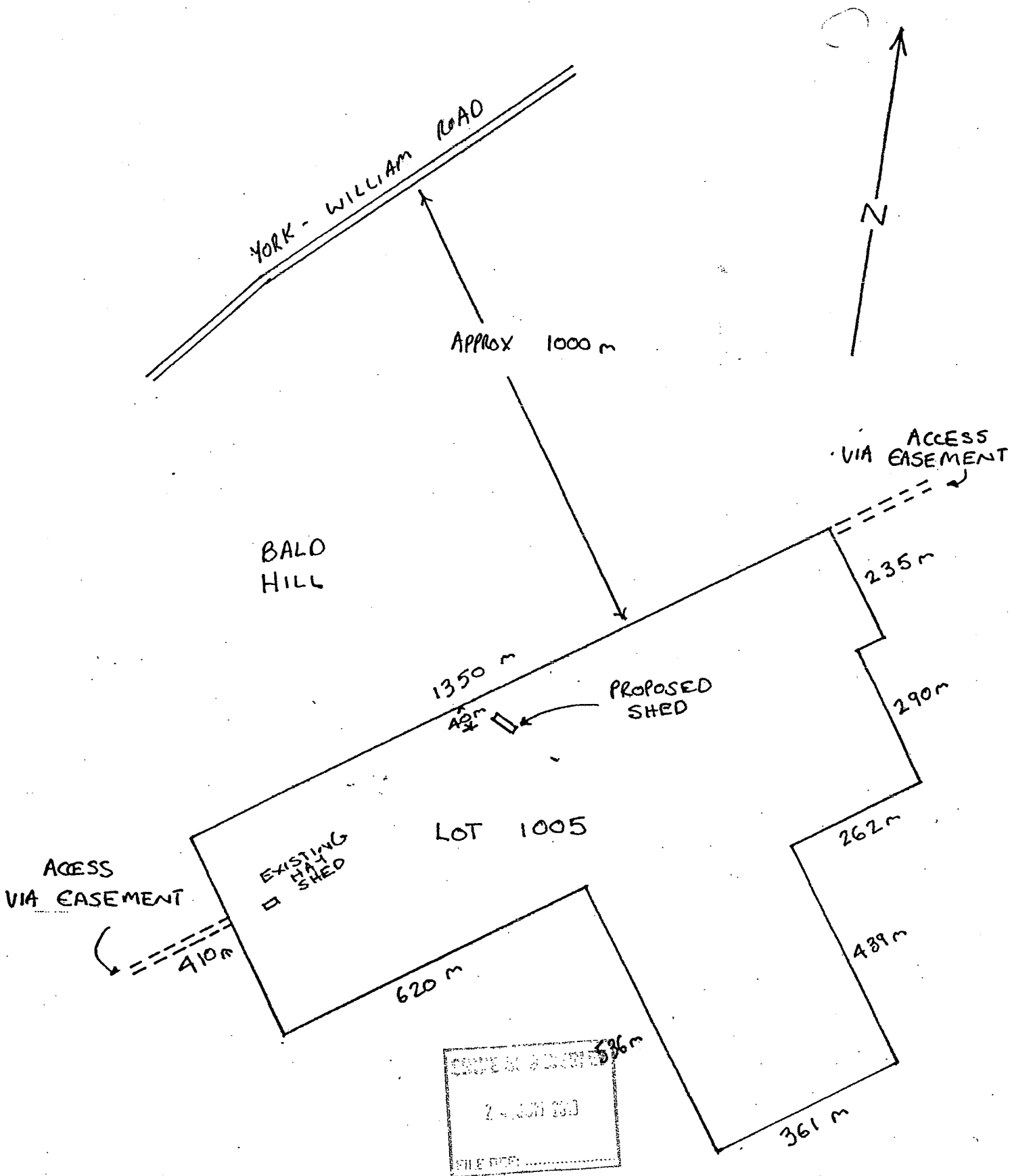
Presiding Member

Date



Location Plan

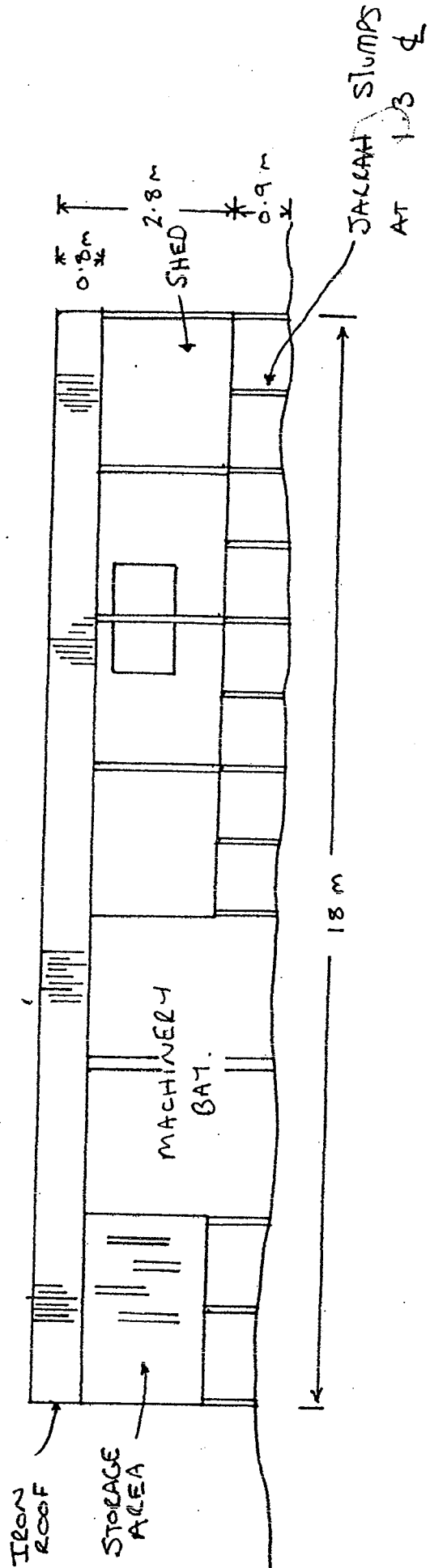
SITE PLAN

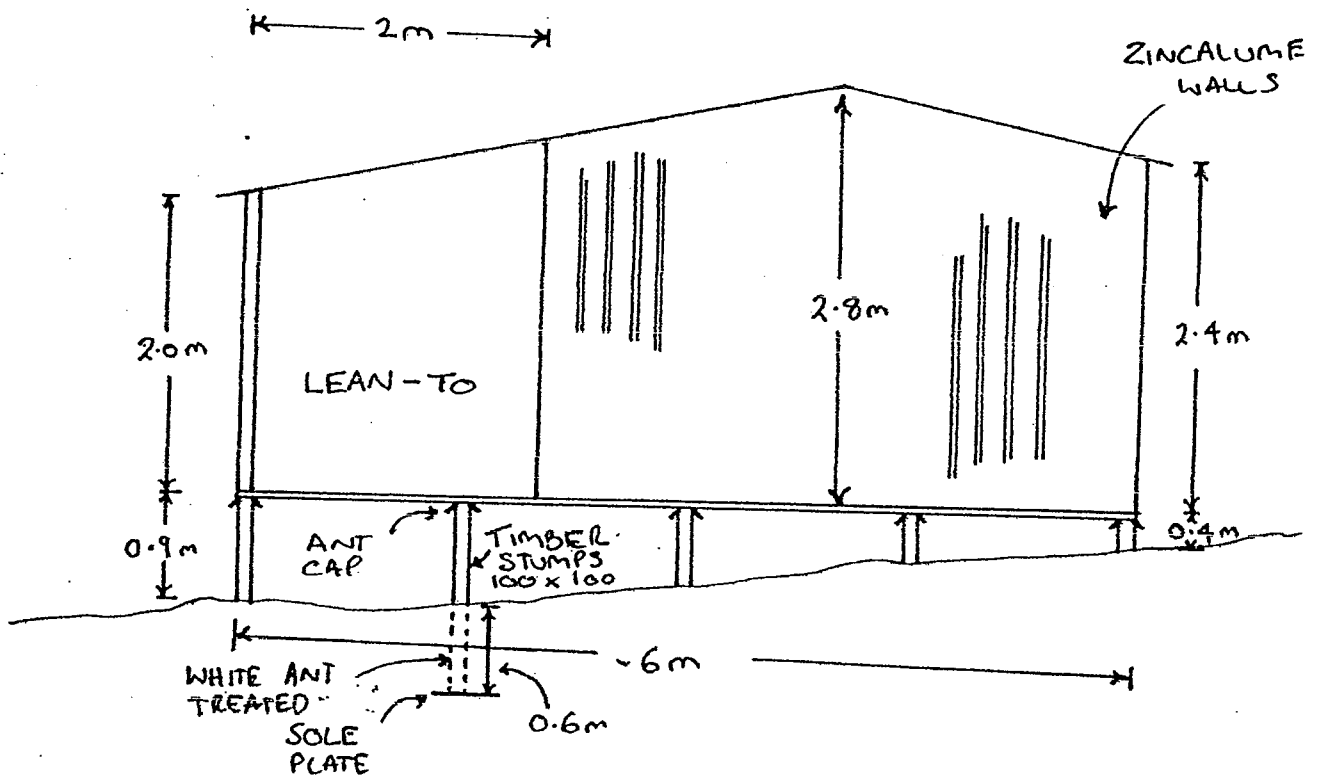
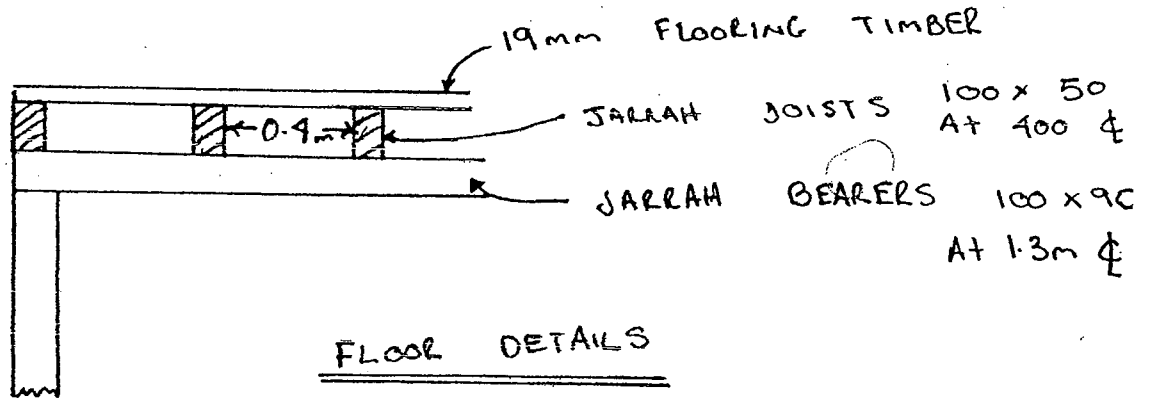


FRONT ELEVATION

SCALE 1:100

STATE OF WEST BENGAL
24 JUN 76
REF. NO. YOR 51385





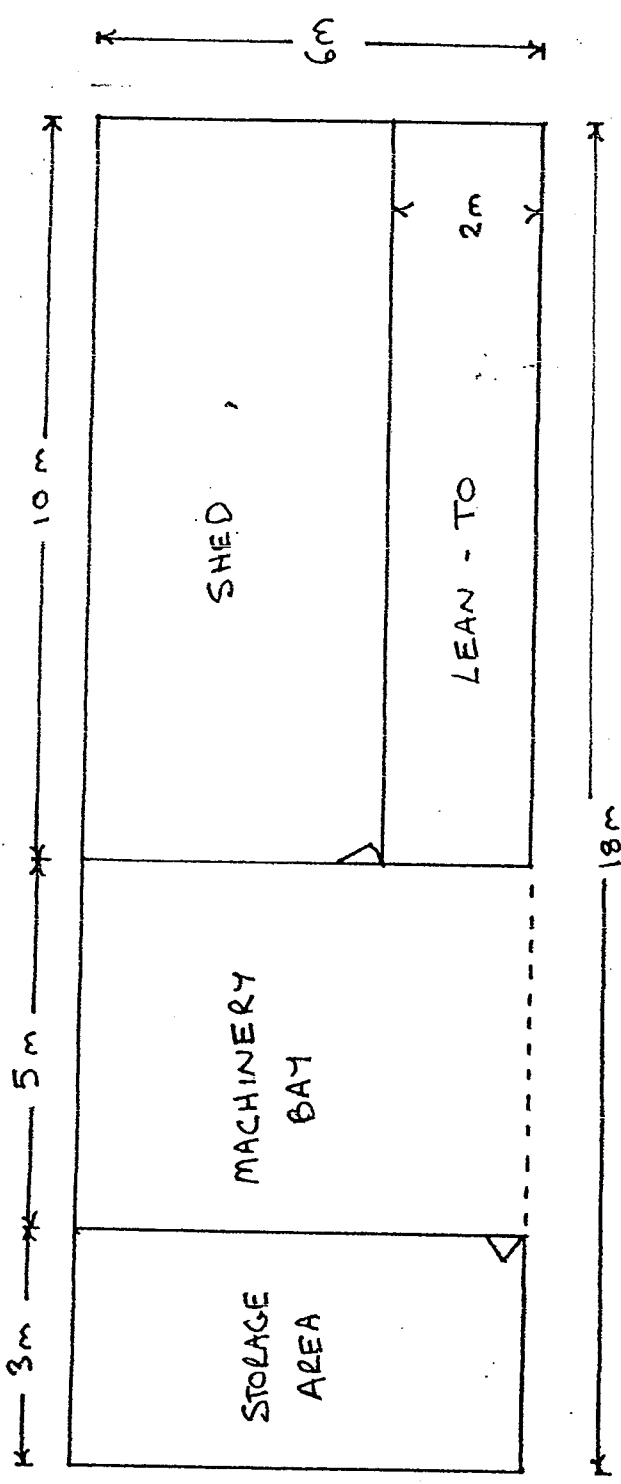
SIDE ELEVATION

SCALE 1 : 50

SHIRE OF EXETER
 24 JUN 2010
 FILE REF: YOR 51385

FLOOR PLAN

1:100



9

STATE OF SEVERAL
2 - JUN 2011
FILE REF: *10R.51385*



Our Ref: 2085-CS-20100701
Your ref: 2009/043 File No; BAR 660

Shire of Beverley
Chief Executive Officer
Mr Keith Byers
136 Vincent St.,
Beverley WA 6304

1 July 2010

Dear Keith

**RE; DEVELOPMENT APPLICATION CONDITION 3
LOT 367 BARTRAM STREET BEVERLEY
FMR POLICE STATION AND QUARTERS**

We refer to Condition 3 of the Shire Development Approval for the former Police Station and Duplex;

Prior to occupation of dwelling(s) the applicant shall finalise a boundary realignment for the boundary between Lot 367 Bartram Street and Lot 368 Vincent Street. The purpose of the realignment is to have all buildings contained within lot boundaries in compliance with the setback requirements of the Shire of Beverley's Town Planning Scheme No. 2 (see Advice Note 3).

We have commenced the process of converting the Reserve (Heritage Buildings; designated purpose) into a conditional Freehold title on behalf of the National Trust of Australia (WA) which will incorporate the boundary realignment mentioned in Condition 3. A draft deposited plan 66106 has been prepared by Paul Kraft surveyor on behalf of State Lands Services, and the new fencing installed along the North West boundary has been surveyed by Paul Kraft, to match the proposed boundary realignment.

The Duplex Conservation and Adaptive Reuse works are now complete and the two residences are unoccupied. As the title transfer and boundary realignment process is incomplete, we request agreement on the following amendment to Condition 3:

Condition 3: That the Duplex may be occupied but there will be no transfer of ownership from the National Trust of Australia (WA) until such time as the boundary is realigned.

Respectfully

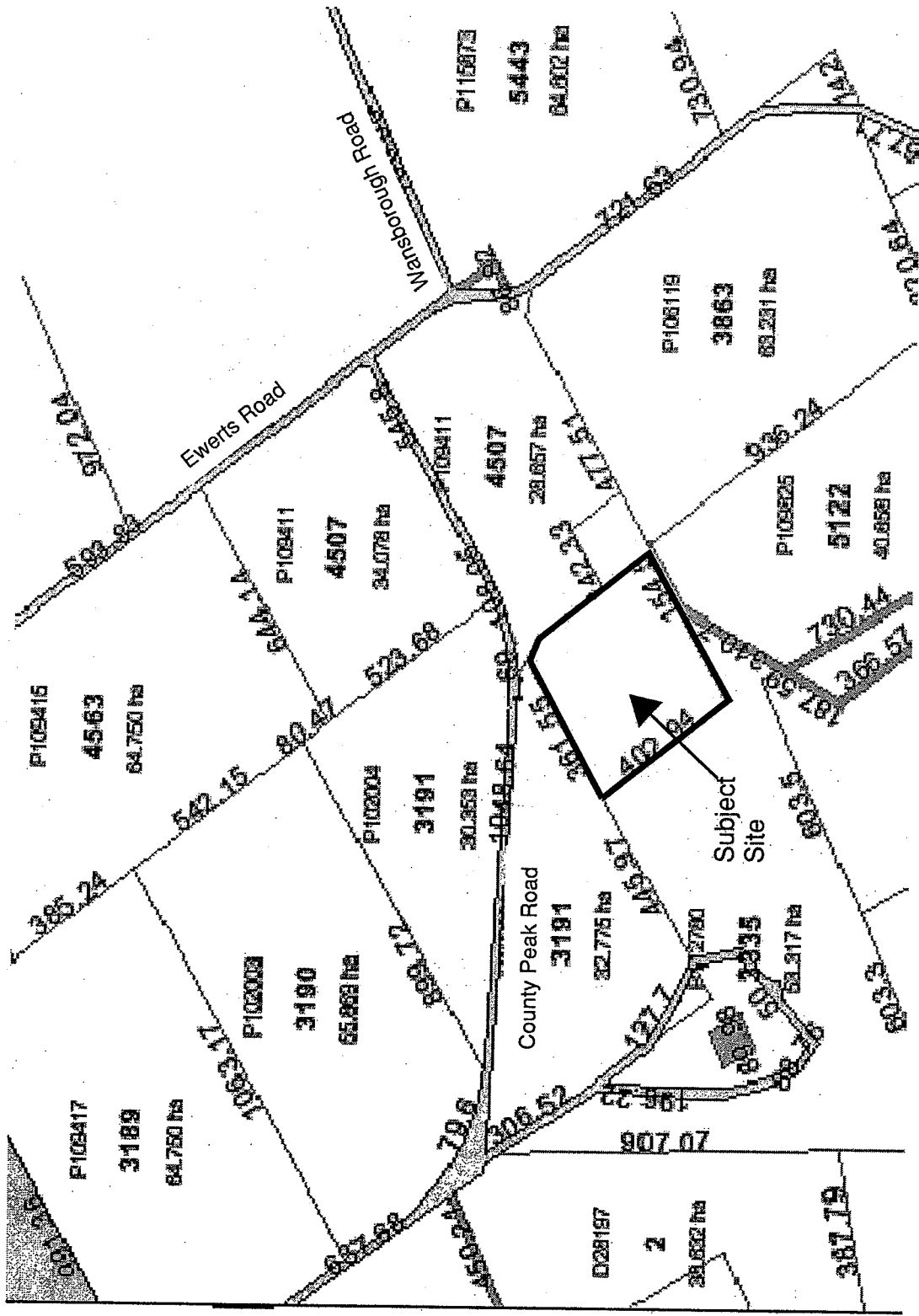
Thomas E Perrigo
CHIEF EXECUTIVE OFFICER

THE OLD OBSERVATORY
4 HAVELOCK STREET
WEST PERTH
WESTERN AUSTRALIA 6005

PO Box 1162, WEST PERTH
WESTERN AUSTRALIA 6872

WEB: www.ntwa.com.au
EMAIL: trust@ntwa.com.au

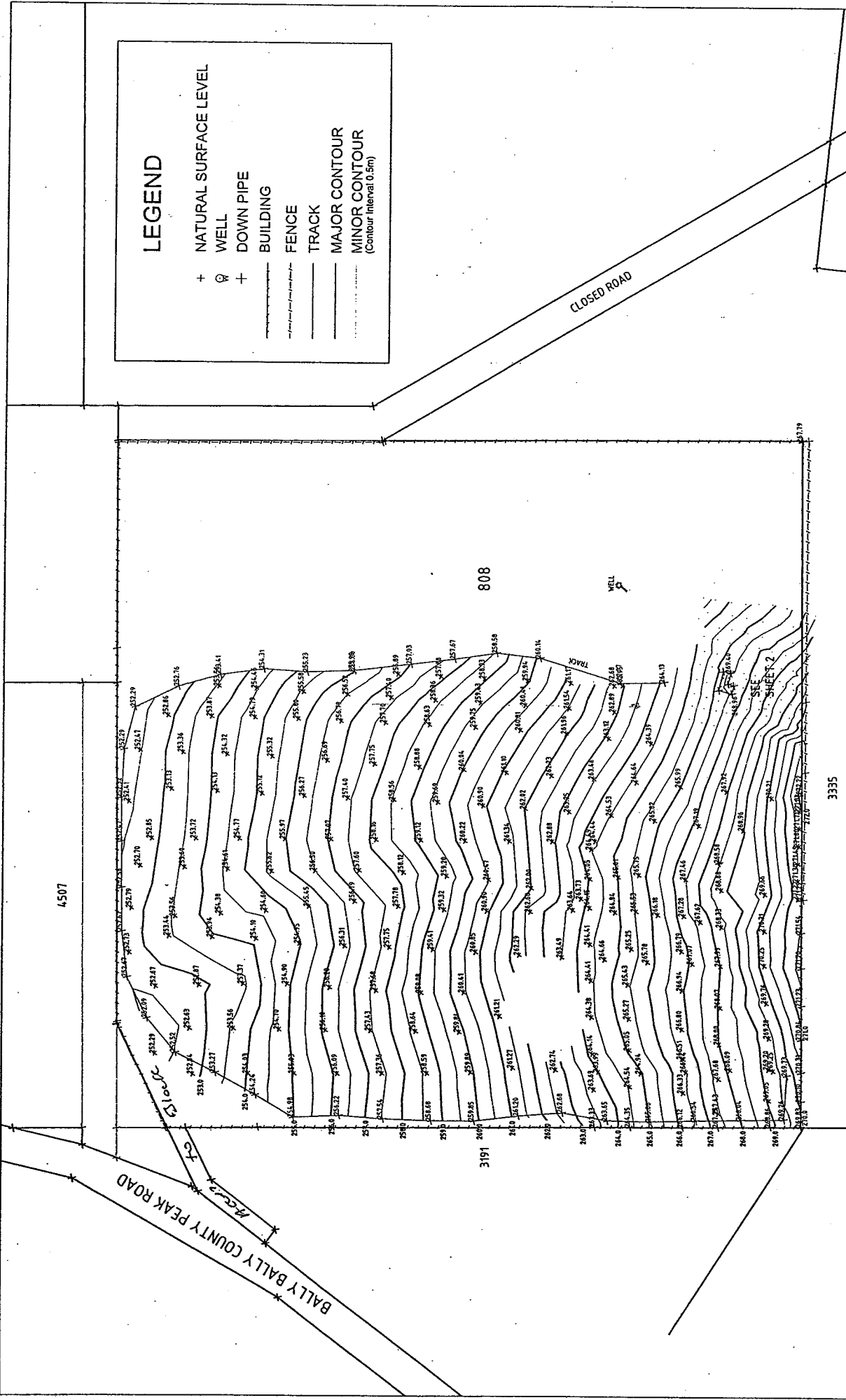
T: 08 9321 6088
F: 08 9324 1571



Location Plan

LEGEND

- NATURAL SURFACE LEVEL
- WELL
- DOWN PIPE
- BUILDING
- FENCE
- TRACK
- MAJOR CONTOUR (Contour Interval 0.5m)
- MINOR CONTOUR



REV 0
 PLAN 7676-002
 ORIGINAL SIZE: A3 SHEET 1 OF 2

FEATURE SURVEY
 LOT 808 BALLY BALLY COUNTY PEAK ROAD
 BALLY BALLY

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 CLIENT: BRUCE DENNY

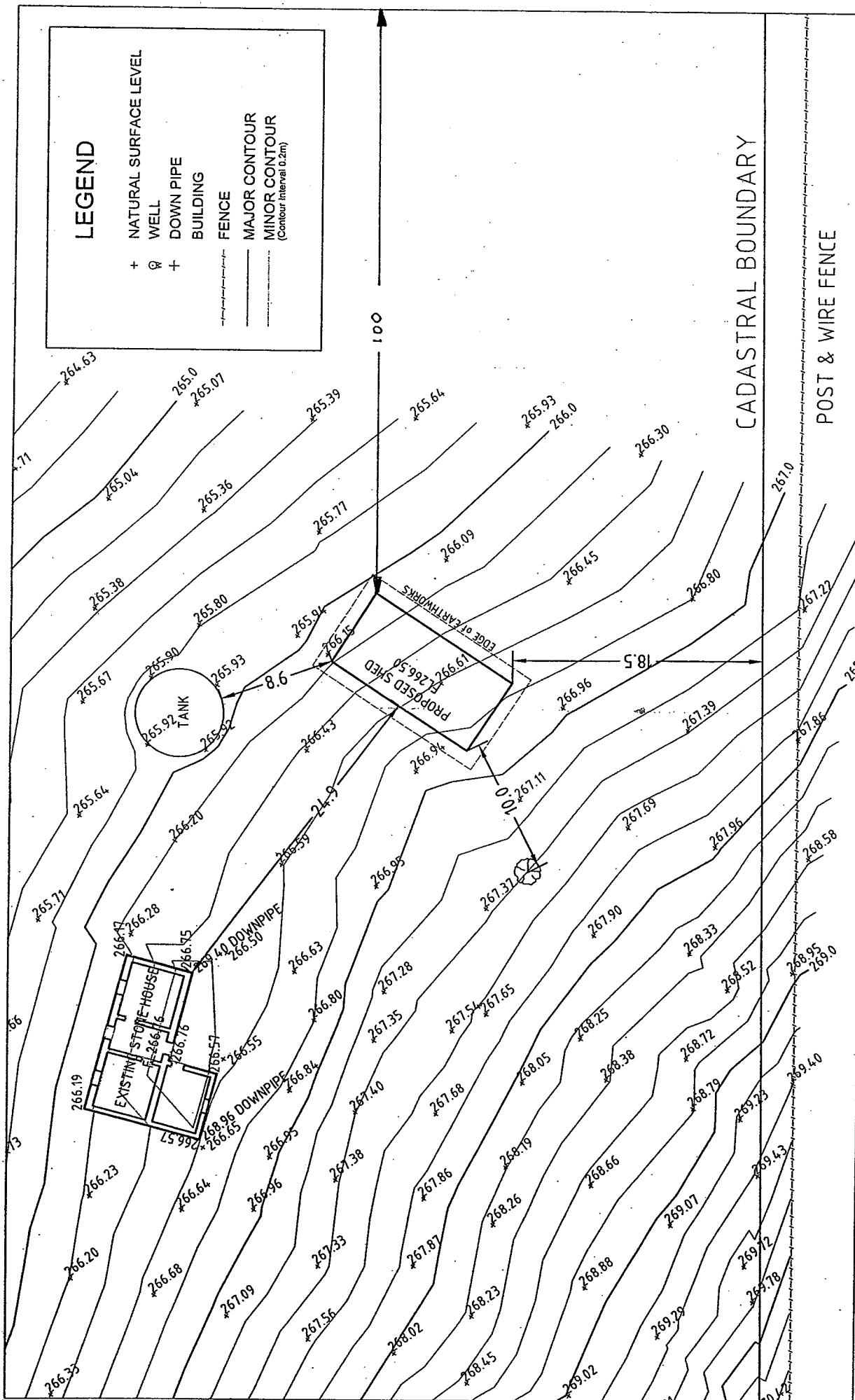
whelans
 133 Station Road, Warrington, WA 6016
 PO Box 99, Warrington, WA 6016
 T: 08 9443 1311 F: 08 9444 3701
 E: whelans@whelans.com.au W: www.whelans.com.au

SCALE: 1:2000	DATE DRAWN: 27/4/10
VENDOR: AHD	DRAWN BY: DKC
HOMENUM: MG0804 250	CHECKED BY: SJ
SHEET/DATE: 25/4/10	DATA FILE: 100425 detail.ta.pcs
SURVEYOR: SJ	
DRAWN: 7676-08	
FILE: S:\Projects\07\7676\Items\Lot808 Bally Bally\100425 LOT 808 BALLY BALLY_1.dwg	

3335

LEGEND

- NATURAL SURFACE LEVEL
- WELL
- DOWN PIPE
- BUILDING
- FENCE
- MAJOR CONTOUR
(Contour Interval 0.2m)
- MINOR CONTOUR



		DATE DRAWN: 27/04/10 DRAWN BY: DKC	
135 Scarborough Beach Road, Mount Hawthorn WA 6016 PO Box 99, Mount Hawthorn WA 6015 T: 08 9444 3901 E: whelans@whelans.com.au W: www.whelans.com.au		CHECKED BY: SJ DATA FILE: 100425 detail-1a.dwg	
SURVEYOR: SJ		JOB No: 7676-09	
FILE: S:\Projects\07076\Items\Lot608 Bally Bally\100425 LOT 608 BALLY BALLY 2.dwg			
SCALE: 1:250		DATE: 27/04/10	

FEATURE SURVEY
 LOT 808
 BALLY BALLY
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 CLIENT: BRUCE DENNY

REV 0
 PLAN 7676-002
 ORIGINAL SIZE: A3 SHEET 2 OF 2

ENGINEERED FOR 41MPS - SKILLION GARAGE

MATERIALS SPECIFICATION

TRUSS	4500	6000	7500	9000
BOTTOM CHORD	50x50x3 L G300	50x50x3 L G300	50x50x3 L G300	50x50x6 L G300
TOP CHORD	50x50x3 L G300	50x50x3 L G300	50x50x3 L G300	50x50x6 L G300
WEBBING	25x25x3 L G300	25x25x3 L G300	25x25x3 L G300	25x25x3 L G300
END VEES (LOV) CONNECTION	25x25x3 L G300	25x25x3 L G300	25x25x3 L G300	40x40x3 L G300
TRUSS	50x50x4 L G450	50x50x4 L G450	50x50x4 L G450	50x50x4 L G450
FLY BRACE	2x1/2x20 BOLTS ON LOV SIDE 3 MIXED BOLTS ON HIGH SIDE			
ROOF BRACING	25x25x3 L G450 WITH 1/2"X2" BOLT EACH END			
WALL BRACING	25x25x3 STUD TWO TEKS EACH END			
PURLINS	25x25x3 L G450 OR 16x16x3 RED 3650 L OVER JOIST OR UNISPAN 10x16 MAX SPAN 3000mm			
GIRTS	100x10 OR UNISPAN 10x16 MAX SPAN 3000mm			
DURALGAL		6000	7500	9000
COLUMNS				
2150 HIGH	50x50x4 L G450	65x65x4 L G450	75x75x4 L G450	75x75x4 L G450
2750 HIGH	65x65x4 L G450	65x65x4 L G450	75x75x4 L G450	75x75x4 L G450
3250 HIGH	75x75x4 L G450	75x75x4 L G450	75x75x4 L G450	75x75x4 L G450
3850 HIGH	75x75x4 L G450	75x75x4 L G450	75x75x4 L G450	75x75x4 L G450
3950 HIGH	75x75x4 L G450	75x75x4 L G450	75x75x4 L G450	75x75x4 L G450
4250 HIGH	90x90x3 L G450	90x90x3 L G450	90x90x3 L G450	90x90x3 L G450
FOOTINGS				
TO 3050 HIGH	300x300x100			
3100-3650	300x300x150			
3700-4250	300x300x200			

OPTIONAL ITEMS

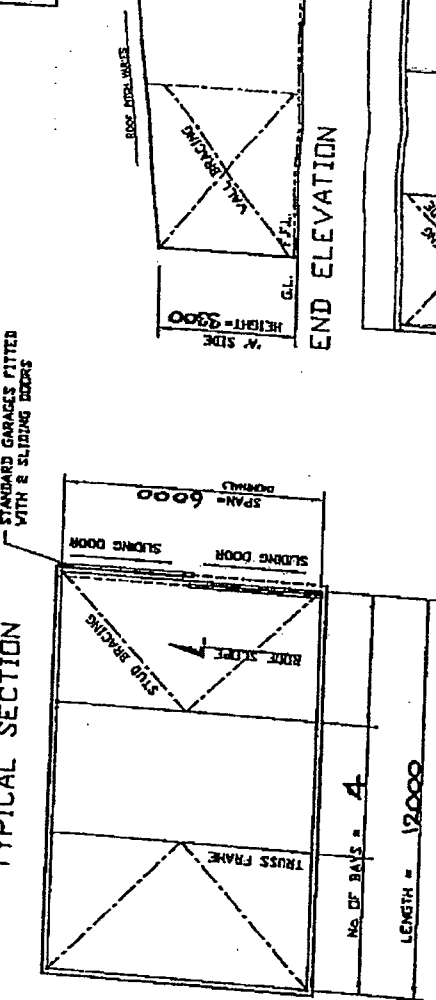
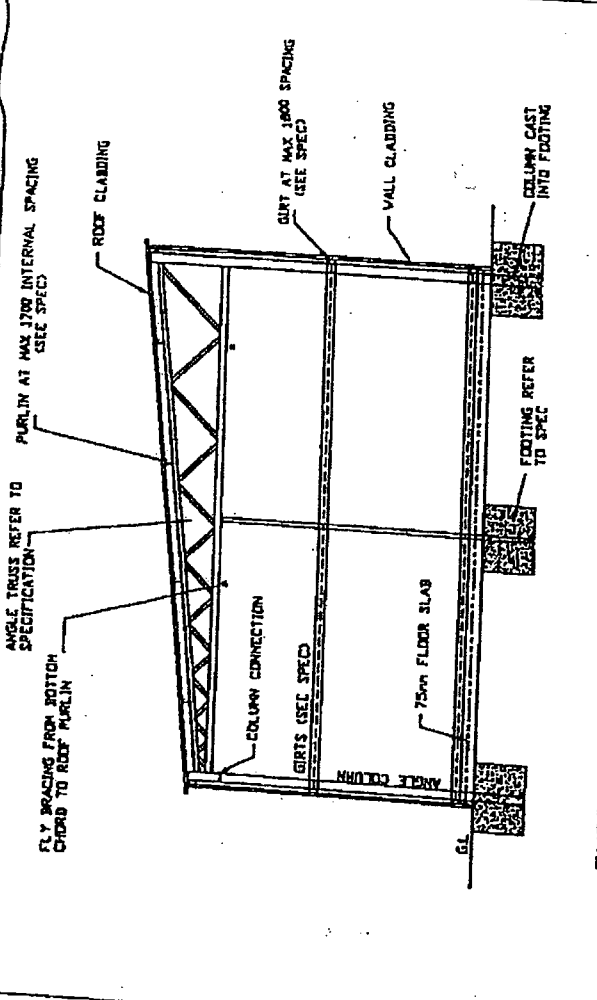
LOCATION AND SIZE TO CLIENT REQUIREMENTS

LOCATION AND SIZE TO CLIENT REQUIREMENTS

LOCATION AND SIZE TO CLIENT REQUIREMENTS

CLADDING	-TRUCK OR CUSTOM ORD TO MANUFACTURERS SPEC
FLASHINGS	-EA 64mm THICK
FRAMWORK	-FINISHED IN RED DIXIE PRIMER
PURLINS/GIRTS	-TO MANUFACTURERS SPEC
DOOR FRAME	-30x30x16 GALV RIS
DOOR TRACK	-ELTRAK 200kg SYSTEM
EAVES BEAM	-600mm SPAN 250024
ROOF PITCH	-VARIES
BRACING	-MAX 3 BAYS UNBRACED IN ANY WALL
FLOOR	-CONCRETE TO CLIENT SPEC MIN 75mm THICK

TERRAIN CATEGORY 2
REGION 2
WIND SPEED PLUS 20%
UPPER LIMIT CATEGORY 2
THIS DESIGN IS FOR RESIDENTIAL USE ONLY



PLAN NOT TO SCALE

MAXIMUM LENGTH
3 BAYS @ 3000 IF BRACED AT ONE END ONLY
6 BAYS @ 3000 IF BRACED AT BOTH ENDS

Ms. OF BAYS = 4
LENGTH = 12000

DRAWING No. G1238

DATE: 03-06-2016 REV: REV 28/2/07

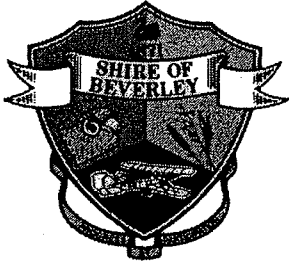
HIGHLINE
STRUCTURAL ENGINEERING
100/100 WILSON ST. WILSON, VIC 3177
BALANCE • SERVICE • PASSION

ISO 9001
AS 6001
AS 6001

Building Certification Services

Michael Hynes

PROPOSED SKILLION ROOF GARAGE FOR: Bruce Libetums
SITE LOCATION: Lot 808 County Peak Road Beverley WA



DRAFT DEVELOPER CONTRIBUTIONS FOR ROAD AND FOOTPATH UPGRADING POLICY

PURPOSE

This policy sets the basis for seeking contributions for the upgrading of the Shire's road and footpath network as a result of the subdivision and development of land. The policy will allow a consistent approach to be applied to all subdivisions and relevant development and will provide guidance on Council's decision making. The policy will also provide certainty to the community in estimating the costs of the subdivision and development process.

ADOPTION DATE:

AUTHORITY TO PREPARE AND ADOPT A PLANNING POLICY

The Shire of Beverley, pursuant to Clause 7.6 of the Shire of Beverley Town Planning Scheme No.2, hereby makes this Town Planning Scheme Policy regarding subdivision and development contributions for road and footpath upgrading throughout the Shire of Beverley. This policy will be incorporated into future schemes when Town Planning Scheme No.2, or greater, is revoked.

OBJECTIVES

- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of the subdivision process.
- To provide a basis for seeking financial contributions to the upgrading of the road and footpath network as a result of development proposals.
- To ensure consistency in the recommendations made to the Western Australian Planning Commission on subdivision applications.
- To provide clear and consistent advice to the community on the Shire's expectations for road and footpath upgrading.

DEFINITIONS

'Road' shall have the definition applied to it under the Road Traffic Act 1974 which includes any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon.

'Footpath' shall mean any land or thoroughfare used by pedestrians and/or cyclists and shall include pathways, dual use paths and any other walkway designed for this use.

STATUTORY POWERS

This Policy relates to determinations made by the Western Australian Planning Commission under the Planning and Development Act 2005. This Act gives the Commission the power to require developer contributions as part of the subdivision of land.

Where a development proposal requires the upgrading of the road and or footpath network, Council may require developer contributions under Clause 6.3.2 of the Shire of Beverley's Town Planning Scheme No. 2.

This Policy has regard to the information contained within the Western Australian Planning Commission's State Planning Policy 3.6 - Development Contributions for Infrastructure. The objectives of the policy are:

- To promote the efficient and effective provision of public infrastructure and facilities to meet the demands arising from new growth and development;
- To ensure that development contributions are necessary and relevant to the development to be permitted and are charged equitably among those benefiting from the infrastructure and facilities to be provided;
- To ensure consistency and transparency in the system for apportioning, collecting and spending development contributions; and
- To ensure the social well-being of communities arising from, or affected by development.

This Policy adopts and implements these principles for seeking developer contributions as part of the subdivision and development process.

POLICY

1. All applications for subdivision or development approval made within the Shire of Beverley, where there is an identified nexus between the requirement for a road and/or footpath upgrade and the proposal, will be subject to the provisions of this policy. This policy does not supersede or influence any other requirement for developer contributions as part of the subdivision or development approval process toward other facilities or infrastructure, such as public open space, community facilities, etc.
2. In making recommendations to the Western Australian Planning Commission on applications for subdivision where at least one additional lot will be created from the parent lot/s, the Council will consider seeking a financial contribution to be made towards the upgrading of the road and/or footpath network.
3. The Council reserves the right to seek a financial contribution towards the upgrading of the road and/or footpath network in the case of boundary rationalisation applications where no additional lots will be created, if it is considered warranted under certain circumstances.
4. When determining a development application, if in the opinion of Council the development generates the requirement for a road and/or footpath upgrade, the Council will seek a financial contribution to be made towards the upgrading of the road and/or footpath network.

5. Contributions towards the upgrading of the road and footpath network will be based on the standards contained in Table No 1 of this policy. The standards will be reviewed as part of Council's periodic review of the Shire of Beverley's Policy Manual. Thereby allowances can be made for changing community expectations.
6. The road and footpath upgrading contribution will be a pro-rata calculation of 50% of the road/footpath as contained in Table No 1, based on the per kilometre / per metre frontage of the parent lot/s to the road. Where a secondary street exists, the Council reserves the right to seek a contribution for the secondary street in addition to the primary street frontage, however the Council will take into account traffic movements and existing rights of entry.
7. If a subdivision requires that the created lots be provided with constructed road access that does not currently exist, this policy shall not supersede any requirements for the developer to pay the full construction costs to provide this road access.
8. Nothing in this policy shall prohibit Council from seeking the construction of a footpath network within a subdivision at the developer's expense.
9. In terms of the expenditure of the financial contributions made as part of the subdivision of land, the following principles shall apply:
 - a) Should the applicant not construct the road, the construction/upgrading of the road(s) shall comply with the Shire's Works Program; and
 - b) The upgrading of any footpath network shall occur within three (3) years following the completion of all subdivisions affecting a particular area, or prior to this date as determined by Council.
10. The Council may vary the requirements of this policy, where it is considered that full compliance with the policy is impractical or such variation is warranted in the circumstances of the subdivision or development.
11. **This Policy does not apply to main roads**

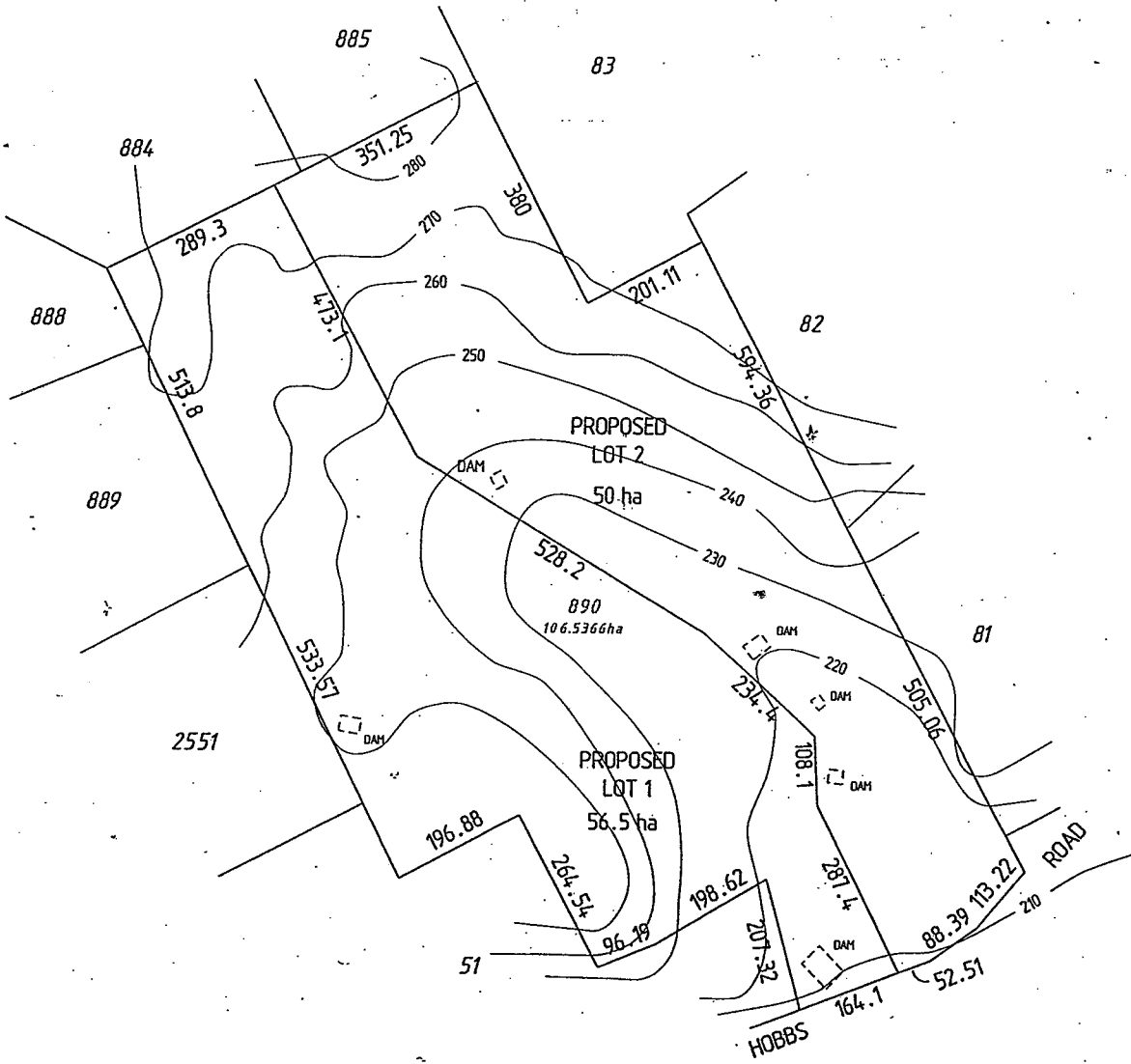
TABLE NO. 1

Zone	Standard				Comment
	Road Width (metres)	Road Surface	Kerbing/ Drainage		
Residential R5 and above	6	Two coat – Chip Seal	Yes		
Residential R2.5 and below	6	Two coat – Chip Seal			
Town Centre	As appropriate	Asphalt	Yes		
Industrial	7	Asphalt	Yes		
Rural Residential	6-7	Two coat seal	Yes		Kerbing to be provided if appropriate Kerbing to be provided if appropriate
Farming	7	Gravel – 150mm thick			A sealed road standard may be required in specific circumstances.
Footpaths where identified in strategy or structure plan	1.6	Concrete – 100mm thick			Mesh to be placed in all crossovers

PROPOSED SUBDIVISION LOT 890 ON DP61068



ACN 054 353 687
 ABN 11 054 353 687
 Alan Marsh (Director)
 L.S., A.I.T., M.I.S.



DATE : 13-5-10
 CONTOUR INTERVAL : 10 METRES
 DATUM : AHD
 NOTE : ALL DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY

DEPARTMENT OF PLANNING	
DATE	FILE
30 JUN 2010	142413



SCALE 1 : 7500

25 Wheatley Street GOSNELLS WA 6110 Post Office Box 355 GOSNELLS WA 6990
 Mobile : 0438 582 441 A.Marsh (Residence) 9398 7881 Email : aj.marsh@westnet.com.au

doc-fx ref: 1005027

CHEQUE DETAIL - Municipal and Trust Accounts - JUNE 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		03/06/2010	BRIKLAY PTY LTD	RLWY STN ART GALLERY: STAGE WORKS	-5,502.38	
EFT Pymt		03/06/2010	DAWSONS CONCRETE & REINFORCING	FORREST ST: FOOTPATH CONSTRUCTION	-21,860.00	
EFT Pymt		03/06/2010	LEONHARDT Karina	JUN 10 BLARNEY ISSUE	-700.00	
EFT Pymt		03/06/2010	NATWAY FURNITURE & CONSTRUCTIONS	RLWY STN ART GALLERY: WORKS TO LATRINES	-3,958.00	
EFT Pymt		03/06/2010	PHIL DEMPSEY DESIGN & CONSTRUCTION	RLWY STN ART GALLERY: WORKS TO STAGE	-4,268.70	
EFT Pymt		03/06/2010	ROADTECH CONSTRUCT	KOKEBY EAST RD: FINAL CLAIM	-48,242.48	
EFT Pymt		03/06/2010	RSA WORKS	ROAD SAFETY AUDIT	-1,650.00	
EFT Pymt		03/06/2010	STREAMLINE BRICKPAVING	RLWY STN ART GALLERY: WORKS AT VIEWING AREA	-18,360.80	
EFT Pymt		03/06/2010	TURF DEVELOPMENTS WA PTY LTD	OVAL: VERTIDRAINING	-3,817.00	
EFT Pymt		03/06/2010	YORK LANDSCAPE SUPPLIES	5 (L35) WRIGHT ST: MULCH	-672.00	-109,031.36
EFT Pymt		09/06/2010	COLONIAL FIRST STATE-MOULTON Clare	SUPER CONTRIB: FE 26 MAY 10	-43.44	
EFT Pymt		09/06/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 26 MAY 10	-131.02	
EFT Pymt		09/06/2010	KAY Lyn	YOUTH COORDINATOR: 17 MAY - 04 JUN 10	-1,350.00	
EFT Pymt		09/06/2010	LGRCEU	MAY 10 UNION FEES	-104.40	
EFT Pymt		09/06/2010	QUICK CORP AUST	APR 10 STATIONERY ORDER	-58.00	
EFT Pymt		09/06/2010	WA TREASURY CORPORATION	VARIOUS TREASURY LOANS	-26,431.11	
EFT Pymt		09/06/2010	WALGA - WA LOCAL GOVERNMENT ASSOCIATION	ADVERTISING: "THE WEST" (EARLY PYMT DISCOUNT APPLIED)	-580.62	
EFT Pymt		09/06/2010	WALGSP - SUPER	SUPER CONTRIB: FE 26 MAY 10	-7,337.63	-36,036.22
Liability Chq		10/06/2010	COLONIAL FIRST STATE-MOULTON Clare	SUPER CONTRIB: FE 09 JUN 10	0.00	0.00
Liability Chq		10/06/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIBU: FE 09 JUN 10	0.00	0.00
Liability Chq		10/06/2010	WALGSP - SUPER	SUPER CONTRIB: FE 09 JUN 10	0.00	0.00

CHEQUE DETAIL - Municipal and Trust Accounts - JUNE 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		18/06/2010	COLONIAL FIRST STATE-MOULTON Clare	SUPER CONTRIB: FE 09 JUN 10	-43.44	
EFT Pymt		18/06/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 09 JUN 10	-131.02	
EFT Pymt		18/06/2010	FUEL DISTRIBUTORS OF WA P/L	5,991L DIESEL	-7,590.59	
EFT Pymt		18/06/2010	T WOODMANSEY	RLY STN ART GALLERY: FREIGHT on PAVERS	-1,697.85	
EFT Pymt		18/06/2010	WALGSP - SUPER	SUPER CONTRIB: FE 09 JUN 10	-6,748.26	-16,211.16
EFT Pymt		23/06/2010	AITS	FUEL TAX CREDIT: APR- MAY 10	-356.84	
EFT Pymt		23/06/2010	ALEX'S GREEN CORNER	PLANTS: 5 WRIGHT ST; CEMETERIES, PARKS & GARDENS	-1,006.80	
EFT Pymt		23/06/2010	APRA\AMCOS AUST PERFORMING RIGHT ASSN 10/11 YR LIC for PUBLIC PERFORM &/OR COMMUNICATION of COPYRIGHT MUSIC		-91.08	
EFT Pymt		23/06/2010	ARROW BRONZE	2 x VASES & PLAQUE for FRENCH	-515.46	
EFT Pymt		23/06/2010	ATLAS GROUP P/L	RLWY STN ART GALLERY: PAVERS	-8,713.17	
EFT Pymt		23/06/2010	AVON TRADING	MAY 2010 HARDWARE SUPPLIES	-1,081.52	
EFT Pymt		23/06/2010	AVON VALLEY FLYSCREENS	23 BARNSELY ST & 59 SMITH ST: H/D SLIDING SCREEN DOORS	-1,881.00	
EFT Pymt		23/06/2010	AVON WASTE	BIN COLLECT @ \$1.57 per BIN, GST INC & RECYLING BINS	-6,078.84	
EFT Pymt		23/06/2010	AVONDELL EARTHMOVING	REFUND-CR BAL for CANCELLED BLARNEY ADVERTISING	-80.00	
EFT Pymt		23/06/2010	BAILEYS FERTILISERS	REC GROUNDS: VARIOUS FERTILISERS	-3,346.75	
EFT Pymt		23/06/2010	BEAZLEY PW & GN	CARAVAN PARK: FENCING re WEATHER STATION	-2,200.00	
EFT Pymt		23/06/2010	BEV ART GALLERY	ART GALLERY: SEMINAR "HANGING AROUND" 21 APR 10	-400.00	
EFT Pymt		23/06/2010	BEV DISTRICT HIGH SCHOOL	SPONSORSHIP - 2010 NEWSLETTER	-275.00	
EFT Pymt		23/06/2010	BEV FARM SERVICES	VERMIN CONTROL PROGRAMME	-146.03	
EFT Pymt		23/06/2010	BEV GAS & PLUMBING	VARIOUS PLUMBING JOBS	-3,035.51	
EFT Pymt		23/06/2010	BEV NEWS - Barry & Pauline	APR 2010 ACCOUNT	-121.35	
EFT Pymt		23/06/2010	BEV SUPERMARKET & LIQUOR	MAY 2010 PURCHASES	-398.88	

CHEQUE DETAIL - Municipal and Trust Accounts - JUNE 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt	23/06/2010	BLECHY'S TYRE & BATTERY	MAY 10 - TYRE MAINTENANCE		-3,138.00	
EFT Pymt	23/06/2010	BOC LIMITED	MAY 2010: CYLINDER RENTAL		-70.08	
EFT Pymt	23/06/2010	BUNNINGS BUILDING SUPPLIES P/L	HARDWARE PURCHASES		-230.49	
EFT Pymt	23/06/2010	CDA - ANGELFISH HOLDING P/L	AIR CONDITIONING PARTS		-140.00	
EFT Pymt	23/06/2010	COOTE MOTORS	BE3579 (TRL09): SET UP HYDRAULICS		-3,878.15	
EFT Pymt	23/06/2010	COUNTRYSIDE PEST CONTROL	RLWY STN ART GALLERY: TERMITE INSPECTION & TREATMENT		-1,430.00	
EFT Pymt	23/06/2010	COURIER AUSTRALIA	FREIGHT CHARGES: 10 MAY - 09 JUN 2010		-424.07	
EFT Pymt	23/06/2010	CUTRI C & D	BRIDGE 0729 (VINCENT ST): REPAIRS		-6,600.00	
EFT Pymt	23/06/2010	DAWSONS CONCRETE & REINFORCING	CONCRETE: VARIOUS LOCATIONS		-4,040.00	
EFT Pymt	23/06/2010	DCA - DOMINIC CARBONE & ASSOC	MAR - APR 10 FINANCIALS		-1,232.00	
EFT Pymt	23/06/2010	DORMA BWN AUTOMATICS PTY LTD	AUTOMATIC DOORS: SCHEDULED SERVICE		-132.00	
EFT Pymt	23/06/2010	DOWNER EDI WORKS	BITUMEN: ROAD PATCHING		-469.04	
EFT Pymt	23/06/2010	DPT TREASURY & FINANCE	LOC GOVT ACT 1995 PUBLICATION		-60.75	
EFT Pymt	23/06/2010	EDWARDS MOTORS	REPAIRS to BE024 (UTE05) & SEAT COVERS		-757.55	
EFT Pymt	23/06/2010	ELECTRICAL DISTRIBUTORS OF WA P/L	MEM PARK ABLUTIONS: AUTO HAND DRYER & GLOBES		-518.32	
EFT Pymt	23/06/2010	FESA - FIRE & EMERGENCY SERVICES AUTH	09/10 ESL - OPT B 4th QTR		-5,804.86	
EFT Pymt	23/06/2010	GRAHAM DUNLOP	REDEV CREEK LINE: LOCATE RETIC WIRE		-528.00	
EFT Pymt	23/06/2010	GRONBEK SECURITY	SECURITY KEYS: VARIOUS		-565.16	
EFT Pymt	23/06/2010	HAINES NORTON	APR 10 BAS - PREP & RECONCILIATION		-440.00	
EFT Pymt	23/06/2010	HAYMAN ROOFING	REPAIRS to TOWN HALL ROOF & BRB REFUND		-1,690.00	
EFT Pymt	23/06/2010	HERSEY JR & A PTY LTD	VARIOUS ITEMS		-737.50	
EFT Pymt	23/06/2010	HOTEL BEV - MAXWELL	ORD COUNCIL MEET - 25 MAY 10		-242.00	

CHEQUE DETAIL - Municipal and Trust Accounts - JUNE 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt		23/06/2010	HOWARD PORTER	VARIOUS PARTS	-1,861.64	
EFT Pymt		23/06/2010	HUTCHINSON ASSOC	INDEP LIVING UNITS: DESIGN & DOCUMENTATION	-2,640.00	
EFT Pymt		23/06/2010	HUTCHINSON, LB & M	RLWY STN ART GALLERY: SEATING in GARDEN	-2,000.00	
EFT Pymt		23/06/2010	JAS Richard	VARIOUS VEHICLES: SERVICES & PARTS	-141.10	
EFT Pymt		23/06/2010	JASOL AUSTRALIA	VARIOUS CLEANING PRODUCTS	-736.77	
EFT Pymt		23/06/2010	KAY Lyn	YOUTH COORDINATOR: 07 - 11 JUN 10	-450.00	
EFT Pymt		23/06/2010	LAND INSIGHTS	TOURIST BUREAU: PREP TOURIST MAP	-4,081.00	
EFT Pymt		23/06/2010	LANDGATE (VGO)	VARIOUS VALUATION FEES	-230.86	
EFT Pymt		23/06/2010	LEWIS Alison	JUN 2010 BLARNEY ISSUES	-200.00	
EFT Pymt		23/06/2010	LITTLE ECO HILL	RLWY STN ART GALLERY: EARTHWORKS	-913.00	
EFT Pymt		23/06/2010	MATTHEW CONIGLIO ARCHITECT	INDEP LIVING UNITS: DOCUMENTATION FEE CLAIM	-3,345.53	
EFT Pymt		23/06/2010	METROCOUNT	BATTERY PACKS	-86.90	
EFT Pymt		23/06/2010	MIDLAND BRICK	RLWY STN ART GALLERY: EZI PAVERS	-1,461.08	
EFT Pymt		23/06/2010	MSA CONSTRUCTION	RELIEF "BUILDING INSPECTOR"	-5,098.50	
EFT Pymt		23/06/2010	OCEAN BROADBAND	B/BAND - JUL to SEP 10: 59 SMITH ST, 136 VINCENT ST, 6 BARNSELY ST	-599.55	
EFT Pymt		23/06/2010	OCLC (UK) LTD	10/11 YR AMLIB ANNUAL MTCE	-1,155.66	
EFT Pymt		23/06/2010	ORICA/SPECTRUM	MAY 2010 CHLORINE CYLINDER RENTAL (ORICA)	-38.87	
EFT Pymt		23/06/2010	RED 11	ASSET - LAPTOP	-1,472.46	
EFT Pymt		23/06/2010	RnR CONTRACTING PTY LTD	GREENHILLS STH RD: BITUMEN SEALING	-26,871.19	
EFT Pymt		23/06/2010	RODDA FR & CO	TALBOT WEST RD: ROAD WIDENING	-10,577.05	
EFT Pymt		23/06/2010	RONDO	500 GUIDE POSTS	-6,325.00	
EFT Pymt		23/06/2010	RURAL PRESS REGIONAL MEDIA WA P/L (THE A ADVERTISING: LENNARD RD CLOSURE & COUNCIL MEETINGS		-291.72	

CHQ LISTINGS 2009-2010.xlsx - JUN 10

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

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
EFT Pymt	23/06/2010	RURAL TRAFFIC SERVICES	TOP BEV RD: TRAFFIC MANAGEMENT		-671.00	
EFT Pymt	23/06/2010	SAI GLOBAL LTD (NEE STANDARDS AUST)	10/11 MEMBERSHIP		-374.00	
EFT Pymt	23/06/2010	SHIRE OF BROOKTON	MAY 10: PLANNERS SCHEME & EHO RELIEF		-7,253.05	
EFT Pymt	23/06/2010	SHIRE OF CUNDERDIN	LGS SOFTWARE - 1st INSTAL		-11,000.00	
EFT Pymt	23/06/2010	SHIRE OF YORK	RANGER SERVICES - DOG CONTROL		-165.27	
EFT Pymt	23/06/2010	STRATCO	RLWY STN ART GALLERY - FENCING for AMPITHEATRE		-2,116.35	
EFT Pymt	23/06/2010	TEEDE'S AUTO ELECTRICS	BE037 (TRK06) & BE3537 (TRL07): REPAIRS		-581.85	
EFT Pymt	23/06/2010	WA KOOKABURRAS FLOORBALL CLUB INC	FLOORBALL CLINIC - 12 SESSIONS		-720.00	-156,315.60
Liability Chq	24/06/2010	ATO - AUSTRALIAN TAX OFFICE	JUN 2010 PAYG TAX		0.00	0.00
Liability Chq	24/06/2010	COLONIAL FIRST STATE-MOULTON CLARE	SUPER CONTRIB: FE 23 JUN 10		0.00	0.00
Liability Chq	24/06/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 23 JUN 10		0.00	0.00
Liability Chq	24/06/2010	LGRCEU	JUN 2010 UNION FEES		0.00	0.00
Liability Chq	24/06/2010	SHIRE OF BEVERLEY	2010-06 JUN SAL DEDUCTIONS - RATES		0.00	0.00
Liability Chq	24/06/2010	WALGSP - SUPER	SUPER CONTRIB: FE 23 JUN 10		0.00	0.00
EFT Pymt	25/06/2010	AIT5	FUEL TAX CREDIT: FEB 10		-311.41	
EFT Pymt	25/06/2010	BEV GAS & PLUMBING	RLWY STN ART GALLERY: VARIOUS PLUMBING		-7,952.32	
EFT Pymt	25/06/2010	COLONIAL FIRST STATE-MOULTON CLARE	SUPER CONTRIB: FE 23 JUN 10		-57.92	
EFT Pymt	25/06/2010	CSRF - CATHOLIC SUPER & RETIREMENT FUND	SUPER CONTRIB: FE 23 JUN 10		-131.02	
EFT Pymt	25/06/2010	FULTON HOGAN INDUSTRIES	EZ STREET ITN BULK x 3		-2,013.00	
EFT Pymt	25/06/2010	KAY Lyn	YOUTH COORDINATOR: 14 - 19 JUN 10		-450.00	
EFT Pymt	25/06/2010	LGRCEU	JUN 10 UNION FEES		-104.40	
EFT Pymt	25/06/2010	WALGSP - SUPER	SUPER CONTRIB: FE 23 JUN 10		-5,789.94	-16,810.01

CHQ LISTINGS 2009-2010.xlsx - JUN 10

CHEQUE DETAIL - Municipal and Trust Accounts - JUNE 2010

TYPE	NUM	DATE	NAME	DETAILS	AMT PAID	TOTALS
D/Debit		30/06/2010	DPI - LICENSING SERVICES	MAY/JUN 10 LICENSING PAYMENTS	-87,416.65	-87,416.65
D/Debit		30/06/2010	CBA - MERCHANT BANKING	MAY 2010 TRANSACTION FEES	-42.25	-42.25
D/Debit		30/06/2010	CBA - MERCHANT BANKING	MAY 2010 ACCESS FEE	-31.97	-31.97
D/Debit		30/06/2010	ANZ- ONLINE BANKING/BANK FEES	MAY 2010 FEES	-65.37	-65.37
D/Debit		30/06/2010	WESTNET PTY LTD	JUN 2010 INTERNET ACCESS	-66.00	-66.00
Cheque #	726	18/06/2010	ATO - AUSTRALIAN TAX OFFICE	MAY 2010 BAS RETURN	-13,501.00	-13,501.00
Cheque #	727	18/06/2010	AUST POST	MAY 2010 POSTAGE	-314.81	-314.81
Cheque #	728	18/06/2010	SYNERGY	STREET LIGHTS: 25 APR - 23 MAY 10	-1,505.45	-1,505.45
Cheque #	729	18/06/2010	TELSTRA	JUN 10 TELEPHONE ACCOUNTS	-1,553.73	-1,553.73
Cheque #	730	23/06/2010	ACMA - AUST COMM & MEDIA AUTH	LAND MOBILE APPART LIC - 136-138 VINCENT ST	-93.00	-93.00
Cheque #	731	23/06/2010	ALFORD Anthony	RLWY STN ART GALLERY: CONSTRUCTION of STAGE	-1,212.50	-1,212.50
Cheque #	732	23/06/2010	FULTON HOGAN INDUSTRIES	VOID - PYMT ISSUED BY EFT ON 24 JUN 10. GLIM: EZ STREET 1TN BULK x 3	0.00	0.00
Cheque #	733	23/06/2010	McCLENAGHAN B & S	ASS 1046 - REFUND	-588.73	-588.73
Cheque #	734	23/06/2010	ROZEMA HOMES	RLWY STN ART GALLERY: WORK on STAGE	-1,155.00	-1,155.00
G J	1367	14/06/2010		MAY 10 # - CREDIT CARD	-3,361.85	-3,361.85
					-445,312.66	-445,312.66

WAGES & SALARIES

EFT Pymt		10/06/2010	WAGES & SALARIES	FE - 09 JUN 10	-33,036.61	
EFT Pymt		24/06/2010	WAGES & SALARIES	FE - 23 JUN 10	-33,900.35	
					-66,936.96	-66,936.96

CHEQUE DETAIL - Municipal and Trust Accounts - JUNE 2010

		DETAILS		TOTALS	
TYPE	NUM	DATE	NAME	AMT PAID	TOTALS
TRANSFERS to TRUST					
GJ	1375	29/06/2010	ASS 1523 (MACKIE B) TFR of CR BAL to TRUST	-4.23	
GJ	1376	29/06/2010	ASS 448 (COURTNEY M & G) TFR of CR BAL to TRUST	-254.00	
GJ	1377	29/06/2010	ASS 1228 (GOULD D) TFR of CR BAL to TRUST	-42.92	
GJ	1378	29/06/2010	ASS 51127 (WATTS DP & MA) TFR of CR BAL to TRUST	-39.81	
GJ	1379	29/06/2010	ASS 51206 (McCLENAGHAN B & S) TFR of CR BAL to TRUST	-700.00	
GJ	1380	29/06/2010	WAGES DEDUCTS: JUN 10 ADV RATE PYMTS	-340.00	
GJ	1381	29/06/2010	TFR of UNID'd FUNDS to TRUST	-536.80	
GJ	1382	30/06/2010	ASS 992 (BATTY BJ) TFR of CR BAL to TRUST	-7.45	
				TRANSFERS to TRUST	-1,925.21

UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT

Cheque #	731	06/23/2010	ALFORD Anthony	1,212.50	
				UNPRESENTED PAYMENTS for CURRENT BANK STATEMENT	1,212.50

PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS

Cheque #	718	21/05/2010	ALFORD Anthony	-1,512.50	
				PAYMENTS PRESENTED IN CURRENT BANK # RELATING to PRIOR MONTHS' TRANSACTIONS	-1,512.50

OTHER AMENDMENTS/GENERAL JOURNALS

				OTHER AMENDMENTS/GENERAL JOURNALS	0.00
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SHIRE OF BEVERLEY
CHEQUE DETAIL - Municipal and Trust Accounts - JUNE 2010.

				DETAILS		
TYPE	NUM	DATE	NAME		AMT PAID	TOTALS
INVESTMENTS						
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to PLANT RES	-423,955.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to BUSH FIRE FIGHTERS RES	-87,295.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to OFFICE EQUIPMENT RES	-22,728.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to BUILDING RES	-985,299.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to RECREATION GROUND RES	-265,262.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to CROPPING COMMITTEE RES	-112,900.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to AVON RIVER DEV RES	-17,618.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to ANNUAL LEAVE RES	-112,997.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to COMMUNITY BUS RES	-21,859.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR to ROAD CONSTRUCTION RES	-190,091.00	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: PLANT RES	-17,131.80	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: BUSH FIRE FIGHTERS RES	-3,640.85	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: OFFICE EQUIPMENT RES	-946.99	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: BUILDING RES	-41,165.24	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: RECREATION GROUND RES	-10,925.23	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: CROPPING COMMITTEE RES	-4,706.69	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: AVON RIVER DEV RES	-641.39	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: ANNUAL LEAVE RES	-4,653.30	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: COMMUNITY BUS RES	-911.15	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: ROAD CONSTRUCTION RES	-8,017.44	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: CROPPING COMMITTEE RES	-33,887.64	
Transfer		30/06/2009	RESERVE INVESTMENT	TFR - INTEREST: COMMUNITY BUS RES	-1,373.24	
Transfer		30/06/2009	RESERVE INVESTMENT	ANZ ERROR re FUNDS TFR for INVESTMENTS	-2,368,004.96	
INVESTMENTS					-4,736,009.92	-4,736,009.92
TOTAL EXPENDITURE for MUNICIPAL ACCOUNT						-5,250,484.75

SHIRE OF BEVERLEY
CHEQUE DETAIL - Municipal and Trust Accounts - JUNE 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						
Chq	1411	05/05/2010	GRIFFITHS P/EDWARDS KJ	REFUND: RELOC HOUSE BOND - 1515 KOKENDIN RD BEVERLEY (B/LIC 76 08/09)	-5,000.00	
					0.00	0.00
PAYMENTS PRESENTED IN CURRENT BANK # RELATING TO PRIOR MONTHS' TRANSACTIONS						
					-5,000.00	-5,000.00

TOTAL EXPENDITURE for TRUST ACCOUNT
-5,000.00

TOTAL EXPENDITURE as reconciled to the JUNE 2010 BANK RECONCILIATIONS

Municipal Account Expenditure	-5,250,484.75
Trust Account Expenditure	-5,000.00
Total Expenditure for JUNE 2010	<u><u>-5,255,484.75</u></u>

DRAFT DELEGATION

Delegation No:	Investments
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Date Adopted:	
Date last Reviewed:	

Delegation Type:	To CEO
Assigned/ Reassigned:	Yes

Legal (Parent): 1. Local Government Act 1995 (As Amended) - Section 5.42.

Legal (Subsidiary): 1. Local Government Act 1995 (As Amended) - Sections 6.14, and 6.15. 2. Local Government (Financial Management) Regulation 19.

Council delegates its authority and power to the Chief Executive Officer, to invest money held in the Municipal or Trust Funds, that is not required for the time being for any purpose in accordance with part 111 of the Trustees Act 1962 or in an investment approved by the Minister subject to the following conditions: -

- 1. The establishment of documented internal control procedures to be followed to ensure control over the investments; and**
- 2. Compliance with Regulation 19(2) Local Government (Financial Management) Regulations and Council Administrative Policy Financial Management Investments.**

DRAFT DELEGATION

Delegation No:	Payment from Trust and Municipal Funds
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Date Adopted:	
Date last Reviewed:	

Delegation Type:	To CEO
Assigned/ Reassigned:	Yes

Legal (Parent):
1. Local Government Act 1995 (As Amended) - Section 5.42.

Legal (Subsidiary):
1. Local Government Act 1995 (As Amended) - Section 6.10.
2. Local Government (Financial Management) Regulation 13.

Council delegates its authority and power to the Chief Executive Officer, to make payment by cheque or Electronic Fund Transfer (EFT) from the Trust and Municipal Funds subject to the following conditions: -

1. That EFT payments relating to payroll be authorised by at least two officers, with one authorising officer, being either the Chief Executive Officer or Deputy Chief Executive Officer.
2. In relation to (1) above, one officer must be the Chief Executive Officer and Deputy Chief Executive Officer.
3. That EFT payments other than payroll, be authorised by two officers, with at least one being a signatory to Council cheques.

Refer to Local Government (Financial management) Regulation 13 and Council Administrative Policy Financial Management – Authority to sign Trust and Municipal Fund cheques.



THE SHIRE OF BEVERLEY

FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES REVIEW

DCA

Dominic Carbone & Associates

Public Accountants - Registered Tax Agents - Local Government Services

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16 November, 2009

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

Dear Mr Byers,

FINANCIAL MANAGEMENT SYSTEMS AND PROCEDURES REVIEW

As per the terms of engagement I have completed a review of the appropriateness and effectiveness of the Shire's Financial Management Systems and Procedures required by Regulation 5(2)(c) of the Local Government (Financial Management) Regulations 1996. The findings are detailed as follows:

1) Proper Collection of all Money Owing to the Shire

- (a) The Shire imposed a penalty interest charge of 11% on all unpaid rates pursuant to Section 6.51 of the Local Government Act and Financial Management Regulation 70. In accordance with section 6.45(4)(e) of the Local Government Act 1995, and Financial Management Regulation 68, the Shire imposed an instalment interest charge of 5.5%.

Outstanding rates debtors are reviewed by the Deputy CEO on a monthly basis in relation to the recovery action that should be taken. The Rates Officer undertakes the task of initiating collection action.

A debt collection service is used by the Shire for the collection of outstanding rates.

- (b) Council is committed to the billing of all debtors at the earliest time. The Shire's Debt Collection Policy sets the procedures to be followed in relation to the collection of overdue monies. No penalty interest charge was imposed for miscellaneous debtors.

Outstanding debtors are reviewed by the Deputy CEO on a monthly basis in relation to the recovery action that should be taken. The Payroll/Debtors Officer undertakes the task of initiating collection action.

- (c) The Shire undertakes the rating function, including the billing process, interim rating, valuation updates and instalment reminders. Rates payments are received at the Shire's Administration Centre, which are receipted into the Quick Books Financial Software General Ledger, and updated in the Rates Book Online Subsidiary Ledger.

- (d) The Financial Information by ratio for the 2007/08 financial year reveals that the outstanding rates ratio was 9.0% - an increase of 3.40% in comparison to the previous year.
- (e) The Shire receives money collected from three outstations:
- i) Caravan Park – Camping fees are centred around an honesty system, where patrons either pay the caretaker direct or put their camping fees in an envelope and place the envelope in the honesty box at the caravan park.
The caretaker receives direct cash and cheque payments from campers utilising the caravan park, or obtains fees from honesty box. The caretaker enters camping fees into the caravan park register. The caretaker delivers the takings and the register to the Shire's Administration Centre for verification and receipting. The Payroll/Debtors Officer, after verifying the takings to the register, signs the register, photocopies the page(s) of the register and attaches copy of pages and envelopes to receipt, once entered into Quick Books Financial System.
 - ii) Refuse Site – The refuse site contractor collects fees and tip passes from residents for the disposal of refuse to the landfill site. A receipt is only issued to customers upon request. The contractor delivers the takings and tip passes to the Administration Centre on a weekly basis for receipting.
 - iii) Swimming Pool– The swimming pool manager records daily admittances on a tally sheet, which is utilised to reconcile daily cash takings; no receipt is issued. The total takings for the week are delivered to the Administration Centre, where the cash is verified to the tally sheet by the Customer Service Officer, who receipts the monies. A copy of the receipt is given to the Pool Manager for his records. The tally sheet is filed with daily receipts.
- (d) Flowcharts for accounts receivable and mail/cashiering were compiled – refer Attachments 1 and 2, which indicates no internal control weaknesses in relation to the collection of money.

In summary, debt collection procedures are implemented at regular intervals during the financial year, in accordance with Finance Policy F.5, to ensure a rate collection percentage of 91% was achieved.

2) Safe Custody and Security of all Money Collected and Held by the Shire

- (a) All funds, with the exception of the caravan park, refuse site and swimming pool, are held overnight at the Administration Centre, locked in the safe in the strong room. An inspection of the strongroom revealed that the door to the safe was closed during office hours:
- The caravan park caretaker records all daily takings in the caravan park register book. All takings are held by the caretaker until receipted at the Administration Centre.
 - The refuse site contractor generates a receipt for recording purposes and lists all daily takings on a tally sheet. All takings are held by the contractor until receipted at the Administration Centre.
 - The Swimming Pool Manager lists all daily takings on a tally sheet. All takings are held by the swimming pool manager until receipted at the Administration Centre.

During the course of the review it has come to my notice that the Kiosk at the swimming pool is used by the Pool Manager and sales generated are retained by the Manager. The Council needs to consider whether the use of the kiosk at the pool by the Pool Manager constitutes a disposal of property under section 3.58 of the Local Government Act 1995; and therefore the requirement to comply with the provisions of that section of the Act.

- (b) Money collected at the Shire's Administration Centre is banked daily at the local ANZ Bank branch.
- (c) The Shire receives money by direct deposits through internet banking transfers. The operation of electronic receipt of money involves the use of a unique identifier that appears on the Shire's bank statement, allowing for easy identification of the payers details for receipting purposes.
- (d) Surplus funds are invested in accordance with section 6.14 of the Local Government Act 1995 and Regulation 19 of the Local Government (Financial Management) Regulations 1996. The Shires Investment Policy details the procedures to be followed in relation to investment of surplus funds and that surplus funds can only be invested with the local branch of the ANZ bank. Investments are reported monthly to Council via a report. The Shire currently holds its investments in term deposits.

The Shires' Investment Register complies with the requirements of Financial Management Regulation 19.

The Shire should also consider adopting a delegation which authorises the Chief Executive Officer to transfer surplus funds, not required by the Shire for immediate use, to an appropriate secured investment account/term deposit.

A copy of a draft delegation has been included for your consideration refer Attachment 9.

- (e) The Shire's fidelity guarantee insurance policy provides cover for loss of money amount to \$100,000 in respect of any employee and \$100,000 in aggregate for all employees during any one period of insurance. The current policy expires on 30 June 2009.

3) Proper Maintenance and Security of the Shire's Financial Records

The Chief Executive Officer, pursuant to section 6.5 of the Local Government Act 1995, is to ensure that, accounts and records are kept in accordance with regulations, proper accounts and records of the transactions and affairs of the local government, and keep them up to date. Further, Regulation 7 of the Local Government (Financial Management) Regulations 1996 requires that:

- *'No separate ward accounts are to be kept'*.

- (a) The Deputy CEO is responsible for the financial and accounting function of the Shire. Procedures have been implemented for the maintenance and security of financial records of the Council. Those procedures, the engagement of the accounting firm, UHY Haines Norton to provide the financial accounting reporting function, and the current internal controls have provided a sound foundation for the financial records to be maintained.
- (b) The Shire's LAN Server network comprises the following:
 - Hardware:
 - One server, networked with fifteen (15) workstations and associated peripherals.
 - Two stand alone workstations are located at the administration centre, for police license receipting and license theory testing.

- One stand alone workstation is located at the Depot, for use by the Works Supervisor and mechanic.
- Software:
 - Quick Books Financial Software and Haines Norton Rates Book Online for rating purposes.
 - Microsoft Office 2007, for word processing and spreadsheets.
- Security:
 - Staff have individual unique logins and passwords to access the Shires corporate network.

The server is the principal storage medium for all the financial records and all the accounting and financial data is maintained on the above-mentioned systems.

- (c) The Shire's financial data is backed up daily by the Administration Officer and/or Deputy CEO onto tape. The back-up tapes are rotated on a daily basis over a two week period, and stored in the safe, located in the strong room. In addition the Rates Book Online software is stored at the offices of UHY Haines Norton in Perth.

The Shire's membership of the Municipal Property Scheme, under section 4, provides for electronic break down insurance cover, to a maximum of \$28,000 for any one event. Insurance cover of \$28,000 for any one event is provided for electronic data restoration (loss of information); and \$10,000 for any one event relating to increased costs of working (avoiding or diminishing interruption to the business). This provides a level of protection for the Shire should there be an instance where electronic data is lost and significant resources need to be engaged to recover or re-enter the lost data.

- (d) Council has smoke detectors fitted to the administration building.
- (e) Hard copies of relevant reports produced from software systems, including annual budgets, annual financial statements and the plan for the future are retained and stored in the compactus filing system.

4) Ensure Proper Accounting for all Incomes, Expenditures, Assets and Liabilities of the Municipal and Trust Funds

- (a) The current accounting procedures have been structured to ensure the Shire currently complies with the requirements of the Local Government Act 1995 and its Regulations and Australian Accounting Standards. Attachment 7 details the Australian Accounting Standards applicable to local government and the Shires compliance thereto.

A Trust Fund bank account has been established to comply with statutory requirements.

- (b) The Deputy CEO, supported by the Administration Officer, monitors the operations of the System on an ongoing basis, along with IT consultants PCS, who are contracted to provide information technology support services to the Shire.
- (c) Whilst it is acknowledged that the Shire has internal procedures for staff to perform the various tasks, it is recommended that Position Descriptions be developed for all accounting positions to provide clear direction for the maintenance of financial records. The Position Descriptions will assist in the completion of the annual performance evaluation of staff.
- (d) The Shire provides continuing professional development opportunities for staff by attendance at conferences, seminars and study courses. This is an important avenue for staff to further enhance their skills and knowledge in managing the Shire's financial records.
- (e) Flowcharts for accounts receivable, mail/cashiering, accounts payable and petty cash have been compiled – refer Attachments 1, 2, 3 and 4, which identified the following internal control weakness:

- Accounts Receivable flowchart – the Customer Services Officer currently processes the supporting documentation to initiate an invoice and checks the supporting documentation to the batch report, then updates the batch to generate the invoice.

It is recommended that the checking of the supporting documentation to the batch report be verified and certified by another appropriate officer, in order to ensure proper segregation of duties.

The abovementioned flowcharts were test checked to the document trail, which confirmed that the initiation, verification, and certification processes apart from the following:

- That written quotations, as required by the Shires Purchasing Policy, be attached to the payment voucher in order that proof is provided in relation to the compliance requirement under the policy.

It is recommended that the above procedure be adopted by the Shire.

5) Proper Authorisation for the Incurring of Liabilities and Making of Payments

- (a) The Shire, through its Purchasing Policy, has set the procedures for the authorisation relating to purchase orders and the making of payments, and the reporting to Council of such payments. Regulations 11 and 12 of the Local Government (Financial Management) Regulations 1996 are observed.

The Shire's Bank Accounts Policy provides detail on the positions identified and being authorised signatories to cheques and that two signatories are required on cheques.

A copy of a draft sample delegation has been included for your consideration refer Attachment 9.

- (b) The Shire's Purchasing Policy sets parameters and procedures for the ordering of goods and services.

A draft sample policy has been included for your consideration refer Attachment 8.

- (c) Regulation 11 of the Local Government (Financial Management) Regulations 1996 requires a local government to:

“develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of – cheques, credit cards...”

It is recommended that a Credit Card Policy be adopted to meet the requirements of Regulation 11 of the Local Government (Financial Management) Regulations 1996 and the Department of Local Government and Regional Development's operational guidelines relating to the use and issue of corporate credit cards.

A draft sample Credit Card Policy has been included for your consideration refer Attachment 8.

- (d) The certification of invoices for payment on receipt of goods and services is the responsibility of the officer initiating the purchase order. The officer initiating the order certifies the payment authorisation form, which initiates the processing of the invoices.
- (e) The Council has adopted a purchasing policy that meets the requirements of Functions and General Regulation 11A;
- (f) It is understood that officers initiating the purchase orders and certifying the invoices for payment are fully aware of the requirements of the Shire's adopted purchasing policy, and of the Local Government Act 1995 requirements concerning the necessity to ensure provision has been made in the Shire's annual budget before expenditure is incurred.

- (g) The Shires Purchasing Policy details the monetary threshold applicable to the calling of tenders and the procedures to be followed when calling tenders.

Regulation 17 of the Local Government (Functions and General) Regulations 1996 requires local government to:

"...keep a "Tenders Register" which is to include:

- (i) a brief description of the goods or services required;*
- (ii) particulars of the making of the decision to invite tenders;*
- (iii) particulars of –*
 - (A) any notice by which expressions of interest from prospective tenderers was sought;*
 - (B) any list of acceptable tenderers that was prepared under regulation 23(4);*
- (iv) a copy of the notice of the invitation to tender;*
- (v) the name of each tenderer whose tender has been opened; and*
- (vi) the name of any successful tenderer."*

An inspection of the Tender Register revealed that the necessary tender documentation required by Legislation was present.

- (h) A flowchart for accounts payable has been compiled – refer attachment 3, which indicates no internal control weakness.

6) Maintenance of Payroll, Stock Control and Costing Records

- (a) The Shire's payroll system is integrated into the Quick Books financial and accounting system to calculate and process salaries and wages from timesheets, including the managing of allowances, deductions and superannuation. The Quick Books financial software system generates an 'ABA' file that contains the net pay banking details of staff which is able to be imported directly into the ANZ Bank online banking system. Works costing and plant costing are managed through a manual calculation process using Excel spreadsheets utilising data from timecards. The spreadsheet is emailed to UHY Haines Norton, who convert the file into a file extension that can be directly imported into Quick Books, automatically generating the journal transactions. Fuel transactions sheets are reconciled on a monthly basis to the fuel dips taken and transactions are then posted to the general ledger and cost ledger;
- (b) An end of year stock take is undertaken and reconciled to the stock ledger;
- (c) The Shire operates a subsidiary cost ledger within its financial and accounting software;
- (d) Plant utilisation is recorded on the daily time card prepared by staff and certified by the Works Supervisor. The data is directly entered into the cost and plant ledgers, and then updated to the general ledger.
- (e) A flowchart for stores and payroll has been compiled, (refer attachments 5 and 6), which indicate no internal control weaknesses.

7) Preparation of Budget Accounts and Reports Required by the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

- (a) The Chief Executive Officer, with the support of the Deputy CEO, prepares the annual budget and annual financial statements, which meet the statutory requirements of the Local Government Act 1995. The Shire has prepared a Strategic Plan, but not a Plan for the Future, as required under the Local Government Act 1995. It is our understanding that the Shire of Beverley intends to formulate a Plan in the 2009/2010 financial year.
- (b) Systems and procedures have been established for reviews of fees and charges to be undertaken at least once in each financial year. This review is carried out during the annual budget preparation process and the basis of determining fees and charges takes into account the specific requirements of section 6.16 to 6.19 of the Local Government Act 1995.
- (c) The following reports are presented on a monthly basis to Council for consideration:
 - Statement of Financial Position
 - Operating Statement by Function & Activity
 - Statement of Financial Activity
 - Details by Function & Activity
 - Report on Significant Variances
 - Investments for Municipal, Reserves and Trust Funds
 - Warrant of payments detailing invoice payments made or to be made by the Council;

The financial reports presented to Council are in accordance with section 6.4 of the Local Government Act 1995 and Local Government (Financial Management) Regulation 34.

8) Registers

The Local Government Act and its regulations provides that the following registers relating to financial management matters be maintained:

▪ Tender Register	Section 3.57 of the Local Government Act 1995 and Regulation 17 of the Local Government (Functions and General) Regulations 1996.
▪ Financial Interest Register	Section 5.88(2) of the Local Government Act 1995 and Regulation 28 of the Local Government (Administration) Regulations 1996.
▪ Electoral Gifts Register	Section 4.59 of the Local Government Act 1995 and Regulation 30G of the Local Government (Election) Regulations 1997.
▪ Gifts Register (Code of Conduct)	Section 5.103(3) of the Local Government Act 1995 and Regulation 34B(3) of the Local Government (Administration) Regulations 1996.
▪ Annual Return	Section 5.76 of the Local Government Act 1995 and Regulation 23 of the Local Government (Administration) Regulations 1996.
▪ Primary Return	Section 5.75 of the Local Government Act 1995 and Regulation 22 of the Local Government (Administration) Regulations 1996.

A review undertaken revealed that all the abovementioned registers are maintained in accordance with the legislation by the Shire.

9) Other Matters

In order to undertake a review of the appropriateness and effectiveness of the Shire's Financial Management Systems and procedures it was necessary to carry out a review of the Shire's Delegations, Policies and Procedures.

It is noted that the Policies are not current and require review. Delegations that were adopted by the Council in November 2008 require additional information.

Attached please find sample Administrative Policies and Delegations for your consideration and adoption.

Opinion

The review of the Financial Management Systems and Procedures developed by the Shire of Beverley indicates that they are appropriate and effective for the particular operations and size of the Shire. In addition, the review has concluded that the Shire has observed the requirements of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996.

Yours sincerely,



**DOMINIC CARBONE
PRINCIPAL
DOMINIC CARBONE & ASSOCIATES**

First in First Aid



PO Box 152
Beverley WA 6304

July 2010

Dear Sir/Madam,

Over the past few months there have been several incidents in the town where a person has been unfortunate enough to have had a severe heart attack, and have passed away. With this in mind the committee of the Beverley Sub Centre has been discussing the idea of installing heart defibrillators in venues within the town. We believe that four machines would be adequate to service the town, and the placing of the machines would be done after consultation with the community.

After discussions with my committee about the funding required to purchase these machines it was thought that the best method would be to involve the service clubs in town, the Shire of Beverley, the Beverley Sub Centre and the general population. The cost of the defibrillators is around \$2,500 each, giving us a total of \$10,000 that we need to raise. With this in mind, the Sub Centre, after the sale of the old Ford Ambulance, have decided to start the fundraising with a donation of \$3,000, and we are asking your organization if you too would like to make a donation to help purchase these machines.

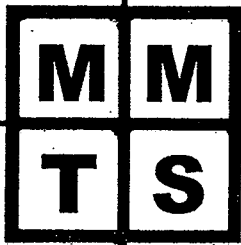
The machines will be purchased by the Beverley Sub Centre, from St John Ambulance in Perth, we will arrange to have them fitted at the locations selected, and do all the training and maintenance required. If you would like us to attend one of your meetings to discuss and to advise you on how the machine would work, we are more than willing to do so.

In closing I hope that you and your organization can see the life saving possibilities of the defibrillators, and choose to donate towards their purchase.

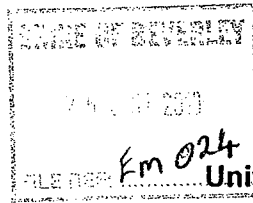
Kindest regards

A handwritten signature in black ink, appearing to read "John Lane". The signature is written in a cursive style with a long, sweeping underline.

John Lane
Chairperson, Beverley Sub Centre.
96461306
Mob 0429 965654



**McMAHON
MINING
TITLE
SERVICES
PTY LTD**



Ph: 08 6467 7997
Fax: 08 9227 0908
mmts@mmts.net.au
Unit 6, 115 Brisbane Street
(The Old Post Office)
Perth WA 6000

PO Box 8638
Perth Business Centre
WA 6849
ABN 70 104 341 817

23 June 2010

THE SHIRE CLERK
SHIRE OF BEVERLY
PO BOX 20
BEVERLY WA 6304

Attention: Chief Executive Officer

Registered Post: 503026252014

Dear Sir/Madam,

RE: APPLICATION FOR EXPLORATION LICENCE 70/3922

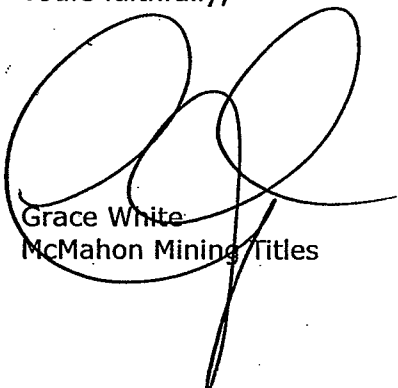
On behalf of our client, Magnetic Resources NL (tenement applicant), an application has been made for the above mentioned Exploration Licence 70/3922

In accordance to requirements set out in the West Australian Mining Act, notification must be forwarded to the appropriate local government authority affected by the application.

As the land affected lies within your shire, please find attached a copy of the application and a plan showing the area of the application.

Should you have any queries, please do not hesitate to contact our office.

Yours faithfully,



Grace White
McMahon Mining Titles

APPLICATION FOR MINING TENEMENT

(a) Type of tenement	(a) EXPLORATION LICENCE		70/3922
(b) Time & Date marked out (where applicable)	(b) NA a.m/p.m / /	(c) SOUTH WEST	
(c) Mineral Field			
APPLICANT	(d) & (e) MAGNETIC RESOURCES NL (A.C.N 121 370 232) C/- MCMAHON MINING TITLE SERVICES PTY LTD PO BOX 8638 PERTH BUSINESS CENTRE WA 6849		(f) Shares 100
(d) Full name (for (e) Address (each (f) No. of (appl- Shares (icant			(g) TOTAL 100
(g) Total No. of Shares			
DESCRIPTION OF GROUND APPLIED FOR: (For Exploration Licences see Note 1)	(h) MAWSON		
(h) Locality (i) Datum Peg (j) Boundaries	(i) SEE ATTACHMENTS 1 & 2		
	" IN RESPECT TO PRIVATE LAND, THE TENEMENT APPLICANT IS SEEKING SUBSURFACE RIGHTS ONLY, THEREFORE SECTION 33(1a) OF THE MINING ACT 1978 APPLIES TO PRIVATE LAND NOTICES."		
	(k) 69 SUB-BLOCKS		

(l) Signature of applicant or agent: [Signature] (l) AGENT DATE: 21 June 2010

O F F I C E U S E	OBJECTIONS to this application may be lodged at the Mining Registrar's office on or before the <u>27th</u> day of <u>JULY</u> 2010 (see Note 3). Where an objection to this application is lodged the hearing will take place on a date to be set.	RECEIVED AT DEPARTMENT OF MINES AND PETROLEUM 22 JUN 2010 MINERAL AND TILE SERVICES DIVISION
	FEES PAID Application \$ 1,115.00 Rent \$ 7,438.20 TOTAL \$ 8,553.20	Receipt No.: <u>80690</u> Shire: <u>QUAIRADING, YORK & BEVERLEY</u>
	Received at <u>8:55 a.m.</u> on <u>22nd JUN 2010</u> <u>D. McQUILLAN</u> Pt (Mining Registrar) AG	Map ref. Plan <u>TENGIRAPH</u> Scale

- NOTES**
- Note 1: EXPLORATION LICENCE**
 (i) Attachments 1 and 2 must be completed and accompany the lodgement of every application for an Exploration Licence in lieu of (h), (i), (j) and (k) above and a map.
 (ii) An application for an Exploration Licence shall be accompanied by a statement specifying method of exploration, details of the proposed work programme, estimated cost of exploration and technical and financial ability of the applicant(s).
- Note 2: PROSPECTING LICENCES, MINING/GENERAL PURPOSE LEASES AND MISCELLANEOUS LICENCES**
 (i) This application form shall be accompanied by a map on which are clearly delineated the boundaries of the area applied for.
- Note 3: ALL APPLICATIONS OVER PRIVATE LAND**
 The period for lodgement of an objection is within 21 days of service of this notice, or the date noted above for lodging objections, whichever is the longer period

FORM 21 - ATTACHMENT 2

MAP SHOWING BLOCKS APPLIED FOR IN EXPLORATION LICENCE No 70/...3922...

(i) Indicate 1:1,000,000 Plan Name(s) highlighting sheet boundaries in the areas marked (*) e.g. Kalgoorlie

(iii) Indicate Graticular Section e.g.



(ii) Indicate Primary Number (s) e.g.

PRIMARY No. 318

(iv) Outline external boundaries of licence applied for.

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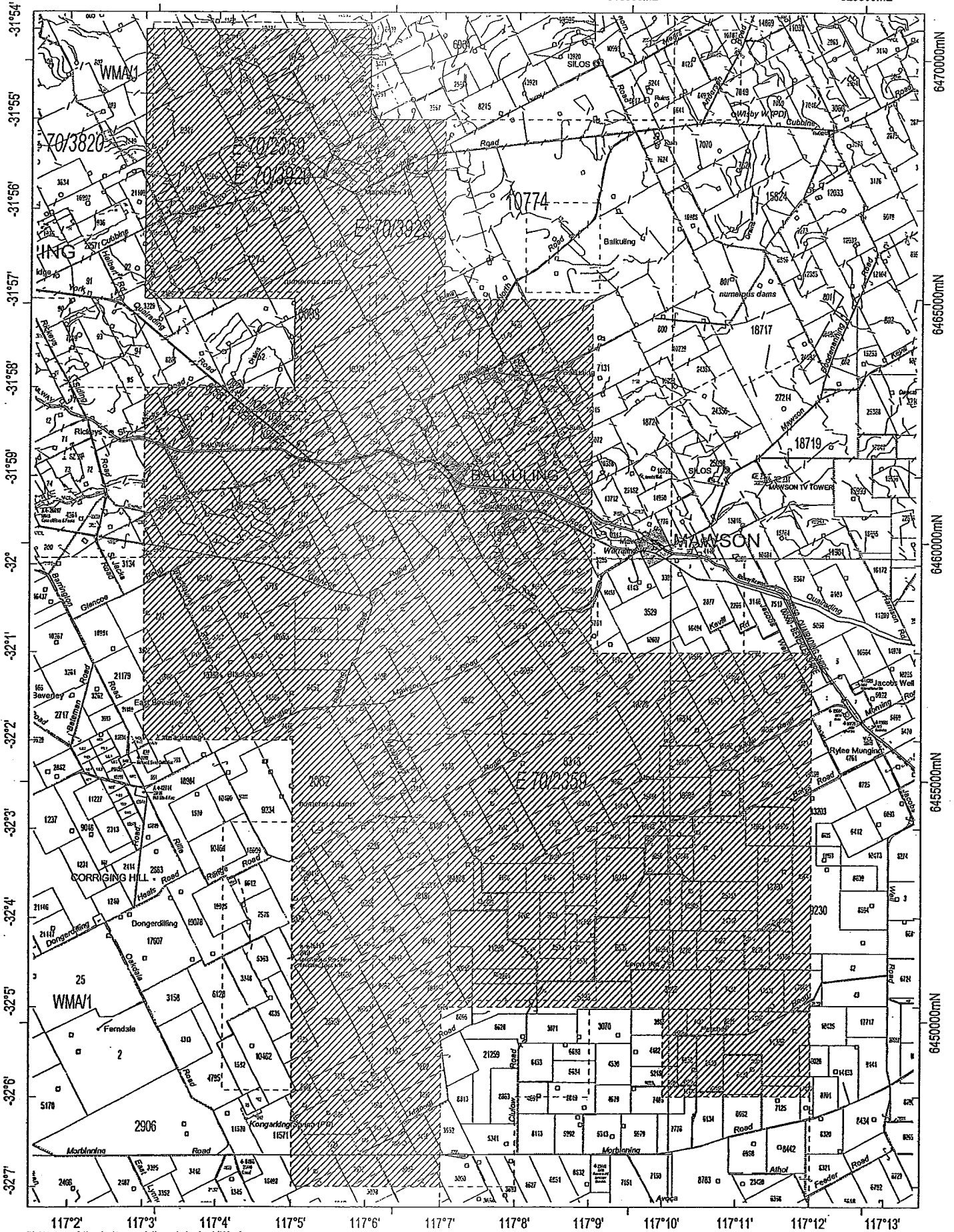


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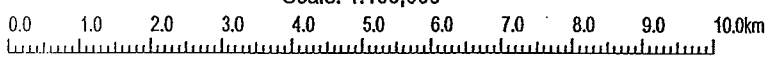
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This plan has been compiled from various data sources received from a number of agencies and information supplied by applicants for mining tenements. The responsibility is accepted for any error or omission. The Department of Mines and Petroleum, Perth, Western Australia and the Department of Conservation, Australia copyright cover parts of the topographic data. This plan is for use in the TENGRAPH system. Copying of the content and composition of any labels, titles, or other text on this plan is prohibited. The Department of Mines and Petroleum, Perth, Western Australia. This plan is for use in the TENGRAPH system. Copying of the content and composition of any labels, titles, or other text on this plan is prohibited. The Department of Mines and Petroleum, Perth, Western Australia.

Scale: 1:100,000



2010

STATE OF WESTERN AUSTRALIA

and

SOUTH EAST AVON REGIONAL TRANSITION GROUP

COMPRISING

SHIRE OF BEVERLEY

and

SHIRE OF CUNDERDIN

and

SHIRE OF QUAIRADING

and

SHIRE OF TAMMIN

and

SHIRE OF YORK

**AGREEMENT FOR THE SOUTH EAST AVON
REGIONAL TRANSITION GROUP**

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DRAFT

THIS AGREEMENT is made the

day of

2010

BETWEEN

DIRECTOR GENERAL OF THE DEPARTMENT OF LOCAL GOVERNMENT FOR
AND ON BEHALF OF THE STATE OF WESTERN AUSTRALIA ("State")

AND

SHIRE OF BEVERLEY

SHIRE OF CUNDERDIN

SHIRE OF QUAIRADING

SHIRE OF TAMMIN

SHIRE OF YORK

(the local governments collectively referred to as the "Regional Transition Group")

BACKGROUND

- A. It is the policy of the State to seek structural reform in local government in order to secure sustainability, governance and service delivery systems that meet the needs of local communities, support social and economic changes and contribute to ongoing development across Western Australia.
- B. The Participants have formed the Regional Transition Group for the purpose of implementing common service arrangements and moving towards amalgamation as a single local government.
- C. The State and the Regional Transition Group have agreed to enter into this Agreement in order to set out the basis on which the Regional Transition Group will implement a regional business plan to achieve common service arrangements and move towards amalgamation.
- D. In order to assist the process of structural reform, the State shall provide to the Regional Transition Group the financial contributions described herein.

THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

In this Agreement, unless the context otherwise requires:

Act means the *Local Government Act 1995*.

Agreement means this Regional Transition Group agreement.

Amalgamation means the action by which the Participants form a single local government following the process as described in clause 7.1.

Amalgamation Date means 1 July 2013 or such earlier date as decided by the RTG.

Board means the board of the RTG described in clause 3.1.

Business Day means a day other than a Saturday, Sunday or public holiday in Western Australia.

Department means the State's Department of Local Government.

Execution Date means the date when this Agreement is executed by the Director General, as the last Party to execute.

Participant means a local government which is a Party to this Agreement.

Party means a party to this Agreement and **Parties** means all of them.

Region means the area covered by common service arrangements of the Participants.

Regional Business Plan means the plan described in clause 5.

RTG means the South East Avon Regional Transition Group.

1.2 Interpretation

In this Agreement, unless the contrary intention appears:

- (a) words and expressions defined in the Act have the same meaning where used;
- (b) a reference to a clause, schedule or annexure is a reference to a clause of, or a schedule or annexure to, this Agreement and a reference to this Agreement includes any recital, schedule or annexure;
- (c) a reference to a statute, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- (d) the singular includes the plural and vice versa;
- (e) the word 'person' includes a firm, body corporate, partnership, joint venture or unincorporated association;
- (f) a reference to a person includes a reference to the person's executors, administrators, delegates, successors and assigns;

- (g) a reference to a person, statutory authority or government body (corporate or unincorporated) established under any written law includes a reference to any person (corporate or unincorporated) established or continuing to perform the same or a substantially similar function;
- (h) a reference to dollars or \$ is to Australian currency;
- (i) an obligation, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;
- (j) an obligation, representation or warranty on the part of two or more persons binds them jointly and severally;
- (k) if a period of time is specified and dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (l) a reference to a day is to be interpreted as the period of time commencing at midnight and ending twenty-four hours later;
- (m) references to time are to time in Western Australia;
- (n) if a payment is to be made or an act performed on a day which is not a Business Day, then the payment must be made or the act performed on the next following Business Day;
- (o) headings in this Agreement are inserted for convenience and do not affect the interpretation of this Agreement;
- (p) words of inclusion are not words of limitation;
- (q) unless provided otherwise, reference to legislation is to legislation of the State of Western Australia; and
- (r) if any conflict arises between the terms and conditions contained in the clauses of this Agreement and any schedule or annexure to this Agreement, the terms and conditions of the clauses of this Agreement prevail.

2. ESTABLISHMENT OF REGIONAL GROUP

2.1 RTG Formed

The Regional Transition Group is hereby formed with a view to achieving structural reforms in local government throughout the Region.

2.2 Legally Binding

The Participants acknowledge and agree that they are legally bound by the terms and conditions contained herein.

3. ADMINISTRATION

3.1 Board of RTG

Within 3 months of the Execution Date, the RTG shall convene the inaugural meeting of the RTG and appoint a board comprising one elected member and one elected deputy member for each Participant together with such other members as the Participants agree.

3.2 Appointment of Chairperson

At the inaugural meeting the RTG shall appoint an elected member from one of the Participants to be the chairperson of the Board, and an elected member from a different Participant to be the deputy chairperson of the Board.

3.3 Meetings of RTG

The RTG shall convene Board meetings regularly and in any event not less than once every 3 months, and shall keep minutes for all meetings convened.

3.4 Decisions by RTG

Board meeting and decision making procedures shall be determined by the Board.

3.5 Banker and Secretariat

The Board shall elect a Participant to control and manage the finances of the RTG and elect a Participant to act as secretariat to the RTG.

4. FINANCIAL CONTRIBUTIONS

4.1 Financial Contribution of the Participants

The Participants shall make financial contributions to the RTG as determined by the Board, which contributions may be made in cash or in kind.

4.2 Financial Contribution of the State

The State shall provide to the RTG financial contributions in accordance with item 1 (a) of Schedule 1, the first such contribution being made in response to execution of this Agreement by the Parties.

5. REGIONAL BUSINESS PLAN

5.1 Development of Regional Business Plan

The RTG shall develop a draft Regional Business Plan no later than 9 months following the inaugural meeting date of the Board, and submit it to the Department for the Department's comments.

5.2 Contents of Regional Business Plan

The contents of the Regional Business Plan shall be as described in item 2 of Schedule 1 and the matters set out in Schedule 2.

5.3 Submission of Final Regional Business Plan

The RTG shall make any amendments to the draft Regional Business Plan suggested by the Department with which the RTG agrees and submit the final draft to the Department and to each Participant within 2 months of receiving the Department's suggested amendments.

5.4 Disagreement on Contents of Regional Business Plan

Where the RTG does not agree with amendments to the Regional Business Plan suggested by the Department, the Department and the Participants shall convene a meeting at which they will use their reasonable endeavours to reach acceptable compromise.

5.5 Endorsement by Department and Participants

Within 2 months of receipt of the final Regional Business Plan amended as agreed by the Parties, the Department and the Participants shall endorse it for implementation by the RTG PROVIDED that if any of the Participants do not wish to endorse the final Regional Business Plan, they may withdraw from the process of Amalgamation at that time by providing notice to the RTG whereupon they will have no further obligations hereunder.

5.6 Funding by State

Upon endorsement of the final Regional Business Plan by the Department and the Participants, the RTG shall submit a request to the State for consideration of further funding in accordance with item 1(b) of Schedule 1.

6. SERVICES

In the period from the Execution Date to Amalgamation, the RTG shall plan the development and delivery of common systems and work towards delivery of the following services to the Region together with any additional services the RTG decides:

- corporate services, including records, finance, information technology, rating, human resources, payroll and workforce;
- strategic planning, including local laws, town planning, asset and financial planning;
- environmental health, natural resource management, building and development approvals;
- economic development;
- community planning and engagement;

- recreation and culture;
- youth and the aged;
- road infrastructure and transport;
- waste management; and
- infrastructure planning and asset management.

7. SUBMISSION OF PROPOSAL

7.1 Submission to Local Government Advisory Board

The Participants shall submit a proposal for Amalgamation to the Local Government Advisory Board, pursuant to the provisions of clause 2(2) of Schedule 2.1 of the Act, following endorsement by the Participants of the final Regional Business Plan.

7.2 Implementation of Proposal

Upon endorsement by the Local Government Advisory Board of the proposal for Amalgamation and acceptance by the Minister of that endorsement, the Participants and the RTG shall implement the proposal in accordance with the final Regional Business Plan.

7.3 Funding by State

Upon endorsement by the Local Government Advisory Board of the proposal for Amalgamation and acceptance by the Minister of that endorsement, the State shall make a final financial contribution to support implementation of the proposal in accordance with the final Regional Business Plan.

8. REPORTING

The Participants shall provide to the Department every 6 months from the inaugural meeting date of the Board a progress report on the activities of the RTG, covering the previous 6 month period, and including *inter alia* information on transition initiatives undertaken by the RTG.

9. DEFAULT

Where the RTG or a Participant breaches a provision hereof, the State may in its absolute discretion withhold further financial contributions under clause 4.2 and require repayment to it by the RTG and Participants of unspent funds.

10. TERMINATION

10.1 Termination by Majority

This Agreement may be terminated at any time by agreement of a majority of the Participants.

10.2 Meeting with Department

Where a majority of the Participants wish to terminate this Agreement, the Department shall convene a meeting to be attended by all Participants together with representatives of the State at which the Parties shall use reasonable endeavours to resolve outstanding issues and where not successful to canvass alternatives for Amalgamation.

10.3 Return of unexpended funds

Upon termination of this Agreement, the RTG and Participants must forthwith return to the State all unexpended and not contractually committed financial contributions made by the State to the RTG and Participants.

11. NOTICES AND OTHER COMMUNICATIONS

11.1 Service of Notices

A notice, demand, consent, approval or other communication under this Agreement (Notice) must be:

- (a) in writing and signed by a person duly authorised by the sender; and
- (b) hand delivered or sent by prepaid post or facsimile to the recipient's address for notices specified in item 3 of Schedule 1 as varied from time to time by any Notice given by the recipient to the sender.

11.2 Effective on receipt

A Notice given in accordance with clause 11.1 takes effect when taken to be received (or at a later time specified in it), and is taken to be received:

- (a) if hand delivered, on delivery;
- (b) if sent by prepaid post, on the third Business Day after the date of posting (or on the tenth Business Day after the date of posting if posted to or from a place outside Australia);
- (c) if sent by facsimile, when the sender's facsimile system generates a message confirming successful transmission of the entire Notice unless, within 8 Business Hours after the transmission, the recipient informs the sender that it has not received the entire Notice,

but if the delivery, receipt or transmission is not on a Business Day or is after 5.00 pm on a Business Day in the place that it is received, the Notice is taken to be received at 9.00 am on the next Business Day.

12. GENERAL

12.1 Entire Agreement

As at the Execution Date this Agreement constitutes the entire Agreement between the Parties as to its subject matter and in relation to that subject matter, supersedes any prior understanding or Agreement between the Parties and any prior condition, warranty, indemnity or representation imposed, given or made by a Party.

12.2 Severability

If any provision of this Agreement is void, voidable by any Party, unenforceable or illegal according to the law in force in Western Australia, it shall be read down so as to be valid and enforceable or if it cannot be so read down, the provision (or where possible the offending words), shall be severed from this Agreement without affecting the validity, legality or enforceability of the remaining provisions (or parts of those provisions) of this Agreement which continues in full force and effect.

12.3 Waiver

A right or power under this Agreement shall only be deemed to be waived by notice in writing, signed by the Party waiving the right or power, and:

- (a) no other conduct of a Party (including a failure to exercise, a delay in exercising or a partial exercise of a right or power or any forbearance or indulgence granted by one Party to another Party in respect of a right or power) operates as a waiver of the right or power or otherwise prevents the exercise of that right or power;
- (b) a waiver of a right or power on one or more occasions by a Party does not operate as a waiver of that right or power if it arises again in the future or prejudices that Party's other rights or powers or future rights or powers in respect of the right or power waived; and
- (c) the exercise of a right or power does not prevent any further exercise of that right or power or of any other right or power.

12.4 Further action

Each Party must use its reasonable endeavours to do all things necessary or desirable to give full effect to this Agreement.

12.5 Assignment

Except as otherwise provided in this Agreement, a Party may not:

- (a) sell, transfer, assign, novate, license or otherwise dispose of; or
- (b) mortgage, charge or otherwise encumber,

any right hereunder to any person, or permit any person to assume any obligation hereunder, without the prior written consent of the other Parties, which may withhold their consent in their absolute discretion.

12.6 Governing law and jurisdiction

- (a) This Agreement is governed by the law applicable in Western Australia.
- (b) Each Party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Western Australia.

12.7 Variation

The Parties may vary this Agreement by agreement in writing executed by all of them.

12.8 Counterparts

This Agreement may be executed in any number of counterparts. All counterparts, taken together, will constitute one instrument. A Party may execute this Agreement by signing any counterpart.

DRAFT

SCHEDULE 1

Item 1 (clause 4.2, 5.6 and 7.3) Financial Contributions by State:

- (a) Initial funding of \$150,000 for the creation of a Regional Business Plan and administration.

Subject to confirmation by Treasury of available funds:

- (b) Funding for implementation of the Regional Business Plan.

Item 2 (clause 5.2) Contents of Regional Business Plan:

(the contents include but are not limited to the undermentioned)

Community and Strategic Plan

- social, community, economic and environmental planning processes including consultation and priority assessment
- demonstration of productivity/service improvements
- infrastructure renewal schedule for minimum of 4 years
- new infrastructure schedule for minimum of 4 years
- financial information including capital works budget, borrowings, other funding received and rationale for using Country Local Government Fund supplementary funding
- maintenance schedule for renewal/proposed assets
- conduct due diligence of each Participant's financial assets and liabilities, contracts, leases and other legal agreements
- identification of preferred organisational structures for new entity
- identification of preferred governance structures for new entity

Infrastructure System Improvements

- IT systems
- record management systems
- archive facilities
- accommodation
- libraries
- community facilities

- depots
- signage
- financial systems
- asset management systems
- data systems
- human resources management systems
- communications

Specific Issues Identified for investigation by this RTG for a new local government:

- Transitional arrangements for councillor representation and preferred long term representation.
- An objective for improved service delivery.
- Develop strategies for retaining, maintaining and improving services such as health, education and police.
- Investigate the issue of existing debts and reserve funds and the use of differential rating to achieve equity.
- Investigate the use of community advisory committees to protect local identity and service delivery.

Item 3 (clause 11.1) Notice Details:

The notice details for the Parties are as follows:

Chief Executive Officer
Shire of Beverley
136 Vincent Street
Beverley WA 6304

Chief Executive Officer
Shire of Tammin
1 Donnan Street
Tammin WA 6409

Chief Executive Officer
Shire of Cunderdin
Lundy Avenue
Cunderdin WA 6407

Chief Executive Officer
Shire of York
1 Joaquina Street
York WA 6302

Chief Executive Officer
Shire of Quairading
10 Jennaberring Road
Quairading WA 6383

SCHEDULE 2

The following matters shall be included in the final regional business plan, to protect local identity and representation and may be included in the Governor's Orders when creating the new local government:

- Initially there shall be five wards based on existing district boundaries.
- The period for transitional councillor representation and ward boundaries shall be for two full electoral cycles (8 years), with minor practical adjustments to ward boundaries as required.
- Each ward shall have at least one service centre.
- A commitment to review the performance of the new local government after an optimum period of time.
- Progression of a preferred service subsidiary model under the *Local Government Act 1995*.

DRAFT

EXECUTED as an agreement.

SIGNED FOR AND ON BEHALF OF)
THE STATE OF WESTERN AUSTRALIA)
BY JENNIFER MATHEWS)
Director General of the Department of)
Local Government in the presence of:)

Signed

Witness

The Common Seal of)
SHIRE OF BEVERLEY)
a body corporate established under)
Section 2.5 of the *Local Government Act 1995*,)
was affixed in the presence of:)

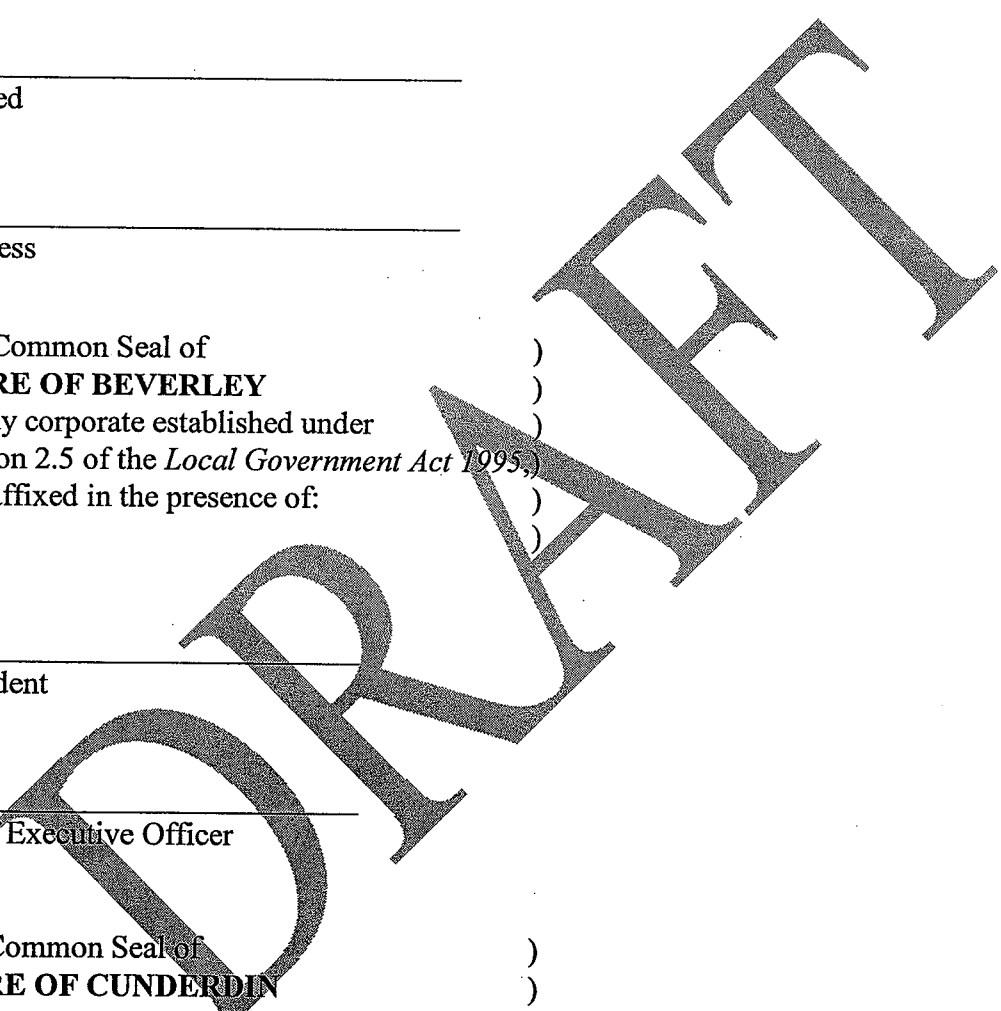
President

Chief Executive Officer

The Common Seal of)
SHIRE OF CUNDERDIN)
a body corporate established under)
Section 2.5 of the *Local Government Act 1995*,)
was affixed in the presence of:)

President

Chief Executive Officer



The Common Seal of)
SHIRE OF QUAIRADING)
a body corporate established under)
Section 2.5 of the *Local Government Act 1995*,)
was affixed in the presence of:)
)

President

Chief Executive Officer

The Common Seal of)
SHIRE OF TAMMIN)
a body corporate established under)
Section 2.5 of the *Local Government Act 1995*,)
was affixed in the presence of:)
)

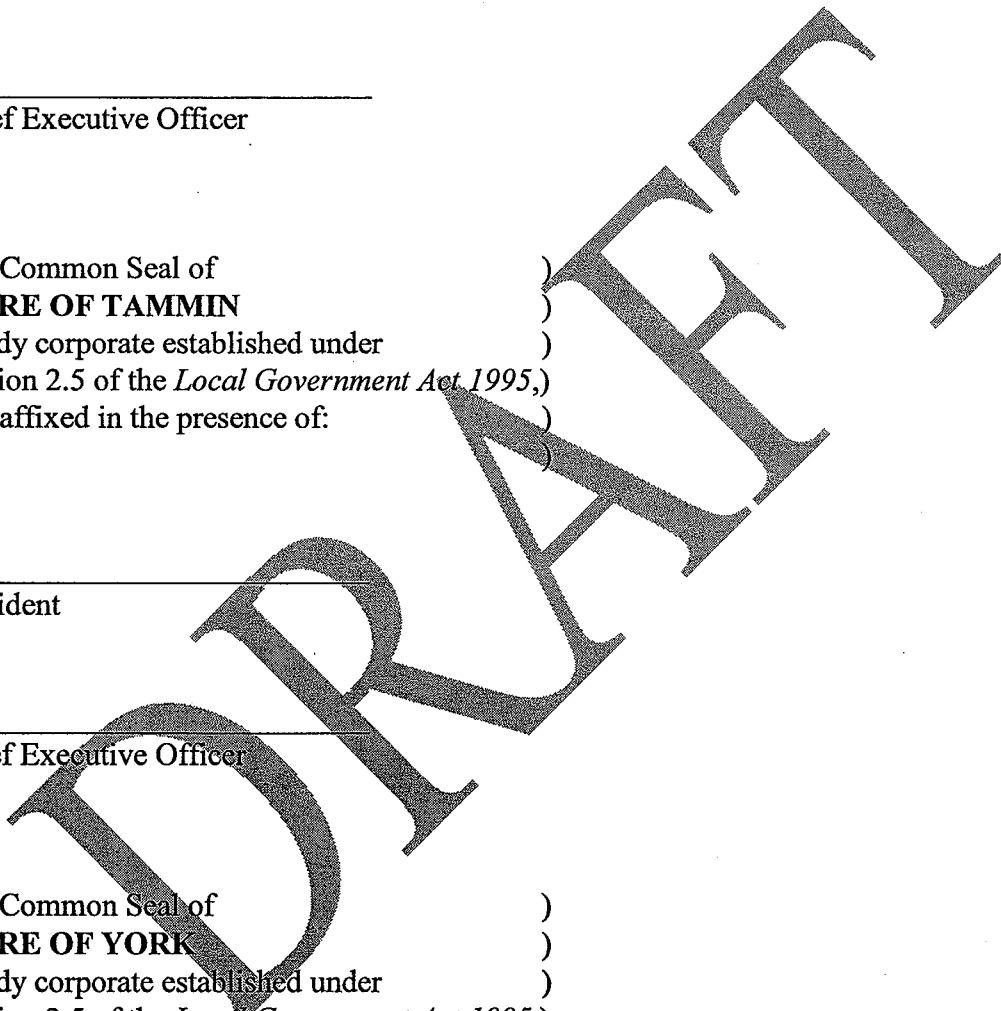
President

Chief Executive Officer

The Common Seal of)
SHIRE OF YORK)
a body corporate established under)
Section 2.5 of the *Local Government Act 1995*,)
was affixed in the presence of:)
)

President

Chief Executive Officer



CEMETERIES ACT 1986

LOCAL GOVERNMENT ACT 1995

Shire of Beverley

CEMETERIES LOCAL LAW 2010

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CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995
Shire of Beverley
CEMETERIES LOCAL LAW 2010

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Beverley resolved on 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 Cemeteries 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 Repeal of Local Law

The *Shire of Beverley Local Laws Relating to Public Cemeteries* as published in the *Government Gazette* of 1st August 1960 and subsequent amendments as published in the *Government Gazette* on 17th March 1966, 28th November 1968, 25th January 1974, 4th March 1977, 9th November, 1979, 23rd October 1981, 9th December 1983, 26th October 1984, 10th June 1988 and 17 May 1991 are repealed.

1.4 Content and Intent

This local law provides for rules and guidelines for the management and control of cemeteries located in Beverley (Reserve Nos. 25625 and 25626).

1.5 Interpretation

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

“Act” means the *Cemeteries Act 1986*;

“animal” means any animal;

“ashes” means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

“authorised officer” means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

“Board” means the Shire of Beverley;

“burial” has the same meaning as is given to it in the Act;

“Cemetery” means the Beverley Cemetery, which the Governor, by order, has placed under the care control and management of the Board;

“CEO” means the Chief Executive Officer for the time being, of the Shire of Beverley and includes an Acting Chief Executive Officer;

“dead body” has the same meaning given to it in the Act;

“funeral” includes the burial of a dead body and all associated processions and ceremonials but does not include so much of the ceremonial that is solely a religious rite;

“Funeral Director” means a person holding a current funeral director’s licence;

“grant” means a grant issued by the Board, of an exclusive right of burial in a grave;

“grave” means a specified area of the cemetery for burial;

“guide dog” has the same meaning as is given to that expression in the Dog Act 1976;

“holder” in relation to a grant includes-

- (a) a person issued with a grant by the Board;
 - (b) a person for the time being appearing to the Board to be the holder of a grant;
- “local government”** means the Shire of Beverley;
- “Memorial”** means a memorial plaque or memorial as described in this local law or as otherwise approved by the Board;
- “Minister”** means the Minister for Local Government;
- “monumental mason”** means a person holding a current monumental mason’s licence;
- “personal representative”** means the administrator or executor of an estate of a deceased person;
- “remains”** means ashes or what remains of a dead body after burial;
- “set fee”** refers to fees and charges set by a resolution of the Board in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995* and published in the *Government Gazette*, under section 53 of the Act;
- “single funeral permit”** means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit;
- (2) Unless otherwise defined herein the terms and expressions used in this local law shall have the same meaning given to them in the Act;
 - (3) Where a term is not defined in this local law, the Act or Regulations, the term is to be taken from the Oxford Dictionary.

PART 2—ADMINISTRATION

2.1 Powers and Functions of Chief Executive Officer.

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

PART 3—APPLICATION FOR FUNERALS

3.1 Grant of right of burial

The Board may issue to a person a grant of right of burial, for the term specified in the Act from time to time, upon –

- (a) written application by that person; and
- (b) payment of the set fee.

3.2 Application for Burial

- (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) is to be accompanied by the set fee.

3.3 Applications to be Accompanied by Certificates etc

All applications referred to in clause 3.2 shall be accompanied by either a medical certificate of death or a Coroner’s order of burial, and a certificate issued under clause 3.4, in respect of the body.

3.4 Certificate of Identification

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless—
 - (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body.
- (2) Where—
 - (a) in the opinion of the Funeral Director, the dead body is not in a fit state to be viewed; or

- (b) after reasonable effort the Funeral Director is unable to arrange for a person to identify the dead body,

then the Funeral Director shall complete a certificate in the form determined by the Board from time to time.

3.5 Minimum Notice Required

All bookings to hold a funeral shall be made with the Board at least 2 working days prior to the time proposed for burial on the application, otherwise an extra charge may be made.

3.6 Time for burials

- (1) A person shall only carry out a burial between the hours of 6:00am and 6:00pm Monday to Sunday.
- (2) A person shall not carry out a burial –
 - (a) on Christmas Day; or
 - (b) on Good Friday.

PART 4—FUNERAL DIRECTORS

4.1 Funeral Director's Licence Expiry

A funeral director's licence shall expire on the 30th day of June in each year.

4.2 Application for a Single Funeral Permit

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.3 Application may be Refused

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5—FUNERALS

Division 1—General

5.1 Requirements for Funerals and Coffins

A person shall not bring a dead body into the cemetery unless—

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10mm in height.

5.2 Funeral Processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle Access and Speed Limitations

- (1) Subject to subclause 5.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the interment area.
- (2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs;
- (3) Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated

for the use of vehicles and shall not exceed the speed of 25km per hour.

5.4 Offenders may be Expelled

A person committing an offence under sub-clause 5.3(3) may be expelled from the cemetery by the CEO or an authorised officer.

5.5 Conduct of Funeral by Board

When conducting a funeral under section 22 of the Act the Board may—

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) bury a dead body within cemeteries under the delegation of the Shire of Beverley and in conjunction with the *Cemeteries Act 1986*.
- (e) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;
- (g) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

Division 2—Placement of Ashes

5.6 Disposal of Ashes

- (1) A personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods—
Niche Wall, Scattering to the Winds, or other memorials approved by the Board.
- (2) Subject to subclauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board's approval provided—
 - (a) the person requesting the placement of the ashes has the permission of the Board; and
 - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6—BURIALS

6.1 Depth of Graves

- (1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is—
 - (a) subject to paragraph (b), less than 750mm, unless that person has the permission of an authorised officer; or
 - (b) in any circumstances less than 600mm.
- (2) The permission of the authorised officer in subclause (1)(a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

6.2 Re-opening a Grave

- (1) Subject to subclause (2), if for the purpose of re-opening a grave in the cemetery, the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person

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ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

- (2) If the Minister orders the exhumation of a body in accordance with section 58 of the Act, then the Minister may further order how and by whom the cost referred to in subclause (1) should be met.

6.3 Exhumation of a Coffin

- (1) Subject to subclause (2), a person shall not exhume a coffin in the cemetery for the purposes of re-burial within twelve (12) months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.
- (3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant must have applied in writing to the Board requesting the exhumation and the Board has authorised the exhumation.

6.4 Opening of Coffin

- (1) A person shall not open a coffin in the cemetery unless –
 - (a) the coffin is opened for the purposes of the exhumation of a dead body; or
 - (b) that person has produced to the Board an order signed by the Commission of Police and the Board has approved the opening of that coffin.

PART 7—MEMORIALS AND OTHER WORK

Division 1—General

7.1 Application for Monumental Work

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of Monumental Work

Every memorial shall be placed on proper and substantial foundations in accordance with the Board's specifications.

7.3 Removal of Rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of Work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of Sand, Soil or Loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of Work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished Work

Should any work by masons or others be not completed before 6pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of Wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave without

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the prior approval of the Board.

7.9 Plants and Trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Minor Maintenance and Repair Works

Persons shall be permitted to carry out minor maintenance and repair works, not of a structural nature, such as cleaning, touch up painting, etc on graves, without seeking the approval of the Board.

7.12 Australian War Graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves—

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.13 Placing of Glass Domes and Vases

A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act.

Division 2—Memorial Plaque Section

7.14 Requirements of a Memorial Plaque

All memorial plaques placed in a memorial plaque section of the cemetery shall be in accordance with the Boards' specifications.

Division 3—Licensing of Monumental Masons

7.15 Monumental Mason's Licence

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.16 Expiry Date, Non-Transferability

A monumental mason's licence—

- (a) shall, subject to clause 7.19, be valid from the date specified therein until the 30th day of June next following; and
- (b) is not transferable.

7.17 Carrying out Monumental Work

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.15 or does so as the employee of a person who holds such a licence;
- (b) is authorised by the Board to do so; or
- (c) has received from the Board permission to do so during a funeral service.

7.18 Responsibilities of the Holder of a Monumental Mason's Licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law

which may affect the carrying out of monumental works.

7.19 Cancellation of a Monumental Mason's Licence

- (1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds—
 - (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
 - (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
 - (c) that the holder of the licence has purported to transfer the licence issued to that holder.
- (2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.
- (3) An aggrieved person whose licence has been terminated under subclause (1) may appeal to the State Administrative Tribunal for a review of the decision of the Board under this clause in the manner stated in section 19(2) of the Act.

PART 8—GENERAL

8.1 Animals and Guide Dogs

- (1) Subject to sub-clause (2), a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.
- (2) Sub-clause (1) shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog.

8.2 Damaging and Removing of Objects

Subject to clause 8.4, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.3 Flowers

- (1) All flowers must be placed in vases or receptacles;
- (2) No person shall plant trees, shrubs or plants in the cemetery without the prior approval of the Board; and
- (3) A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.4 Littering and Vandalism

A person shall not—

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.5 Advertising

A person shall not carry on or advertise any trade, business or profession within the cemetery without the prior written approval of the Board which consent may be granted subject to such conditions as the Board thinks fit.

8.6 Obeying Signs and Directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.7 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the

opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in the addition to any penalty provided by this local law, be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

8.8 Fireworks or Firearms

- (1) A person shall not bring or discharge any fireworks within the cemetery;
- (2) A person shall not bring or discharge any firearms within the cemetery except in the case of a military funeral when firearms may be brought into the cemetery and discharged by members of the Defence Force.

PART 9 - OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

9.2 Modified Penalties

- (1) The offences specified in the First Schedule are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in the First Schedule is set out in the fourth column of the First Schedule.
- (3) The prescribed form of the infringement notice referred to in section 63 (1) of the Act is set out in the Second Schedule.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63 (3) of the Act is set out in the Third Schedule.

FIRST SCHEDULE

CEMETERIES ACT 1986

Shire of Beverley

CEMETERIES LOCAL LAW 2010

MODIFIED PENALTIES

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.3	Excessive speed	\$100.00
2	5.3	Unauthorised use - driving of vehicles	\$100.00
3	7.3	Placing and removal of rubbish and surplus materials	\$100.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$100.00
5	8.1(a)	Animal at large	\$100.00
6	8.4	Dumping of Rubbish	\$100.00
7	8.5	Unauthorised advertising, and/or trading	\$100.00
8	8.6	Disobeying sign or lawful direction	\$100.00

THIRD SCHEDULE
Shire of Beverley
CEMETERIES LOCAL LAW 2010
WITHDRAWAL OF INFRINGEMENT NOTICE

No. _____
Date ____/____/____

To ⁽¹⁾ _____
Infringement Notice No _____ dated ____/____/____ for the alleged offence of ⁽²⁾ _____

Penalty ⁽³⁾ \$ _____ is withdrawn.

(Delete whichever does not apply)

- * No further action will be taken.
- * It is proposed to institute court proceedings for the alleged offence.

-
- (1) Insert name and address of alleged offender.
 - (2) Insert short particulars of offence alleged.
 - (3) Insert amount of penalty prescribed.

(Authorised Officer)

Dated this date

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

D RIDGWAY, Shire President

K BYERS, Chief Executive Officer

Shire of Beverley

PROPOSED DOGS LOCAL LAW 2010

DOG ACT 1976

DOG ACT 1976
LOCAL GOVERNMENT ACT 1995
 Shire of Beverley
DOGS LOCAL LAW 2010

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DOG ACT 1976
LOCAL GOVERNMENT ACT 1995
Shire of Beverley
DOGS LOCAL LAW 2010

Under the powers conferred by the *Dog Act 1976* 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 Dogs Local Law 2010*.

1.2 Repeal

The following local laws are repealed –

Dogs, published in the *Government Gazette* on 30 August 1985, and as amended and published in the *Government Gazette* on 4 November 1988.

1.3 Commencement

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

1.4 Definitions

In this local law unless the context otherwise requires –

“Act” means the *Dog Act 1976*;

“authorised person” means a person authorized by the local government to perform all or any of the functions conferred on an authorized person under this local law;

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

“dangerous dog” has the meaning given to it in the Act;

“district” means the district of the local government;

“local government” means the Shire of Beverley;

“local planning scheme” means a local planning scheme made by the local government under the *Planning and Development Act 2005*, or a town planning scheme which was made under the *Town Planning and Development Act 1928*, which applies throughout the whole or a part of the district.

“pound keeper” means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

“Regulations” means the *Dog Regulations 1976*;

“restricted breed dog” has the meaning given to it in regulation 3 of the *Dog (restricted Breeds) Regulations (No.2) 2002*;

“thoroughfare” has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

“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 *Local Government Act 1995*;

1.5 Application

This local law applies throughout the district.

PART 2 - IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16 - 6.19 of the *Local Government Act 1995* -

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.
- (2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence of her or his ownership of the dog or of her or his authority to take delivery of it.

2.4 No breaking into or destruction of pound

A person who -

- (a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or
- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof -
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,commits an offence.

Penalty: Where the dog is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises within a townsite on which a dog is kept must -
 - (a) cause a portion of the premises on which the dog is kept to be fenced or walled in a manner capable of confining the dog;
 - (b) ensure the fence or wall used to confine the dog and every gate or door in the fence or wall is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence or wall is kept closed at all times when the dog is on the premises;
 - (d) maintain the fence or wall and all gates and doors in the fence or wall in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that

other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

Penalty: Where the dog kept is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
- (a) licensed under Part 4 as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) On land within a townsite, or zoned "rural residential" under a local planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.
- (3) On land zoned "rural" under a local planning scheme, the limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 4 dogs over the age of 3 months and young of those dogs under that age.

PART 4 - APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2 -

"licence" means a licence to keep an approved kennel establishment on premises;

"licensee" means the holder of a licence;

"premises", in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

"transferee" means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with -

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged -
- (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.
- (2) The notices in subclause (1) must specify that -
- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and

(b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where –

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a -

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until -

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to –

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where -

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or

- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: Where a dog involved in the contravention is a dangerous or restricted breed dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 - 6.19 of the *Local Government Act 1995*.

4.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence –
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of –
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be –
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;

- (c) made with the written consent of the licensee; and
- (d) lodged with the local government together with –
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to -

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorized person may inspect an approved kennel establishment at any time.

PART 5 - DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

- (1) Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984*, dogs are prohibited absolutely from entering or being in any of the following places –
 - (a) a public building, unless permitted by a sign;
 - (b) a theatre or picture gardens;
 - (c) all premises or vehicles classified as food premises or food vehicles under the *Food Act 2008*;
 - (d) a public swimming pool;
 - (e) a public toilet block or changing room
 - (f) a cemetery, unless otherwise provided for in the local governments local law relating to cemeteries.
- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous or restricted breed dog, \$2,000; otherwise \$1,000.

5.2 Places which are dog exercise areas

- (1) Subject to clause 5.1 and subclauses (1)(b) and (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas –
 - (a) Beverley town lots 33 and 34 – portion of Beverley Greater Sports Ground;
- (2) Subclause (1)(a) does not apply to –
 - (a) an area set aside by a wall or fence as a children’s playground, or where there is no wall or fence, an area within 10 metres of the edge of playing equipment or apparatus
 - (b) an area within 10m of the edge of a playing field being used for sporting or other activities, as permitted by the local government, during the times of such use;
 - (c) a car park, thoroughfare, access way or right of way;

PART 6 - MISCELLANEOUS

6.1 Offence to excrete

- (1) A dog must not excrete on –
 - (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: \$200.

- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 7 - ENFORCEMENT

7.1 Interpretation

In this Part -

“**infringement notice**” means the notice referred to in clause 7.3; and

“**notice of withdrawal**” means the notice referred to in clause 7.6(1).

7.2 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if -
 - (a) the dog is not a dangerous or restricted breed dog; or
 - (b) the dog is a dangerous or restricted breed dog, but an amount does not appear in the fourth column directly opposite that offence.
- (3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous or restricted breed dog.

7.3 Issue of infringement notice

Where an authorized person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

7.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.6 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.
- (2) A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

7.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Schedule 1

(clause 4.2)

Shire of Beverley

DOGS LOCAL LAW 2010

APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

I/we (full name)
of (postal address)
(telephone number)
(facsimile number)
(E-mail address)

Apply for a licence for an approved kennel establishment at (address of premises)

For (number and breed of dogs)

- * (insert name of person) will be residing at the premises on and from (insert date)
* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at (insert address of residence) on and from (insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
(b) plans and specifications of the kennel establishment;
(c) copy of notice of proposed use to appear in newspaper;
(d) copy of notice of proposed use to be given to adjoining premises;
(e) written evidence that a person will reside -
(i) at the premises; or
(ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
(f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on [insert date].

Schedule 2

(clause 4.8(1))

Shire of Beverley

DOGS LOCAL LAW 2010

CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

An application for a licence for an approved kennel establishment may be approved subject to the following conditions -

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than -
 - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government to a height of no less than 2m;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be -
 - (i) at least 100mm above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of -
 - (i) 2m; or

- (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material (or other material) approved by the local government;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Schedule 3

(clause 7.2)

Shire of Beverley

DOGS LOCAL LAW 2010

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of offence	Modified penalty \$	Dangerous or Restricted Breed Dog Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	100	200
3.2	Exceeding the number of dogs permitted to be kept at a premises	100	200
4.9	Failing to comply with the conditions of a licence	100 and a daily penalty of 10	200 And a daily penalty of 20

5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	100	

Dated this

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

**PROPOSED PEST PLANTS
LOCAL LAW 2010**

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

Shire of Beverley

PEST PLANTS LOCAL LAW 2010

Under the powers conferred by the *Agriculture and Related Resources Protection Act 1976* and 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 Pest Plants 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 Definitions

In this local law, unless the contrary intention appears —

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

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

“**Pest Plant**” means a plant described as a pest plant by clause 2.1 of this local law.

1.4 Application

This local law applies throughout the district.

PART 2 – DESCRIPTION OF PEST PLANTS

2.1 Description of Pest Plants

Every plant described in the First Schedule of this local law is a pest plant.

PART 3 - SERVING OF NOTICES

3.1 Serving of Notice

- (1) The local government may serve on the owner or occupier of private land within the district, a duly completed notice in the form of the Second Schedule to these local laws requiring him to destroy, eradicate or otherwise control any pest plant on that land;
- (2) A person served with a notice under subclause (1) of this clause shall comply with that notice within the time and in the manner specified therein.

PART 4 - OFFENCES

4.1 Penalties

Where a person fails to comply with a notice under clause 3.1 of these local laws served upon him, the local government may:—

- (a) Without payment of any compensation in respect thereof, destroy, eradicate or control, as the case may be, any pest plant, the destruction, eradication or control of which was required by the notice; and
- (b) Recover in a court of competent jurisdiction from the person to whom the notice is directed, the amount of the expense of such destruction, eradication or control.

FIRST SCHEDULE

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

Shire of Beverley

PEST PLANTS LOCAL LAW 2010

PEST PLANTS

Common Name

Scientific Name

Caltrop

Tribulus Terrestris L.

Afghan Thistle

Solanum hystrix R. Br.

Solanum hoplopetalum Bitter et Summ.

SECOND SCHEDULE

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976

LOCAL GOVERNMENT ACT 1995

Shire of Beverley

PEST PLANT LOCAL LAW 2010

PEST PLANT NOTICE

No.

To
(Full name)

of
(Address)

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

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

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

on
(here specify the land)

of which you are the
(owner or occupier)

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

Such measures shall be commenced not later than
(Date)

and shall be completed by
(Date)

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

Date of service of notice:

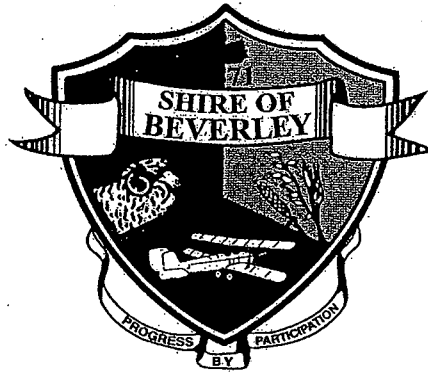
Signature of authorized person

Dated **DATE**

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

D RIDGWAY, President.

K BYERS, Chief Executive Officer.



**MEMORANDUM OF UNDERSTANDING
USE OF OLD BEVERLEY RACECOURSE (RESERVE 3378)**

BY

PERTH TRACTOR PULL ASSOCIATION

This is a Memorandum of Understanding between the Shire of Beverley and the Perth Tractor Pull Association (an affiliate of the Western Australian Pull Association) for the purpose of conducting tractor pull events to be located within the Old Beverley Racecourse (Reserve 3378).

The intention of this Memorandum is to set out the responsibilities of each party to the Memorandum and the expectations that each party has in regard to the other party.

This Memorandum of Understanding and the conditions therein will be reviewed by each party at the completion of each year of the duration of the five (5) year period. Failure to comply with Council's directions and listed conditions the Memorandum of Understanding will terminate forthwith.

A flat fee of Two Hundred and Fifty Dollars (\$250.00) per event to be paid in advance of each event, which also includes days required for set up and dismantling requirements of each event.

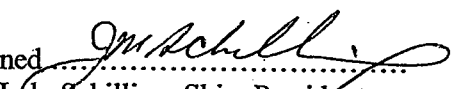
The obligations of the parties shall be as follows:

SHIRE OF BEVERLEY

- To permit the Old Beverley Racecourse (Reserve 3378) to be used for the purpose of Tractor Pull events by the Perth Tractor Pull Association;
- To ensure that the building and grounds are maintained in an acceptable standard at all times by providing general maintenance;
- To pay Shire rates, water rates, building insurance and land tax applicable to this facility; and
- To provide building and public liability insurance over the racecourse infrastructure.

PERTH TRACTOR PULL ASSOCIATION

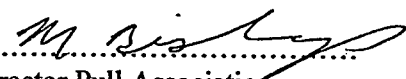
- Authorised to hold 6 events each year as approved by the Shire of Beverley;
- Indemnify Shire from Claims due to running of Tractor Pull Events;
- Maintain current Public Liability to a minimum of \$10,000,000 at all times;
- Adequate Insurance Cover for Volunteers and Workers Compensation;
- Copy of all Insurance Certificates of currency to be provided to the Shire of Beverley each year;
- Prior to the first event a Risk Management Plan to be approved by the Chief Executive Officer of the Shire of Beverley and to include:
 - Emergency Response Plan
 - Emergency Evacuation Plan
 - Emergency Procedure
 - Parking and Traffic Management Plan
 - Crowd Control
 - A Set Up Plan and Tractor Event Plan
 - Management of the Environmental Impact in the following areas:
 - Noise Suppression
 - Dust Suppression
 - Management of Litter;
- At the completion of each event the area to be left in a neat and tidy condition to the satisfaction of the Shire Works Supervisor;
- Temporary Food/Drink Outlets to be approved by the Shire of Beverley Environmental Health Officer and to comply with the WA Health Department Event Management Requirements;
- All electrical requirements to be certified by a qualified Electrician;
- Any temporary structures (marquees) to be certified by a Structural Engineer;
- No cars to be raced;
- Motorbikes, Quad bikes and Buggies can be raced only on the four hundred metre track on the eastern side of the grandstand and pit area;
- No burn-outs allowed; and
- Finish time of each Event to be by 6pm each day.

Signed 
Cr Judy Schilling, Shire President

Dated 26/9/07

Signed 
Keith Byers, Chief Executive Officer

Dated 26. 9. 2007

Signed 
Perth Tractor Pull Association
President Marc Bishop

Dated 17-9-2007